

Item: 14

Education, Leisure and Housing Committee: 5 February 2020.

Lettings Policy – Review.

Report by Executive Director of Education, Leisure and Housing.

1. Purpose of Report

To consider a revised Lettings Policy.

2. Recommendations

The Committee is invited to note:

2.1.

That consultation on proposed changes to the Council's lettings policy was undertaken during September and October 2019, the outcome of which was reported to the Committee on 13 November 2019.

2.2.

That, should the draft Lettings Policy, attached as Appendix 1 to this report, be approved a process of implementation, as detailed in section 5.6 of this report, would follow, which may result in further adjustments to the Lettings Policy in order to clarify procedures.

2.3.

The draft Lettings Policy, attached as Appendix 1 to this report, includes a section on appeals which, if approved, would require to be reflected in the Scheme of Delegation to Officers.

It is recommended:

2.4.

That the revised Lettings Policy, attached as Appendix 1 to this report, be approved for implementation no later than 1 April 2021.

2.5.

That, should the draft Lettings Policy be approved, the Scheme of Delegation to Officers be amended to reflect the appeals process detailed within the Lettings Policy.

3. Introduction

At its meeting held on 13 November 2019, the Education, Leisure and Housing Committee noted:

- That amendments to the Housing (Scotland) Act 2014 being phased in during 2019 introduces changes to groups who require to be given reasonable preference in respect of allocations of Council housing.
- That the Council is required to undertake a consultation on proposed changes to its lettings policy and to publish a report on the outcomes of consultation.
- That a consultation, which was delivered in various formats including meetings with tenants and applicants, as well as an online and paper copy survey, was undertaken during September and October 2019 where a total of 1,600 surveys were issued.
- The summary of consultation responses, as outlined in section 5 of the report, together with the full responses, attached as Appendix 1 to the report.

4. Background

4.1.

Amendments to the Housing (Scotland) Act 2014, phased in during 2019, introduced changes to groups who require to be given reasonable preference in respect of allocations of Council housing.

4.2.

In allocating its housing, the Council must give reasonable preference to the following groups:

- People who are homeless or threatened with homelessness.
- People living in unsatisfactory housing.
- Tenants of social landlords who under-occupy their homes.

4.2.1.

In the first two cases, the applicant must have unmet housing needs that cannot be met through other options.

4.3.

Social landlords are required to publish rules on how they prioritise the allocation of houses, transfers and exchanges.

4.4.

In making these changes, the Council is required to consult before making any changes. Consultation must be with the following groups:

- Applicants for housing.
- Tenants.
- Any registered tenant groups.
- Other persons as the Council sees fit.

4.5.

The Council is also required to publish a report on the outcomes of the consultation.

5. Lettings Policy

5.1.

The draft revised Lettings Policy is attached as Appendix 1 to this report.

5.2.

In drafting the revised Lettings Policy, cognisance has been taken of the legislation referred to above and recognised good practice.

5.3.

In addition, feedback from tenants, applicants and other interested parties, reported to Committee on 13 November 2019, has been taken into account.

5.4.

There are some significant differences between the proposed letting arrangements and those currently utilised. These include:

- Housing need remains central to the policy but there has been a reduction in the number of separate groups based on housing need from 13 to 7 though the reasons behind placing within a group remain broadly comparable.
- While the existing priority pass system has been retained, applicants will be able to hold more than one priority pass within different groups but will no longer hold a plus pass in the event that they hold two priority passes at the same level.
- While the majority of existing priority passes remain, there are some additional passes including for those who require to move for financial reasons and where two tenants of social housing providers in Orkney, wish to be rehoused together thereby changing two tenancies to one.
- The extension of medical priorities to allow additional focus on certain mental health conditions, particularly where a property is exacerbating a tenant's mental health condition.
- Targets will be assigned to each needs group to determine the spread of housing lets across all groups annually.

- The principle of choice has become more central meaning that applicants will have the ability to choose to live in certain areas of towns as opposed to purely being able to select the town and therefore choice-based lettings will not be progressed.
- A separate policy on suspensions has been developed and is the topic of a separate report to this cycle of meetings.
- Application checks have been introduced in order to protect against fraud.
- A lettings plan has been introduced to assign targets to each needs group. The proportion of allocations assigned to each needs group will be reassessed annually and will be based on the legislative requirements, level of demand from each needs group and likely level of vacancies arising.

5.5.

The Housing (Scotland) Act 2014 allows social landlords to take property ownership into account when allocating social housing. From an Orkney perspective, examples of property owners applying for social housing tend to be older people whose original home is no longer suitable for their medical needs and situations where someone inherits property in poor condition on an outer island. Other examples would include those experiencing relationship breakdown with the family home requiring to be sold and there not being a potential for each party to purchase a property in their own right. To date, there has not been an issue with property owners seeking social housing while obtaining a profit by letting out their property privately for instance. As a result, the draft Lettings Policy does not take property ownership into account. If a problem were to arise with this in the future, this aspect may require to be revisited.

