



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 12
SEPTEMBER 2023**

SUBJECT: ALLOCATIONS POLICY REVIEW

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

1.1 This report advises the Housing and Community Safety Committee of the need to update and revise the Allocations Policy and seeks permission to consult with key stakeholders.

1.2 This report is submitted to Committee in terms of Section III (G) (4) of the Council's Scheme of Administration relating to the allocation and letting of houses and homelessness.

2. RECOMMENDATION

2.1 It is recommended that the Housing and Community Safety Committee:-

- (i) notes the requirement to review the Allocations Policy;**
- (ii) considers and approves the revised draft Allocations Policy, as set out in APPENDIX I and Section 4, for consultation;**
- (iii) agrees that a consultation on the revised draft Allocations Policy is undertaken with key stakeholders, as set out in Section 5;**
- (iv) considers the draft Equalities Impact Assessment at APPENDIX II and notes that it will be updated following the policy consultation; and**
- (v) notes that an update report detailing the outcome of the consultation and providing a revised Allocations Policy for approval and an updated Equalities Impact Assessment will be presented to this Committee in February 2024.**

3. BACKGROUND

- 3.1 Access to social housing is governed by legislation and guidance. The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014.
- 3.2 The Allocation Policy sets out all aspects of the Council's approach to allocating properties. The main aim of the Allocations Policy is to accurately assess housing need so that vacant properties are allocated to those with the greatest assessed need, in line with current legislation and guidance, whilst making best use of housing stock. It also assists the Council to achieve, in combination with other actions, balanced and sustainable communities.
- 3.3 Social landlords are expected to regularly review their Allocations Policy. The Allocations Policy was last reviewed and updated in 2019 to reflect changes introduced by the Housing (Scotland) Act 2014, to assist and address the social housing issues identified by the Moray Housing Need and Demand Assessment (HNDA) 2017 and to improve the existing allocations arrangements. The Allocations Policy was agreed by the Communities Committee on 5 February 2019 (Paragraph 9 of the Minute refers). Since then minor changes have been made to the wording of the policy to reflect changes to housing list quotas and provide clarity on wording.
- 3.4 In accordance with guidance, the Allocations Policy is subject to regular monitoring and review and committee received annual reports on the Allocations Policy performance. The most recent report was presented to this Committee on 27 June 2023 (Paragraph 8 of the Minute refers).
- 3.5 The policy review will enable the Council to satisfy itself that the policy is compliant with legal requirements, that it continues to meet its aims and objectives and is delivering positive outcomes for housing applicants most in need.
- 3.6 An Allocations Policy review group, comprising of officers with a spectrum of knowledge and experience, was established to:
- identify the policy changes which may be required, addressing both the local and legislative context;
 - consider the consultation to be carried out; and
 - develop a revised Allocations Policy.
- 3.7 Officers identified key issues to be considered as part of review of the Allocations Policy. Proposed changes are required:
- to assist and address the social housing issues identified by the Moray Housing Need and Demand Assessment (HNDA);
 - to make best use of housing stock; and
 - to improve the existing allocations arrangements.

4. DETAIL OF THE REVIEW

4.1 The review has identified key proposed changes which relate to applicants with the most urgent housing need and the ability to make best use of the housing stock, increase turnover and meet demand. These changes provide the potential to improve the existing allocations process.

4.2 Key issue one: Awarding points to applicants who are transferring as part of the tenant incentive scheme

4.2.1 The Tenant Downsizing Incentive Scheme has been in operation since 2012. The Scheme is voluntary and aims to help council tenants, who meet the eligibility criteria, transfer to a smaller or more suitable home. It offers successful applicants practical and financial assistance to move and in turn frees up larger and/or specialist properties which are allocated to those in housing need.

4.2.2 Although applicants on the Scheme are awarded points if they under occupy their home, or if they are no longer need of specialist housing, the Allocations Policy does not currently award any additional priority. Analysis of the Housing List has evidenced that often these applicants do not get sufficient priority to receive an offer of housing.

