

Allocations Policy

Policy Reference:		HM01	
Effective date:	Sept 2019	Review date:	Sept 2021
Approved by SLT:	June 2019	Approved by BoM:	Sept 2019
Owner:	Fiona Ross	Job Title:	Head of Housing Services
To be issued to:		Board of Management ARK Management Housing Management Staff Care & Support Area Managers	
Method of Delivery:		Email Policy Update website Tenant newsletter	

Version Control

Date	Owner	Version	Reason for Change
Sept 2019	Fiona Ross	V5.0	To bring in line with Housing legislation

Summary of Changes

Section	Change
General	<p>In June 2019 version 5.0 was provided to the Board of Management. This was to amend references to legislation and to bring it in line with new Policy layout.</p> <p>A board member advised that as this is an outward facing document the layout should be re-formatted to make it more easily understood by applicants, tenants and staff. The Board member offered to undertake this review and has since done so. Therefore the changes to this version are presentational only.</p>

Allocation Policy

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1.0 Purpose and overall approach

1.1 The Allocation Policy

This policy sets out how we let any properties that become available.

We usually only have a small number of properties becoming available in any year. The policy explains how we match applicants to those properties and how we will decide which applicants will be made an offer of housing.

Our properties in the City of Edinburgh will be allocated through the 'Key to Choice' process. Properties in all other areas will be allocated through a 'points' process.

1.2 Policy aims

We aim to provide affordable and secure rented accommodation to those in housing need, and to assist in the creation and maintenance of sustainable communities in the areas in which we operate.

We will do this by taking an approach to allocating homes which:

- Is fair, open and transparent.
- Takes a consistent approach to decision-making.
- Promotes equality.
- Treats all applicants with respect, including respecting the confidentiality of information given to us.

1.3 Complying with the law and regulation

Our policy is compliant with the relevant Scottish and UK legislation, including relevant housing legislation. A list of key legislation is included at Annex 1.

In developing our policy, we have also taken account of all relevant statutory guidance and practice-related publications, including the Scottish Government's Social Housing Allocations in Scotland – A Practice Guide February 2019.

As a Registered Social Landlord (RSL), we are regulated by the Scottish Housing Regulator (SHR). The SHR's statutory objective is to safeguard and promote the interests of current and future tenants, homeless people and other people who use services provided by social landlords.

Our policy also takes account of the Scottish Social Housing Charter. The SHR use the outcomes and standards in the Charter to assess the performance of social landlords. The key outcomes that have been considered in the development of this policy are:

➤ **Outcome 1 ‘Equalities’**

‘Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services’.

➤ **Outcome 2 ‘Communication’**

‘Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides’.

➤ **Outcome 3 ‘Participation’**

To ensure that tenants and other customers find it easy to participate in and influence their landlord’s decisions at a level they feel comfortable with.

➤ **Outcomes 7, 8 and 9 ‘Housing Options’**

‘People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them’. ‘Tenants and people on housing lists can review their housing options’. ‘People at risk of losing their homes get advice on preventing homelessness’.

➤ **Outcome 10 ‘Access to Social Housing’**

People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

➤ **Outcome 11 ‘Tenancy Sustainment’**

Ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by ARK and by other organisations.

1.4 Equal opportunities

ARK will ensure that we comply with all relevant obligations in relation to the Equality Act 2010 (‘the Act’).

ARK will put measures in place to ensure that we do not discriminate in relation to the nine 'protected characteristics' set out in the Act:

1. Disability
2. Age
3. Race (including Gypsy Travellers)
4. Gender reassignment
5. Sexual Orientation
6. Pregnancy and Maternity
7. Religion or Belief
8. Sex (Gender)
9. Marriage and civil partnerships (just for the first aim of the public sector equality duty)

ARK will give 'due regard', or consciously consider, the need:

- To eliminate discrimination, harassment and victimisation;
- To advance equality of opportunity between those who have protected characteristics and those who don't;
- To foster good relations between those who have protected characteristics and those who don't (tackling prejudice and promoting understanding);

By implementing these measures ARK will comply with the Public Sector Equality Duty imposed by s149 of the Act.