5.6.

If the lettings policy is approved, a detailed process of implementation will follow. There will be a need to revise the computer system used to allocate properties, and adjust a broad range of information leaflets, relevant areas on the Council's website and the housing application form. There will also be a need to ensure staff are trained appropriately. In addition, a process of determining what constitutes an area in an Orkney context must be determined to ensure that while additional choice is provided, making that choice does not become too onerous. The process of determining areas will include tenants. Therefore, it is likely that the revised lettings policy will be implemented no later than 1 April 2021.

5.7.

The draft Lettings Policy includes a section on appeals. Should the policy be approved, the Scheme of Delegation to Officers will require to be amended accordingly.

6. Lettings Plan

6.1.

As part of the process of assigning targets to each housing needs group, there is a need to develop an annual lettings plan.

6.2.

This process would involve a detailed assessment by area of the likely level of vacancies which may come up during the year. This would require to be compared against the level of demand and need within each needs group while considering the groups that are required to be given reasonable preference as outlined in section 4.2 above.

6.3.

A lettings plan will require to be developed annually for use in the relevant financial year. There will also be a need to ensure it is appropriately flexible. The level of housing need in different needs groups will vary from year to year and the number of vacancies, the size of houses and the area in which they are sited will also vary. Any lettings plan needs to adapt flexibly to take account of this and to ensure that, regardless of the numbers of properties which become vacant, every attempt is made to address various types of housing need accordingly.

6.4.

Should the draft lettings policy be approved, a report on the lettings plan will be submitted to the Committee before 1 April 2021 to ensure an appropriate lettings plan is in place ahead of implementation.

7. Equalities Impact.

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

8. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

9. Financial Implications

There are no financial implications arising from this report.

10. Legal Aspects

10.1.

Allocations law originates from the Housing (Scotland) Act 1987 with revisions being introduced through the Housing (Scotland) Acts 2001 and more recently 2014.

10.2.

The Council has statutory requirements in respect of involving its tenants in any decisions which affect them through the Housing (Scotland) Act 2001.

10.3.

The Housing (Scotland) Act 2014 requires that the Council consult on any proposed changes to its lettings policy and publish a report on the outcome of the consultation. It is also required to publish its rules on allocations.

11. Contact Officers

James Wylie, Executive Director of Education, Leisure and Housing, extension 2433, Email james.wylie@orkney.gov.uk.

Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services, extension 2177, Email frances.troup@orkney.gov.uk.

12. Appendices

Appendix 1: Draft Lettings Policy.

Appendix 2: Equality Impact Assessment.



Lettings Policy

January 2020.

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Foreword

Allocation, or house letting, is arguably one of the Council's most important services. This is true for a number of reasons. Firstly, lettings practice assists in the development of our communities and our population mix. Effective letting practice, indeed, contributes to the establishment of popular housing estates that are sustainable. On the other hand, it is recognised that poor letting practice can have very bad effects, for example, where it leads to the creation of unpopular and stigmatised housing schemes.

Secondly, the Council is legally required to publish a policy that deals with housing need. As explained in the Policy, the Council is obliged to give certain households reasonable preference when letting its houses. This is to ensure that those living in unsatisfactory housing conditions and those experiencing homelessness, receive priority.

Thirdly, lettings practice is central to the Council commitment to promote equality for all members of our community; this Policy is thus integral to promoting the corporate Council Policy objective of achieving social inclusion. In addition, this Policy promotes positive action programmes to ensure that services are accessible.

Fourthly, lettings practice is important for financial reasons. Rental income to the Council is substantial and stands at just under £3.79 million annually. This money is necessary to enable the Council to provide quality services to its tenants and other service users and other stakeholders. For example, regular income is necessary to provide high quality repair services.

Finally, this policy has been developed in consultation with our tenants and service users. This is in accordance with our general commitment to tenant participation and to ensure that our services are developed jointly with both tenant organisations and individual tenants.

This document details the policy and procedures for the allocation of the Council's rented stock. Currently this document covers its Housing Revenue Account stock, separate arrangements are in place for former Education stock. The Lettings Policy for Housing for Particular Needs is separate from this document. The purpose of the Lettings Policy is to inform applicants and any interested parties as to the method of assessment and selection employed by the Council when allocating its rented housing.

In developing and using this policy we will ensure the promotion of equal opportunities by publishing information on lettings in different languages, as required, and in other formats such as in larger print, audio-format and Braille.

This document has been produced by Housing Services and is intended to ensure that we:

“act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being related to equal opportunities” (Housing (Scotland) Act 2010, Section 39).

In particular we strive to comply with the Scottish Social Housing Charter’s Standard on Equalities in that:

- 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.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords’ responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

In addition we endeavour to comply with the Scottish Social Housing Charter’s Standard on Access to Social Housing in that:

“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 on their prospects of being housed. This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes”.