4.2.3 It is proposed that the Allocations Policy is amended to award applicants on the Scheme 500 points and not penalise them if they refuse an offer of housing. It is anticipated that this will increase applications to Scheme, increase the probability that those on the Scheme will receive an offer of suitable housing and in turn, free up larger/special properties. This will enable the Council to better meet the evidenced need and demand currently on the housing list. Increasing the numbers of vacancies from existing stock will assist the Council to successfully deliver the Rapid Rehousing Transition Plan.

4.3 Key issue two: Awarding of points to applicants who experience domestic abuse

4.3.1 Often applicants who experience domestic abuse have such an urgent need for rehousing, the result is that they become homeless. The Service recognises that this may not be their preferred housing solution and that some may not want to use this option. The Service understands that those who experience domestic abuse and their children are potentially at severe risk and continue to remain in that position whilst they stay in their home.

4.3.2 Allocation policies should give an appropriate level of priority to those in urgent housing need, which can play a role in preventing homelessness. It is proposed that the Allocations Policy is amended to award applicants who experience domestic abuse 500 points. This recognises the urgent housing need of those who experience domestic abuse, provides them with choice and assists them to avoid homelessness, if that is their preference. This reflects the national focus on domestic abuse and aligns with best practice and guidance.

4.4 **Key issue three: Awarding points to applicants who are key workers**

- 4.4.1 The Allocations Policy does award points to key workers moving to Moray. Those key workers who receive an offer of housing are awarded a short Scottish secure tenancy for six months, with the option to have the tenancy extended or a Scottish secure tenancy granted. However, the level awarded to key workers means that these applicants are rarely being reached for an offer of housing.
- 4.4.2 Recent research and analysis undertaken as part of the Housing Need and Demand Assessment has identified a correlation between the lack of available housing options and the recruitment of key workers needed to address shortages in skills which are not available locally. Some key workers have declined offers of employment as a result of not being able to find suitable accommodation.
- 4.4.3 It is proposed that the award of key worker points is increased to 400 points, which should increase the likelihood of key workers receiving an offer of housing. Taking into account the pressure on the housing list and lack of available housing, it is proposed that key workers are offered a short Scottish secure tenancy for a minimum of six months and a maximum of 12 months. This time will provide the person with the opportunity to source alternative suitable housing of their choice once resident in the area.
- 4.4.4 The provision of a short term housing option for key workers can assist in the employment and retention of people vital to the delivery of and improving essential local services.

4.5 **Key issue four: Removing the award of need to reside points**

- 4.5.1 The Allocations Policy agreed by the Communities Committee in December 2013, introduced the award of need to reside points (Paragraph 6 of the Minute refers). The award of these points was intended to address circumstances where an applicant has a need to live in a specific lettings area. Where an applicant had an evidenced connection to a lettings area, they were asked to identify a specific lettings area and up to two other bordering lettings area. Only those lettings areas identified are eligible for the award of 50 points for the need to reside in a specific area. Examples of a connection to an area included, if the applicant needs to live in an area in order to give or receive care or support (that would not otherwise be available), get or maintain specialist education or specialist facilities, get or give childcare to allow the applicant (or the person who they want to move closer to) to work, be closer to a place of work or to continue living in a lettings area.
- 4.5.2 The award of need to reside points did not have the intended impact. Analysis of the operation of the housing list has evidenced that so many applicants are eligible for the award of points, that it has diluted their impact and rendered them ineffective. It is proposed that the award of need to reside points is removed from the Allocations Policy. Instead, the points will be replaced with the following category of care and support points which will be targeted and it is anticipated will be more effective and continue to assist those with the greatest housing need.

4.6 **Key issue five: Awarding points for care and support**

4.6.1 The Service recognises the importance of providing or receiving care and support in order to enable households to continue living independently at home, particularly at a time where pressures exist on statutory service providers.

4.6.2 It is proposed that the Allocations Policy is amended to award 150 points to those who provide or receive support. It is anticipated that this will support households to continue to live at home independently and assist to alleviate ongoing pressures which care and support services are experiencing.