1.5 Providing information and advice

We will undertake to provide a high quality of advice and support to assist all applicants and will seek to secure appropriate advice and information from external agencies where necessary.

A summary of this policy will be made available in a number of other languages, in Easy Read, large print or in audio format, if requested. Where requested we will offer translation and interpreting services.

We will ask an applicant to supply written evidence to support their housing needs requirements, for example, a Local Authority Homeless Assessment letter; a letter from a Doctor.

Where we receive applications from individuals who are vulnerable and in our view would require assistance or support in order to sustain a tenancy, we will require a Care/ Risk Assessment or Housing Support Assessment to be undertaken and be assured that sufficient support mechanisms exist to enable the prospective tenant to sustain their tenancy.

We will only seek references at the point of shortlisting for a vacancy. We will take up references for current and/or previous tenancies within the last 3 years. Prior to an offer being made, a home visit will be carried out at the address the applicant is currently living at, as detailed on their application form.

1.6 Holding and reviewing your information

ARK will collect and hold personal information regarding applicants and their prospective households in accordance with our Fair Processing Notice. We will keep any information you give us confidential. We will not discuss your application with anyone other than you (or your representative) unless you give us written instructions to do so.

We are registered in the Data Protection Register. We will let you see any information we hold about you in line with the Data Protection Act 2018. You must ask us in writing and a charge may apply.

ARK will undertake a review of each application on the housing list 12 months after the application has been received and every subsequent 12 months thereafter. We will write to applicants asking if they wish to remain on the list. If an applicant does not respond we will send a reminder and if there is still no response, we will cancel the application.

1.7 Service standards

We aim to ensure that the allocations policy meets the needs of those seeking housing, and that all applicants are satisfied with the quality of service they receive throughout the application and allocation process. We are committed to:

- Delivering our services in a professional and welcoming manner and treating our customers equally and with courtesy and respect
- Being efficient, effective and timely when dealing with housing applications and allocations
- Handling all information provided to us with due care
- Accommodating any special needs where possible, including by communicating and providing information in ways that meet our customers' needs.

1.8 Appeals and complaints

We recognise that there may be occasions when someone is not happy with the service we have provided or with the outcome of our assessment of their application. If an applicant is unhappy about the way their application has been assessed, they can ask a senior member of staff to review the assessment.

If anyone wishes to complain about how we have applied our Allocations Policy they will be asked to submit their complaint in writing. We will provide the required assistance, or

services from external sources, to anyone who experiences difficulty in making a written complaint, including translation services for those whose first language is not English.

If you have gone through the complaints procedure and you are still not happy, the Scottish Public Services Ombudsman may take up the matter for you. Write to:

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS.

We will use any information gathered through the appeals or complaints process to review our performance and to inform any future review of this policy.

2.0 Applying for our housing

Anyone aged 16 years or over is entitled to make a housing application. ARK Housing Association has properties in 13 Local Authorities throughout Scotland as detailed in Annex 2.

We are part of 'Edindex - Key to Choice' in Edinburgh, whilst we hold our own housing list for the other 12 areas in which we own properties.

2.1 Properties in Edinburgh

We are one of the partners of Edinburgh's 'Key to Choice', choice-based allocation system.

Along with other partner landlords, we advertise any properties we have available in Edinburgh through 'Key to Choice' and applicants can note they are interested in a property by placing a 'bid'.

You only need to complete one application form to be able to place bids through 'Key to Choice'. This would allow you to bid for an ARK property but also for properties advertised by our partners.

You should also apply to 'Key to Choice' if you are already one of our tenants and would like to move or 'transfer' to a property in Edinburgh. We will say whether any property we advertise is available for starters or movers.

Further information on Key to Choice can be found on its website at: <https://keytochoice.co.uk/>. Our staff will also be able to answer any questions about how to make an application or place a bid.

2.2 Properties in other areas

If you are looking for a home in one of the other areas we have properties, or for a move from one ARK property to a more suitable ARK property, you should apply to join our housing list.