In reviewing this policy we have taken into account the Counter Terrorism Act 2015 and related guidance and procedures. No specific measures are required in respect of our suspension policy.

This document can be made available in various formats such as in larger print, audio-format and Braille. It can also be made available in other languages, as appropriate.

Section 1: Strategic context

1.1. Strategic context of allocation policy

The Lettings Policy plays a strategic role in Orkney Islands Council's governance processes. This is done by reference to four strategic issues as follows:

- Establishing and maintaining local sustainable communities.
- Promoting equality objectives, including social inclusion.
- Ensuring financial viability.
- Promoting other Council strategies.

A glossary is provided at the end of this section to explain some technical terms.

1.2. Establishing and maintaining local sustainable communities

Our Lettings Policy is used to establish and maintain local sustainable communities covering towns, rural and island areas.

The term "sustainable community" means creating an area that is popular and in which people want to live and work.

1.3. Promoting equality objectives, including social inclusion

In line with our legal duties as a public body, we promote the public sector equality duty as well as a range of specific duties. These duties are summarised in Section 7 along with an explanation of the term "protected characteristic".

A key aim of these duties is, not merely to eliminate unlawful forms of discrimination, but to promote equality objectives throughout Council services. This includes lettings services.

For example, we use our Lettings Policy to address a wide range of housing needs, including applicants with different protected characteristics. The term "protected characteristic" refers to a range of factors in respect of which it is unlawful to discriminate.

1.4. Ensuring financial viability

Our Lettings Policy is critical to ensure that our houses are let quickly in order to meet housing needs and maximise our rental income.

Income maximisation is central to viability of the Housing Revenue Account and is an important aspect of our financial business plan.

1.5. Promoting other Council strategies

Our Lettings Policy is aligned to the Local Housing Strategy and is the mechanism by which needs identified at local authority level across all of the Orkney Islands Council area are addressed. The policy is also central to addressing housing needs and to prevent the occurrence of homelessness, whenever possible. This policy is, therefore, part of a holistic approach to addressing housing need in the local area.

1.6. Summary

Our Lettings Policy is a strategic policy that aims to establish sustainable and inclusive communities throughout Orkney. The Lettings Policy is linked critically to core local authority strategies and is not, therefore, simply a housing management policy. In short: it is a policy with major implications for organisational governance.

Section 2: Our Lettings Policy standards

This section summarises our key lettings standards. These standards can be termed our Lettings Charter. This Charter lays down 10 main lettings objectives that we then implement through lettings services. These standards consist of objectives that are based on law, regulatory standards and relevant guidance.

2.1. Our Lettings Charter

Standard One: Allocation law, regulatory standards and good practice.

We meet all legal provisions and regulatory standards that are relevant to lettings practice; and we take account of good practice guidance too.

Standard Two: Promoting equality and diversity.

We promote equality and diversity commitments throughout this policy and all of our lettings services.

Standard Three: Information and advice services.

We provide housing applicants with information and advice about their options regarding re-housing, including options in both the public and private housing sectors.

Standard Four: Developing local sustainable communities.

We use our Lettings Policy to address local needs and to promote the development of sustainable communities throughout Orkney, including our islands' communities.

Standard Five: Appropriate use of our housing stock.

We use our Lettings Policy to make appropriate use of housing stock that is available for letting. We do this through promoting mutual exchanges and reducing under-occupation and overcrowding.

Standard Six: Working with other organisations.

We work in partnership with other organisation to address housing needs including homelessness, for instance, with Orkney Housing Association Limited. We operate a common housing register with Orkney Housing Association Limited.

Standard Seven: Rental income.

We let empty houses, as soon as possible, to maximise rental income; and we do this through setting housing letting targets.

Standard Eight: Monitoring our performance.

We monitor how effectively we are working through a system of performance indicators.

Standard Nine: Appealing lettings decisions or making complaints.

We have established an appeal process so that applicants can appeal lettings decisions, as appropriate. We have a separate complaint system that applicants can use if they are dissatisfied with our service.

Standard Ten: Lettings Policy consultation and review.

We consult with our tenants, housing applicants and other organisations before making policy changes.

We review our Lettings Policy every five years or sooner, as appropriate, for instance, due to changes in law.

2.2. Summary

Our Lettings Charter sets out the core objectives that govern all lettings services and practices. Each standard is used as the basis for developing lettings procedures, as well as linking lettings to other housing management procedures such as rent arrears.

Section 3: Allocation regulatory and guidance framework

This section describes the main law, regulatory standards and guidance that regulates letting practices and is not intended as a precise statement of law, but as a plain language summary. This is done to assist applicants understand why our policy has been developed.

Appendix 1 provides references for guidance on legal and guidance sources.

3.1. Allocation law

Allocation law can be explained by reference to nine core activities; these activities are then covered in Sections 4 to 6.

- Access to housing.
- Consultation arrangements.
- Groups who receive reasonable preference.
- Things we ignore when letting houses.
- Local residency.
- Specific restrictions.
- Information requirements.
- Access to personal information.
- Suspension of offers.