4.7 **Key issue six: Amending the criteria for the award of functional assessment points**

4.7.1 The functional assessment model detailed within the Allocations Policy was agreed by the Communities Committee on 7 March 2017 (Paragraph 7 of the Minute refers). Since then there have been no changes to the model.

4.7.2 The functional assessment model is based on clinical reasoning and considers the ability of a person to maintain essential day to day activities in their own home. A dedicated housing occupational therapist is responsible for assessing the housing needs of applicants and determining the award of points, based on the agreed criteria.

4.7.3 The review of the Allocations Policy provided the opportunity to utilise the knowledge and experience of the Housing Occupational Therapist. The wording of the criteria for awarding functional assessment points has been amended to provide clarity based upon their recommendations.

4.8 **Key issue seven: Prioritising under occupation of social housing points to transfer applicants**

4.8.1 The Housing (Scotland) Act 2014 sets out three categories of applicants who should be given reasonable preference in an allocation policy and this includes social housing tenants who are under occupying their home. The intention of this is to make best use of housing stock by helping these households to move to smaller, more suitable accommodation and free up larger properties, which can potentially be use to alleviate overcrowding and make best use of housing stock.

4.8.2 Officers are not aware of other landlords who provide reciprocal arrangements. The result of this increased turnover often benefits other landlords and their tenants to the detriment of making best use of our own housing stock and addressing local needs.

4.8.3 There is significant pressure on the available housing stock due to the demand for larger properties. For example in 2022/23, when comparing relets against demand on the housing list, for every 4 bedroom property relet, there were 32 applicants on the housing list and for every 5 bedroom property relet there were 64 applicants on the housing list.

4.8.4 It is proposed that the Allocations Policy is amended to award 250 points to applicants who are under occupying social housing to transfer tenants. All other applicants on the housing list who are under occupying housing will receive 50 points.

4.9 **Key issue eight: extending the timeframe for the award of points for the loss of tied accommodation**

4.9.1 The Allocations Policy currently awards priority to those applicants living in tied accommodation, including those in the Armed Forces, who will lose their accommodation once their employment ends. This assists to prevent and alleviate homelessness.

4.9.2 These points are currently awarded to eligible applications up to three months before the tenancy ends. This timeframe was agreed to reflect that applicants who may receive an offer of housing prior to this may not be able to accept it due to restrictions in their tenancy agreement associated with terminating their tenancy.

4.9.3 The Council is aware that the forthcoming Housing Bill is set to be introduced by the Scottish Government after its summer recess. It is anticipated that the Bill will set out the framework for the introduction of a new homeless prevention duty and this will include a proposal to extend the duty to take reasonable steps to prevent homelessness up to six months before.

4.9.4 It is therefore proposed that the Allocations Policy is amended to award tied accommodation points up to six months before a tenancy ends and that should the applicant be made an offer of housing during this period, which they are unable to accept due to this timeframe, it will be deemed to be a reasonable refusal and the applicant will not be penalised.

4.10 In addition to the key changes above, the revised Allocations Policy has been updated to refer to current legislation, guidance and strategies and operational changes since the last review. Other amendments to note are:

- Reference to the statutory duty to pay due regard to the principles of the Armed Forces Covenant Duty has been added.
- The wording on the specialist housing has been strengthened in order to provide clarity on the definition and options available to the Council.
- The wording in the award of poor housing condition points has been amended to more accurately reflect legislation and provide clarity and to include reference to instances of damp and mould. Appendix III of the Allocations Policy details the legislation and terminology used in the assessment of poor housing conditions points.
- Details of when the Council will use management transfers and the process that will be followed has been added.
- Appendix II of the Allocations Policy details the legislation relevant to overcrowding in order to provide additional context and clarity.