In order to make best use of our stock, we reserve the right to consider the needs of existing tenants before the needs of new applicants, as in moving a tenant a further vacancy will arise.

We will make available the application form and an associated information guide at our offices and online. The guide for applicants will summarise the policy and explain how to complete an application. It will also give details of the type of properties we manage and their locations.

Our application process gathers information on personal and housing circumstances as well as preferences for housing area. All applications will be processed and recorded on our Housing List.

Details on how to apply to us for housing are on our website or you can contact us to speak to a member of staff. If required, applicants can also be provided with translation services or other support to assist them in completing their application.

2.3 Other routes into housing

Other ways in which people may be able to access one of our properties are set out below.

Nominations

Where we do not hold a housing list for a particular area, we will make a request to the Local Authority in accordance with the agreement that we have with them. The Local Authority will generally make homeless nominations through this route, but it is not restricted to this category of housing need. Any nominees will be asked to complete an ARK Housing Application Form.

Section 5 Referrals

Applicants coming to ARK through this route are Local Authority referrals of applicants who are assessed as being statutorily homeless. The Housing (Scotland) Act 2001 sets out the rules for considering these applicants and in accordance with this, Referral Arrangements with Local Authorities are in place.

Exchanges

In Edinburgh, we are part of the Edinburgh House Exchange Scheme which helps match social housing tenants in Edinburgh who wish to exchange properties.

ARK tenants who wish to exchange ARK properties outside Edinburgh should complete our mutual exchange application form.

Tenants who want to exchange out with Edinburgh, but not to an ARK property, will be provided with information on house swap schemes that are set up nationally. ARK will not incur any costs for assisting the tenant to find alternative accommodation.

Supported Housing Referrals

ARK may make special arrangements with voluntary and statutory organisations to provide supported accommodation and meet the supported housing requirements of the Local Authorities within whose areas we operate. We will prioritise referrals for supported housing received through ARK Care & Support.

These special arrangements may include but are not limited to:

- Direct referrals from Social Work Departments or the NHS, to fill vacancies within our designated supported housing stock and registered care homes;
- Management Agreements/Support Protocols, where an arrangement is entered into with the support agency to address the specific needs of an individual;
- Nomination Agreements, where the support agency or Social Work Department refers an individual for mainstream housing and provides the appropriate support (where a third-party care provider is involved a support protocol will require to be entered into);
- Lease Agreements, where the agency leases a property from ARK to deliver a fully supported accommodation service.

Management Transfer or Special Let

'Management' reasons allows us to assist in urgent re-housing cases where the allocation policy would not otherwise allow us to act quickly enough. It is only used in exceptional circumstances, such as where there is a serious risk if someone remains in their current home or if we wish to re-house one of our tenants as a matter of urgency. This might be because we must carry out emergency repairs to a property, because someone needs to leave hospital as soon as possible but cannot return to their current home or because they are otherwise in danger if they stay in their current home.

We will always aim to offer a transfer to a property that is as close to the tenant's current home as possible. However, the situation will be urgent, and we may need to offer them a property in a different location, or of a different type, to their current home. This could include working with one of our Local Authority or Housing Association partners to find suitable accommodation.

In the event that ARK is approached by an external organisation such as another Registered Social Landlord, Local Authority or the Police we may decide to allocate a property to an

individual(s) in extreme housing need e.g. the individual's property is no longer habitable due to a fire; in cases of domestic abuse; delayed discharge applicants.

A decision to offer a Management Transfer or Special let will always be approved by the Head of Housing Services or the Director of Finance and Housing.

2.4 Applicants from outwith the UK

ARK will accept and process applications from applicants from outwith the UK if they are over sixteen years old.

If an applicant does not have habitual residency this may mean that they do not have access to public resources. In these instances, evidence may be required to prove that the tenancy can be sustained.

Given the complexity of these applications ARK will seek legal advice on any cases where required.