Note

This section ends by summarising other law that impacts on lettings practice.

3.2. Access to housing

An applicant who is 16 years (or more) can register on our housing list. This is a separate right to receiving an offer of housing (see 3.4.).

3.3. Consultation arrangements

We are required to make and publish allocation policies. We must consult tenants and other groups about:

- Our lettings priorities when letting houses.
- Our policies about tenant transfers and house exchanges.

Before making (or altering) our lettings policies, we must consult with the following:

- Applicants on the housing list.
- Our tenants.

A range of other organisations and/or persons as we think should be consulted.

We prepare and publish a lettings report which explains how we have consulted with these groups.

For instance, we use a range of consultation methods and approaches so that the consultation process extends to cover all communities within Orkney. The basis for these methods is contained in our tenant participation strategy. Critically, we take account of the accessibility requirements of disabled applicants whenever we consult. This is very important to ensure that we make appropriate reasonable adjustments in service provision (see Section 9).

Note

We consider the following documents, too, before making or altering our Lettings Policy:

- Our Local Housing Strategy.
- Allocation guidance published by the Scottish Government.

3.4. Groups who receive reasonable preference

We must give reasonable preference to three groups when letting our houses as follows:

- Homeless persons and people threatened with homelessness and who have unmet needs (see notes).
- People living in unsatisfactory housing conditions and who have unmet needs.

- Scottish secure tenants wanting to transfer to other housing because their existing home is under-occupied (as determined by this policy).

These groups are covered by our Lettings Policy; and this is explained fully in Sections 4 and 5.

Notes

The term “unmet needs” refers to those needs that the applicant is unable to meet by any other housing options available to her/him. For example, a disabled person might require to be re-housed by us if another landlord cannot meet their accessibility requirements.

3.5. Things we ignore when letting houses

When letting houses, we must not consider any of the following factors:

- The time that applicants have lived in our area.
- Housing debt if this is/was not owed by an applicant, for example, rent arrears owed by the applicant’s husband/wife/civil partner (who was the tenant responsible for the debt).
- Non-housing debt, for instance, Council tax.
- An applicant’s age unless this involves housing that is designed or specifically adapted for people of a certain age (or for people to receive housing support services).
- An applicant’s income, including any income of household members (see note).

There are also specific rules concerning rent arrears and home ownership. Our policy in respect of these issues is explained below.

Note

We do gather information from applicants, though, to assist them in claiming any benefits to which they are entitled.

3.5.1. Rent arrears

If one of our tenants has rent arrears less than one month’s rent, then this will not affect any offer of housing. In such cases, though, we establish repayment plans based on our rent arrears procedure (see note).

If rent arrears are more than one month’s rent, we take account of these arrears when letting houses unless applicants:

- Agree an arrangement to repay the debt.
- Keep to this arrangement for at least three months.
- Continue to pay the agreed sum.

Note

This may be different if the tenant wishes to move under the removal grant scheme as this would allow arrears to be reduced and future bills to be lower accordingly.

As regards arrangements for payment, we link payments to levels affordable to the person in arrears. If payment agreement plans are neither established, nor maintained, then we consider suspension of offers of houses. We advise applicants of their appeal rights if any offer is suspended. This serves to promote human rights and the right to a fair and independent hearing.

3.5.2. Property ownership

It is our policy to treat applicants who own their homes, and those who don't, in the same way. This means all applications are assessed using our priority pass system that is explained in Section 5.

Note: This is progressive as the law does allow us to take home ownership into account unless certain things apply, for example, a house is unsafe for an owner to enter it.

3.6. Local residency

Allocation law does allow social landlords to take residence into account when selecting tenants unless an applicant:

- Is employed, or has been offered employment in our area.
- Wants to move into our area to seek employment and we are satisfied that this is so.
- Wants to move into our area to be nearer to a relative or carer.
- Has special social or medical reasons for being re-housed in our area.
- Wants to live in our area to avoid harassment or the risk of domestic violence.

3.7. Specific restrictions

Specific allocation rules prevent social landlords from restricting offers of housing to applicants. We cannot, therefore, impose any of the three following requirements before letting houses, namely that:

- An application has been on the housing list for a minimum period of time.
- An applicant obtains a divorce or judicial separation order, or has their civil partnership ended (or obtains a decree of separation).
- An applicant no longer lives with (or in the same house) as another person (see note).

Note

This is important as it recognises that people sometimes have to live together until other housing becomes available.

Finally, Orkney Islands Council Elected Members must not take part in allocation decisions involving applicants. Elected Members can, though, make representations on behalf of their constituents who are applying for houses.

Note: This is based on the Leasehold, Reform, Housing and Development Act 1993 that amended the Housing (Scotland) Act 1987.

3.8. Registered Sex Offenders

Housing registered sex offenders is subject to the National Accommodation Strategy for Sex Offenders (NASSO) and Multi-Agency Public Protection Arrangements (MAPPA).