- 4.11 Modelling undertaken on the potential impact of the above changes estimated that 93% of applications on the housing list would not be impacted. The amendments will make minor but crucial changes to the Allocations Policy which will have a positive impact on those with the greatest housing need and enable the Council to continue to make best use of its housing stock.
- 4.12 The revised Allocations Policy is provided at **APPENDIX I** for consideration and agreement prior to public consultation. The principal changes to the revised policy are highlighted for ease of reference.

5. CONSULTATION

- 5.1 In accordance with the Housing (Scotland) Act 2014, social landlords have a duty to consult on and set out how they will prioritise the allocation of houses, transfers and exchanges and to publish these rules in an allocation policy. Social landlords are required to consult the following groups before making or altering their allocation policies:
- applicants on the housing list;
 - their tenants;
 - registered tenant organisations; and
 - any other persons as landlords see fit.
- In addition, the Housing (Scotland) Act 2014 requires social landlords to prepare and publish a report on the consultation undertaken of its allocation policy.
- 5.2 It is suggested that the consultation exercise is carried out from 13 September until 27 October 2023. This consultation will focus on the above key changes and will include the following actions:
- developing an explanatory leaflet, using plain language, to provide consultees with an overview of what the current policy is, what the proposed change is and what the potential effect of the change might be;
 - developing an online questionnaire using question mapping, giving consultees the option either to complete the whole survey or answering the specific questions on those issues which are of interest to them;
 - publicise the consultation on the Council website and social media platforms; and
 - seek feedback from the following:
 - all applicants on the housing list;
 - a random sample of tenants;
 - the Moray Tenants' Forum;
 - the register of interested tenants;
 - Community Council's; and
 - other key stakeholders including, Health and Social Care, Social Work and representatives from the Armed Forces.
- 5.3 The consultation feedback will inform the policy development process. Following analysis and consideration of comments received, any necessary amendments to the policy will be made.

6. FUTURE ACTIONS

- 6.1 A further progress report with the outcome of the consultation process, along with a final Allocations Policy, will be presented to this Committee on 13 February 2024.
- 6.2 Subject to the consultation feedback and Committee's approval in February 2024 an implementation plan will be developed to support a "go live" date of 1 April 2024. This will include changes required to the Housing Online applications, system changes and testing, staff training and development of revised procedures on the Allocations Policy and a review of all relevant applicant information resources.

7. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) identify the need to address the shortage of affordable housing and tackle homelessness. The Allocations Policy seeks to make the best use of the Council's housing stock and promote healthier citizens and adults living healthier, sustainable independent lives safeguarded from harm.

(b) Policy and Legal

The principal legal framework governing the social housing allocations is detailed in the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001, the Homelessness etc. (Scotland) Act 2003 and the Housing (Scotland) Act 2014. Other legislation is also relevant to ensuring allocations are legally compliant in areas such as homelessness, equalities, human rights and data protection.

The Scottish Social Housing Charter sets out standards against which the Scottish Housing Regulator will assess local authorities as part of its inspection regime.

(c) Financial implications

There are no financial implications arising from this report. The costs of any consultation process can be carried out within existing budgets.

(d) Risk Implications

There are no risk implications arising from this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

A draft Equalities Impact Assessment has been completed (**APPENDIX II**) with no negative impacts identified. The Equalities Impact Assessment will be updated following the consultation process.

(h) Climate Change and Biodiversity Impacts

There are no climate change or biodiversity implications arising from this report.

(i) Consultations

Consultation on this report has taken place with the Head of Housing and Property, Housing Needs Manager, Housing Services Manager, Housing Strategy and Development Manager and Officers within the Housing Service, Georgina Anderson (Legal Services Senior Solicitor), the Equal Opportunities Officer, Andy Stewart (Principal Environmental Health Officer) and Lindsey Robinson (Committee Services Officer) have been consulted and any comments have been incorporated into the report.

8. CONCLUSION

8.1 This report advises Committee of the need to review the Allocations Policy. It presents a revised Allocations Policy for consideration and seeks agreement to consult with key stakeholders.

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Background Papers: [Allocations Policy Review 2019](#)
[Allocations Policy Annual Performance Report 2022/23](#)

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