2.5 Applications from staff or board members

We do not exclude any employee, former employee, board member, former board member or close relatives of employees, former employees, committee members or former committee members from applying for a tenancy, transfer of tenancy or mutual exchange. These individuals must apply through the normal application process, will be subject to the same assessment procedure and will be allocated housing based on their housing need as assessed through this allocation policy. The individual concerned or any close relative will not be involved in, or have any influence over, the decisions we make about who will be offered a property. In accordance with the provisions contained within the Entitlements, Payments and Benefits Policy (G11), the Board of Management must approve the allocation in advance and the tenancy will be recorded in the appropriate register.

2.6 Number of bedrooms

We aim to make best use of our housing stock and the size of property an applicant is eligible for will depend on the number and make up of people on the housing application. ARK will not make offers of housing which will result in an applicants' household becoming overcrowded.

Property Size	Bed Space	Household Size
Studio	Single	1 person
1 Bedroom (1 person)	Single	1 person

1 Bedroom (2 person)	Double	1 person or couple
2 Bedroom (3 person)	1 Double + 1 Single	1 person or couple with 1 child/access to children
2 Bedroom (4 person)	2 Double	1 person or couple with 1 or 2 children/access to children
3 Bedroom (4 person)	1 Double + 2 Single	Single person/Couple with 2 Children
3 Bedroom (5 person)	2 Double + 1 Single	Single person/couple with 2 or 3 children
3 Bedroom (6 person)	3 Double	Single person/couple with 2, 3, or 4 children provided not more than 2 children of the same sex share a room
4 Bedroom (8 person)	4 Double	Single person/couple with 4, 5 or 6 children provided not more than 2 children of the same sex share a room

Couples will share a double bedroom. Other adults in the household should have their own bedroom.

Children should have their own bedroom, unless they are the same sex and both under 14 years, or mixed sex and both under 7 years.

These are **minimum** standards and we may offer larger properties, for example if the applicant requires an additional bedroom for:

- Residential access to children of at least 3 nights per week or equivalent, or
- An overnight carer, or
- Medical equipment, or
- Where sharing of a room is not possible for medical reasons.

3.0 Prioritising applications

This section explains how we decide which applicants will be considered for a vacant property.

3.1 Factors we cannot consider

There are certain factors which the law states we cannot consider when allocating housing. These are:

- Your age, except from being at least 16.

- Whether you already live in one of the areas where we have properties.
- You or your family's income.
- Any housing debt you have now repaid.
- Any non-housing debt such as Council Tax arrears.
- Any housing debt which is not owed by you, such as rent arrears owed by your partner.
- Any rent arrears where the amount is no more than one month's rent, or where you have an arrangement in place to pay the arrears, and you have been keeping to the arrangement for at least three months and you are continuing to do so.

3.2 Factors we must take into account

Housing legislation states that we must give 'reasonable preference' to the following groups:

- Homeless persons and persons threatened with homelessness and who have unmet housing needs.
- People who are living under unsatisfactory housing conditions and who have unmet housing needs.
- Tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under-occupied.

We have taken these groups into account when developing this policy.

3.3 Unmet housing needs

The first two of the reasonable preference groups (homelessness and unsatisfactory housing conditions) are subject to the qualification that the applicant should also have unmet housing needs which are not capable of being met. As part of our housing options work with an applicant we will look at:

- The applicant's circumstances; and
- The existing housing options which are available and accessible to them.

If an applicant is able to meet their own housing needs, we may not give them priority. An example might be if the applicant's current home can be adapted to meet their mobility needs. However, if an applicant is awarded points under this policy, we would generally consider them to have an unmet housing need.

3.4 How applicants are prioritised in Edinburgh

Applicants in Edinburgh will apply through 'Key to Choice'.

People registered with EdIndex build up waiting time. This is measured in days. An applicant is classed as a Starter (S) or Mover (M) or both (SM).

Starters are homes for people who are:

- Homeless
- Staying with a friend or relative
- Staying in a hostel
- Staying in supported accommodation
- Renting a house or flat from a private landlord

Waiting time for Starters is worked out from the date your application form is registered. This means a **Starter** registered for one year has 365 waiting days. They will get a further day for every day they are registered.