A separate protocol exists in respect of this process. Housing sex offenders must be undertaken in a way that ensures equality within the supportive arrangements of the NASSO and MAPPA.

3.9. Information requirements

We must make and publish a Lettings Policy and we must provide applicants with certain information about this policy.

Firstly, we must provide applicants with a free summary of our Lettings Policy. Although we can charge for providing them with a full copy, it is our policy not to charge applicants for this. We provide applicants with access to our Lettings Policy in different formats, as appropriate, including access to an electronic version on our website.

Secondly, we must also explain to applicants how we prioritise lets to our various applicant groups. We do so in Sections four and five.

Thirdly, we must also explain how we deal with applications from tenants (transfer applications) and tenants wanting to “swap” homes (exchange applications).

Finally, if we alter our Lettings Policy, we must publish such alterations within six months of making any alterations. We must also consult with the groups mentioned above if we are making Lettings Policy changes.

3.10. Access to personal information

Each applicant can, under allocation law, access any information that she/he has provided in their application. Access to this information is free of charge.

An applicant can also apply to access their personal information under the General Data Protection Regulation and data protection law.

We may refuse such requests only as permitted in law.

3.11. Suspension of offers

We do not operate the statutory suspension framework, but use our own Suspension Policy. This policy is in accordance with the law and, in particular, the statutory guidance.

We may withhold offers of housing if an applicant has:

- Made a false statement, knowingly or recklessly, in their application for housing.

- Specific debts, for example, owing rent arrears that are over a month's rent without having a suitable repayment arrangement in place.
- Failed to maintain their house and common parts, as appropriate, and a court order to repossess the property is in force.
- A court order granted against her/him that prevents re-housing in a particular area.
- Abandoned their home and the tenancy has now been ended formally.
- Deliberately worsened their housing circumstances (for example moving to a property that is unsuitable for medical or social reasons or because it is of poor quality or insecure).
- Refused one or more previous offers unreasonably (see note).
- Been convicted of specific offences such as allowing their home to be used for illegal or immoral purposes for example, dealing in unlawful drugs.
- Or any member of the applicant's household has been:
 - Evicted within the previous three years for anti-social behaviour from any Local Authority or Registered Social Landlord (RSL) within the United Kingdom.
 - Taken to court and a decree for possession of their house has been granted, within the previous three years, on the grounds of anti-social behaviour but the applicant left prior to eviction taking place.
 - The subject of an Anti-Social Behaviour Order (ASBO) within the past three years (see note two).

Note one: In this policy, we assess each case on merit and would suspend offers to applicants, on this ground, only if this were reasonable. For example, if an applicant were to refuse an offer of the right size and type of housing in an area that she/he has selected out of choice.

Note two: If the above applies we may choose to offer housing under a Short Scottish Secure Tenancy (SSST) with a tailored package of support.

In our Suspension Policy, offers may be suspended on any of the grounds above after the application for housing:

- Has been accepted onto the housing list.
- At any stage of the tenancy.

Note three: We have also established a separate suspension procedure. In this procedure, each case is assessed on merit and we would suspend offers to applicants only if this is reasonable. This procedure covers all situations in which we might suspend offers to applicants.

3.12. Regulatory standards

Lettings practice must comply with the standards set by the Scottish Housing Regulator within the Scottish Social Housing Charter (see Appendix 1).

3.13. Guidance

We take account of statutory and good practice guidance in developing this Lettings Policy (see Appendix 1).

3.14. Other law that impacts on allocation practice

There are various other laws that impact on lettings service. Five key areas of law are summarised below by reference to (in alphabetical order):

- Data protection law.
- Equality law.
- Housing law.
- Human rights law.
- Laws regulating access to housing.

Note: Other more specialist law is also relevant to this policy. Examples include Asylum and Immigration law and family law. See Appendix 1 for a summary of this law.

3.14.1. Data protection law

We ensure that we process personal information supplied by housing applicants in line with data protection law and the General Data Protection Regulations. For further information please see the Orkney Islands Council's Data Protection policy. For instance, in our application form, we ask only for information that is required to assess applications in line with the Lettings Policy.

3.14.2. Equality law

We promote equality objectives through our Lettings Policy and related procedures. For instance, we have carried out an equality impact assessment of the Lettings Policy as part of its development. We also promote the social model of disability that recognises that disabled people experience many forms of barriers within society. These barriers cover things such as inaccessible housing, negative attitudes and inappropriate language used to describe disabled people.

3.14.3. Housing law

We promote tenants' rights under housing law, including the right to exchange homes.

3.14.4. Human rights law

We promote human rights in our Lettings Policy, for instance, through information we give applicants advising them of any appeal or complaint rights. Our lettings procedures promotes this approach this, too, so that we respect applicants' rights to privacy when carrying out home visits.

3.14.5. Laws regulating access to housing

We may not be able to make offers of housing due to other laws that regulate lettings practice. For instance, legal orders such as Antisocial Behaviour Orders (ASBOs) may restrict access to certain areas. Other legal orders that could restrict access are those under criminal law or family law. Finally, immigration and asylum legislation may also impact on lettings practice.

Note: Whenever we ask applicants about such legal orders, we maintain confidentiality in line with data protection law.

3.15. Summary

This section has summarised key elements of allocation law, as well as other standards. Allocation law is complex and consists mainly of a framework of activities that we must incorporate into internal procedures. Section 4 now explains how we implement our Lettings Policy Charter Standard into practice.

Section 4: The lettings system

4.1. The Common Housing Register (CHR)

The Council works in partnership with Orkney Housing Association Ltd (OHAL) to provide a single housing register for Orkney. This gives access to all social rented housing within Orkney through completion of a single form.

The CHR aims to maximise access to housing locally whilst reducing duplication through the use of one application form, one register and, where appropriate, shared information.

By completing the Housing Application Form the applicant can choose which of the partners they wish to be rehoused by. The two landlords let their properties according to their individual allocation policies.

4.1.1. Registration

Before an applicant can be considered for housing under our Lettings Policy, it is necessary to register and Housing Application Forms are available on request or at the following locations:

Orkney Islands Council, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.

Telephone: 01856873535.

Email: housing@orkney.gov.uk

Orkney Islands Council, Warehouse Building, 2-12 Victoria Street, Stromness, Orkney KW16 3AA.

Telephone: 01856850907.

Orkney Housing Association Ltd, 39A Victoria Street, Kirkwall, Orkney, KW15 1DN.

Telephone: 01856875253.

Email: enquiries@ohal.org.uk

In addition application forms are available from the Council's website at www.orkney.gov.uk. The form should be downloaded and completed as we require a signature as part of the process.

4.1.2. Eligibility and Household Size

The Council's rules governing the match between household and property size are as follows:

Household Size	Property Size
Single person.	Bedsit or one bedroom dwelling.
Single persons wishing to share.	Two bedroom dwelling.
Couple.	One to two bedroom dwelling (not with boxroom as well).
Applicant(s) with one child.	Two bedroom dwelling.
Applicant(s) with two children.	Two to three bedroom dwelling.
Applicant(s) with three or more children.	Three to four bedroom dwelling.

Couples are defined as two people in a relationship irrespective of gender.

The list shown above, takes into account the age and sex of children and this accounts for the variation in house size shown. It is normal practice to offer the smaller property required unless in an area of low demand. This is intended to make the best use of the Council's stock.

For applicants with dependent children, experiencing relationship breakdown and requiring accommodation, the Council will provide the parent who has least access a maximum of three apartment accommodation. This is the largest accommodation which will be offered, irrespective of the number of dependent children.

Where a household is composed of a mixture of children who are resident on a permanent basis in the property and other children to whom the household has access, the property size will be determined by the age and sex of the children permanently resident with the addition of a maximum of one other bedroom for access arrangements.

NB 'dependent children' are all children of fifteen years or less and all others of eighteen years or less who are either receiving or about to begin full-time education or training or are for some other reason unable to support themselves.

In certain circumstances the Executive Director of Education, Leisure and Housing may waive the eligibility rules for instance where a property is in an area of low demand. However, the applicant would be advised of the potential impact of the

under-occupancy charge to apply should they require to claim Universal Credit/Housing Benefit.

In determining eligibility the Council considers that:

- A separate double bedroom is required for couples, that is two people in a relationship irrespective of gender.
- Each household member over 16 years of age will be entitled to a bedroom.
- Any child over the age of eight, sharing a bedroom with a sibling of the opposite sex will be entitled to a bedroom.
- In a household where a woman is pregnant the unborn child(ren) will be taken into consideration but will not be counted when determining the size of the house for which the household will be considered. This is also true when considering overcrowding. In these instances a MAT B1 form should be signed by the applicant's GP, confirming the applicant's confinement. A photocopy of this document should be given to Housing Services. When the baby is born it is the applicant's responsibility to notify Housing Services at this stage. At that stage the application will be reconsidered in relation to size of the house needed and any issues with overcrowding.

In certain circumstances, as a result of a shortage of larger accommodation, a household will be considered for accommodation outwith the normal eligibility criteria where the move would reduce overcrowding but would not result in statutory overcrowding.

We recognise that there may be cases of exceptional circumstances which may not fit within the criteria outlined above and in such cases we will consider each case on its own merits.

4.2. The lettings system

The Council lets its houses through a system of priority passes. To join the system applicants must first register by completing the Housing Application Form.

On receipt of the completed Housing Application Form, the household concerned will have its level of housing need assessed under the Lettings Policy. A priority pass is awarded accordingly (if relevant) and the applicant notified of any priority they may have qualified for.

The applicant is then placed on the list, according to their priority pass, for the area(s) they have chosen. Properties are then let according to the rules set out in this document.