Movers are homes for people who are:

- A Council tenant
- A Housing Association or Housing Co-operative tenant
- A joint tenant with the Council, Housing Association or Housing Co-operative
- A tenant of tied accommodation that is provided by an employer
- An owner occupier of a home (you may have a mortgage)

Waiting time for Movers is worked out from the date you moved into your current home. For example, if you have been in your current home for 10 years, you will have 3,650 waiting days. You will build up a further day for every day you stay in your current home.

Anyone who is 16 years or older can apply for housing in Edinburgh.

In some cases, following assessment, households will be awarded a priority status. Priority status can be awarded to either starter or movers as set out below. Possible priority status is as follows

➤ **Gold Priority**

Gold priority is awarded when the current property does not meet and cannot be adapted, the housing needs of the applicant or a member of their household. This is only awarded after an assessment.

Gold priority (urgent) is usually only awarded in exceptional circumstances, for example to enable a hospital discharge. This priority is also awarded to prevent long term hospital and care home admissions and forms part of a wider support and care package.

➤ **Silver Priority**

This level of priority can be awarded for different reasons:

- Statutory homeless under the terms of Part 1 of the Housing (Scotland) Act 2001.
- Overcrowded households. This will be awarded to households that require:
 - a) Two more bedrooms to adequately house their family
 - b) At least one extra bedroom as they are currently housed in one bedroom accommodation and have one or more children under the age of 16.
- Under occupation. Households occupying 3 or more bedroom houses who no longer require that size of home and are willing to move to smaller accommodation, should contact their local neighbourhood office to discuss this in detail. This only applies to tenants of the Council, Housing Associations and Housing Cooperatives.
- Where rehousing is required due to demolition or regeneration works in an area. This can be awarded to starter or mover households.
- Exceptional housing need. This can be awarded to either starter or mover households but will only be awarded following an assessment by an Officer Panel. This may also include people living in Below Tolerable Standard housing (usually lacking basic amenities such as hot water supply or no kitchen) and people living in unacceptable circumstances.

Ranking Priority

The order of priority is as follows with highest at the top

- Gold, Urgent
- Gold
- Silver
- Waiting Time/ Length of time in last tenancy

In all cases priority cases will be ranked by date of award of priority and then by date of application for starters and length of time at current address for movers.

Where a person/household would be eligible for more than one category of priority the highest level only will apply. Unless otherwise stipulated priority will apply to available property citywide.

3.5 How applicants are prioritised in other areas

In other areas we use a points system. The points are set out below.

Category description	Other information	Points
<p>You are in a temporary placement where you may be bed blocking and need a home to suit your health or mobility needs.</p> <p>You may need to be admitted to hospital or a care home on a long term basis as your home is no longer suitable and forms part of a wider support and care package.</p>	<p>Applicants who are currently in hospital and no longer have a home to go to or cannot go back to the home they lived in before as it no longer meets their needs</p> <p>Applicants who have been placed in an emergency residential care setting but the setting is not appropriate for their needs</p> <p>Applicants who are supported in a residential setting as children but because of their age need to move into adult services</p>	40
<p>You need to move for serious health or mobility reasons</p>	<p>Applicants whose current home no longer meets their mobility needs, it cannot be adapted and they are housebound. This priority is generally only given to people who have been assessed as requiring a ground floor home</p>	35
<p>You need to move because of domestic abuse</p>	<p>You or a member of your household are a victim of domestic abuse and you are unable to continue living in your current accommodation</p>	35