Our allocations system is a variant of the groups plus points system. We have established a number of groups to cover a range of housing needs. This includes the reasonable preference groups set out in lettings law.

We place housing applicants (their applications) into one of the lettings groups based on their housing needs. These needs are assessed against certain standards (see Section 5).

We set an annual target number of lets to be made to each group based on:

- Our legal duties, for instance, to give reasonable preference to certain groups when letting houses.
- Demand from applicants with different needs.
- Applicants' choices for housing available for let.

The re-housing priority of each applicant is determined by two main factors, namely:

- The group into which applicants are placed.
- Their priority within the group into which she/he has been placed.

Note

If applicants within the same group have the same priority pass level, then we give priority to the applicant who registers first on the housing list.

4.3. The importance of choice or preference

In line with good practice guidance, our lettings system takes account of applicant choice or preference. When selecting applicants for housing, we consider preferences such as:

- Area of choice, including street, if relevant.
- Floor levels.
- Choice between houses built before 2010 and those built after 2010.

This approach is very important since choice underpins our overall lettings system.

Note

Area of choice extends to all geographical areas of Orkney and its islands.

Example

An applicant may qualify to be offered housing in a certain area. In addition they may prefer not to be re-housed in another area. In this situation – in line with our choice based approach – we would not offer an applicant a house in the area they have said they would not choose. We advise applicants, though, through our housing options advice that refusing offers could reduce prospects of being re-housed. This applies given the low number of houses that are available for let.

4.4. How this system promotes Lettings Policy objectives

The groups plus system promotes our policy objectives in many ways. Five examples are now described.

Firstly, our system allows us to give preference when selecting tenants to the reasonable preference groups in law.

Secondly, our policy promotes equality issues throughout lettings services, including making reasonable adjustments for disabled people.

Thirdly, our policy ensures that applicants receive comprehensive information and advice; this enables them to make informed choices regarding their housing options.

Fourthly, we let empty houses by using internal targets so that houses are let as soon as possible; this maximises our rental revenue.

Finally, we consult with tenants, applicants and other customers in developing our Lettings Policy; this ensures that their views are taken into account.

4.5. Our housing groups

We place applicants into one of the lettings groups based on their housing needs; more information is provided about this below.

4.5.1. Our groups

We have established seven main housing groups that cover the legal reasonable preference groups.

- People who are affected by homelessness.
- Other statutory housing needs.
 - Includes statutory overcrowding, Below Tolerable Standard Housing.
 - Non-statutory overcrowding.
- Transfers by Scottish Secure Tenants.
 - Examples to be included in this group would be under-occupancy.
- Unsatisfactory Housing.
 - Includes accessibility/medical needs, serious disrepair.
- Local needs.
 - Examples to be included in this group would be those with a specific need to be in a community (whether medical, social etc), service tenancies/tied accommodation, insecure accommodation and emergent households.
 - Urgent local needs to include emergency.
- Social needs.
 - Examples to be included in this group would be relationship breakdown, harassment and abuse, adoption and fostering needs and young people leaving care.
- Other.
 - If an applicant lives outside of the Orkney Islands Council area and does not meet the criteria explained above, then the application is placed in Group Seven.

4.6. Information about our housing groups

This section explains each group and their relative priority within the Lettings Policy. We explain four points before doing so.

Firstly, we place an application in the relevant groups. In most cases this will be one group only. This is done to ensure that applicants can easily understand our policy. For instance, if an applicant is affected by homelessness then their application is placed in the homelessness group. In some cases applicants may qualify to be in more than one group and therefore will be placed in the relevant groups accordingly.

Secondly, applicants are awarded all relevant passes to which they are entitled, no matter into which group their application is placed.

Thirdly, an applicant's level of priority depends on the priority afforded to each group.

Finally, we have established a Lettings Plan that is used to set an anticipated yearly target of lets to be given to each group. These targets are subject to ongoing review as housing needs change. This is based on an assessment of a probable number of properties which may become available for re-let.

Note: The following covers our general needs housing. We have a separate policy for housing for particular needs. This covers supported accommodation, sheltered housing and extra care housing. This is allocated using both housing need and a community care assessment.

4.6.1. Group One: People who are affected by homelessness

This group is one of the groups to be given reasonable preference in law. We re-house people affected by homelessness as determined by the homelessness legislation. We may permanently rehouse them ourselves or by referring people to Orkney Housing Association Limited using our section five procedure.

Threatened with homelessness

The terms "threatened with homelessness" refer, in law, to applicants who are likely to become homeless within two months. We seek to prevent applicants becoming homeless by providing them with detailed advice about their housing options.

Applications in this group cover the following housing needs, namely applicants who:

- Are leaving institutions such as prisons.
- Live in tied accommodation.
- Are leaving HM forces.
- Applicants who are lawfully required to leave their homes in the private sector.

Note

If we do not re-house such applicants before they become homeless, then their applications would be dealt with through our homelessness service.