Category description	Other information		Points
You are statutorily homeless	You have a statutorily homeless decision from a Local Authority and it states that you have been assessed as being unintentionally homeless		30
You need to move because of abuse or harassment	<p>Any applicant that has advised that they victim of verbal or physical and at its most acute, life threatening.</p> <p>Types of abuse and harassment that will be considered are:</p> <ul style="list-style-type: none"> • racial harassment; • religious or sectarian harassment; • homophobic harassment; • transphobic harassment; • harassment of autistic people and people with learning or physical disability; and • sexual harassment. 		30
You are living in a home that has too many bedrooms	You live in the social rented sector and you have more bedrooms than you need according to this policy	<i>Two or more bedrooms too many</i>	25
		<i>One bedroom too many</i>	20
You are living in a home that has too few bedrooms	You live in the social rented sector and you have more bedrooms than you need according to this policy	<i>Two or more bedrooms too few</i>	25
		<i>One bedroom too few</i>	20
You need to move for health or mobility reasons	You or a member of your household have severe health or mobility difficulties and your current home is unsuitable and makes daily activities difficult, however adaptations could be made to make it more suitable.		20

Category description	Other information	Points
You do not have secure accommodation	<p>You are living in accommodation that you have been asked to leave eg.</p> <ul style="list-style-type: none"> • Served a Notice to Leave in the Private Rented Sector • Tied accommodation and you are going to retire/be made redundant • An owner – occupier with a repossession notice • Prison leaver 	10
Your home does not meet the Tolerable Standard	Your home is below the Tolerable Standard as set out at Annex 3	5
You need to move because of anti-social behaviour	You or a member of your household have been subject to serious anti-social behaviour	5
You want to move to give or receive support	You want to move closer to someone to whom you give regular support or you want to move closer to someone to whom you give regular support and it allows an individual to continue living independently and prevent the need for a move into residential or specialist accommodation.	5

An applicant will be awarded points based on their housing needs and current circumstances.

When a property becomes available, we generate a short list, with the applicant in greatest need at the top. This will usually be the applicant who is offered the property. There may be a valid reason for by-passing the applicant at the top of the list. If this happens, ARK will keep a record of the reason why an applicant has been by-passed.

3.6 Sensitive allocations

Sensitive allocations may be used in exceptional circumstances to ensure that individual allocations do not result in an unsustainable tenancy or create wider issues within the local community. Considerations may include, to what extent has the conduct affected the applicant's life and the life of others, whether there has been legal involvement, whether there has been a significant improvement.

ARK will ensure that all decisions regarding sensitive lets are accountable, transparent and monitored. We will monitor the use of sensitive allocations in order to ensure that there is no pattern of bypassing particular people or groups.

3.7 Local Lettings Initiatives

We reserve the right in certain circumstances to develop Local Lettings Initiatives within specific geographical areas, based on clear evidence of why it is required. Local tenants will be involved in the development of local letting initiatives.

Any Initiative will have clear outcomes and will be time limited. Details of the scheme will be published. ARK will regularly monitor and report on any Local Lettings Initiatives in order to assess their effectiveness.

3.8 Low demand properties

We reserve the right to depart from this Allocations Policy for certain 'low demand' letting areas and, within these areas, to advertise and allocate these properties on a choice basis, provided we ensure compliance with the relevant legislation.

Low demand stock is characterised by high levels of empty houses, small or non-existent housing lists, high refusal rates and low levels of tenancy sustainment.

Before deciding to adopt a different approach to allocating houses, we will consider the issues that need to be addressed and will demonstrate that there is no demand for the stock from the applicants on their housing lists.

4.0 Reasons for not making an offer

There may be occasions when we might not make an offer of housing to an applicant who might otherwise have been offered a property.

4.1 Bypassing applicants

ARK may decide not to make an offer to the applicant at the top of a short list. If we do, it would be for one of the following reasons:

- The property would not meet the applicant's needs.
- The applicant has failed to respond to our communications relating to an offer without good reason.
- The applicant has previously refused an offer of the property or a similar property in the same location.

We will keep a record of when an applicant has been bypassed and will review our practice on a regular basis.

4.2 Suspension of applicants

Ark will use non-statutory suspensions. The circumstances which may result in your application being suspended are:

Suspension reason	Length of suspension
You owe us, or another landlord, a tenancy related debt such as rent or rechargeable repairs, and this debt is more than one month's rent	Until you have not kept to a repayment agreement for three months
You or any members of your household are guilty of anti-social behaviour	12 months
You or someone you live with or have lived with, has been convicted of certain offences and those offences are associated with a residential property or the surrounding area.	12 months
Any violence or aggression towards staff	12 months
You have deliberately worsened your housing circumstances	12 months

Suspension reason	Length of suspension
You or any members of your household have broken or not kept to the conditions of your tenancy agreement, for example you have damaged your home, or have not maintained your garden or the shared areas properly	Until the breach is rectified

You, as either a tenant or joint tenant, have abandoned a previous tenancy which has been repossessed by a social landlord	12 months
You have given us false information on your application form	12 months
You have refused two offers of housing	6 months

We will consider your circumstances before deciding how long to suspend your application for. We will aim to reduce the need for, and the length of, suspensions. If we suspend your application, we will tell you what you need to do before we will review or remove the suspension.

If you are unhappy with our decision to suspend your application, you should follow the appeals procedure set out in the policy.

4.3 Cancellation of applications

We may cancel an application for the following reasons:

- The applicant has died.
- The applicant has asked that to have their application removed from the housing list.
- The applicant has not responded to the annual review or to a subsequent reminder asking that they confirm they still wish to remain on the housing list.

If an application has been cancelled and the person contacts us within 6 months of the cancellation the application will be reinstated. Where agreed, reinstatement will be from original date of application.

Where no request has been made within 6 months, the application date will be from the date of a new application being made.

5.0 Policy development and performance

5.1 Developing and reviewing this policy

Consultation and discussion is invaluable in allowing us to achieve a policy and working procedures that will, as far as possible, reflect our tenants and applicants' needs and aspirations. We will consult all applicants and tenants on all reviews of this policy in accordance with the Housing (Scotland) Act 2001 and our own Tenant Participation Strategy.

In reviewing this version, we consulted with all applicants on our Housing List and tenants who had been recently housed from our Housing List. We also consulted with our tenants

through our Working Party. Their feedback was invaluable and helped to shape the priority groups detailed in this Policy.

This policy will be reviewed within 3 years from the date of approval by the Board of Management, in accordance with ARK's policy review framework and approval process.

5.2 Measuring and monitoring performance

The Head of Housing Services is responsible for ensuring that this policy is implemented as required. The Head of Housing Services will provide an annual Allocations report to the Finance Sub-Committee of the Ark Board to demonstrate that the aims of this Policy are being achieved.

We will undertake regular reviews of our performance and will produce an annual performance report which we will publish on our website. Performance reporting will focus on monitoring our performance against the relevant outcomes and standards in the Scottish Social Housing Charter. Allocations-related information will also form part of our performance reporting to the SHR.

In particular, we will monitor whether our applicants consider that:

- They were treated fairly and with respect, received fair access to housing and housing services
- We communicated well with them
- We provided high quality information and advice that helped them make informed choices and decisions about the range of housing options available to them and on their prospects of being made an offer of housing.

Annex 1 – Key legislation and regulation

The Allocations Policy has been developed to be legislatively compliant, with the following legislation of particular relevance:

- Housing (Scotland) Act 2014
- Welfare Reform Act 2012
- Housing (Scotland) Act 2010
- Equality Act 2010
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Housing (Scotland) Act 2006
- Homelessness etc (Scotland) Act 2003
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Data Protection Act 2018
- General Data Protection Regulation (EU) 2016/679 ("GDPR")
- Children (Scotland) Act 1995 as amended by Children and Young People (Scotland) Act 2014
- Housing (Scotland) Act 1987 (as amended)

Annex 2 - Local Authorities where ARK owns properties

- Aberdeen
- Aberdeenshire
- Angus
- Clackmannanshire
- East Lothian
- Edinburgh
- Falkirk
- Fife
- Midlothian
- Moray
- Perth and Kinross
- Scottish Borders
- West Lothian

Annex 3 – Tolerable Standard

The Tolerable Standard is as defined by section 86 of the 1987 Act and amended by section 102 of the 2001 Act and section 11 of the Housing (Scotland) Act 2006.

A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.