4.6.2. Group Two: Other Statutory Housing Needs

This group covers statutory forms of housing needs that we must address such as overcrowding and housing which is below the tolerable standard.

Our policy on overcrowding is more progressive than purely statutory overcrowding and therefore we have included passes for those who are overcrowded but to a lesser degree.

In dealing with reasonable preference, this group will also be given reasonable preference through our policy.

4.6.3. Group Three: Transfers

This group consists of our tenants who want to move to another Scottish secure tenancy within Orkney's housing stock.

Applicants in this group will be awarded any priority pass to which they are entitled, including under-occupation pass, or medical pass (see note).

Applicants in this group can also apply for adapted and sheltered housing if their present housing is not accessible to meet their needs.

Note: Our tenants and other social landlord tenants who under-occupy their homes will receive a priority pass for under-occupation; this ensures that we give reasonable preference to such tenants. This is in line with allocation law.

This group covers the following:

- Under-occupancy (the applicant's current social rented property, is too large for their needs).

4.6.4. Group Four: Unsatisfactory housing

This group is one of the groups to be given reasonable preference in law.

Applications in this group cover the following housing needs, namely applicants who live in housing that:

- Is failing to meet their accessibility needs due to impairments and/or medical conditions.
- Is not below the tolerable standard but is in a state of serious disrepair.

4.6.5. Group Five: Local needs

This group is intended to address local needs and to prevent homelessness occurring.

This group covers:

- Those who need to move into a given area due to specific needs whether these are medical, support or employment related needs.

- Those who are in tied accommodation provided by their employers but require to leave due to health, unemployment or retirement reasons.
- Those applicants served with a valid notice to quit or who have an insecure tenancy such as a short-assured tenancy.
- Service personnel who can establish a local connection with Orkney.
- Applicants who are living with parents/guardians and wish to live independently.
- Those people with urgent or emergency housing needs for other housing.

4.6.6. Group Six: Social needs

This is a group that covers a diverse range of social housing needs, including preference needs.

Applications in this group cover, for example, applicants who:

- Are affected by harassment and abuse.
- Are affected by relationship breakdown.
- Forced sale and division of matrimonial home.
- Young people leaving care.
- Existing tenants of the Council or Housing Association in Orkney who currently occupy two properties and wish to be rehoused together (two tenancies for one).
- Require to move house due to financial issues.

Note: Applicants affected by harassment or relationship breakdown could also be homeless in law and options are discussed with applicants, as appropriate.

4.6.7. Group Seven: General housing needs

If an applicant lives outside of the Orkney Islands Council area and does not meet the criteria explained in section 3.6 above, then the application is placed in Group Seven.

For example, if an applicant from elsewhere in Scotland simply wants to live in Orkney, then their application would be placed in this group. If the applicant was coming to work in Orkney, though, their application would be placed in one of the other groups based on their housing needs.

Where an applicant is resident in Orkney but, following assessment, has no housing need, they will be placed within Group Seven.

Note

Priority passes are added for each housing need factor so that applicants with more housing needs in group 7 would receive priority.

4.7. Specific lettings rules

This section covers three specific rules, namely:

- Priority when applicants have the same level of priority pass.

- Housing designed for particular housing needs.
- Letting houses to Elected Members and/or employees.

4.7.1. Priority when applicants have the same level of priority passes

If applicants within any of our groups have the same level of priority pass, then we determine their priority by the date of application.

4.7.2. Housing designed for particular housing needs

We offer certain housing to applicants with particular needs, for example, housing with adaptations is offered to people with relevant housing needs. In the event of there being no demand for the property in question, we will then offer it to someone who does not specifically need for the adaptation.

4.7.3. Letting houses to Elected Members and/or employees

Before we let a house to either an Elected Member or employee, then we apply strict rules in line with guidance provided by the Scottish Housing Regulator. This ensures that all lets are publicly accountable. For instance, if an Elected Member or employee applies for a house, then we would assess their housing needs under the Lettings Policy. Neither Elected Members, nor employees, are allowed to be part of any decision relating to allocations affecting them. This rule applies, too, to Section 5 and our nomination arrangements.

We operate a policy which ensures that, prior to any allocation being made, the Executive Director of Education, Leisure and Housing is provided with information surrounding the assessment and allocation proposal and is asked to ensure that he/she is satisfied that there has been no conflict of interest before the allocation can be formally made.

4.8. Section Five referrals

In line with the Housing (Scotland) Act 2001, we may refer applicants to Orkney Housing Association Limited under our separate arrangement. This applies to those applicants who are assessed as homeless unintentionally and with a local connection. This arrangement is called the "Section Five Referral Protocol." Details of this protocol are available from the Council's Housing Services and Orkney Housing Association Limited.

4.9. Nominations

Orkney Housing Association Limited will reserve a proportion of vacancies for Council nominees under the Section Five referral protocol outlined above.

In the event that a homeless household cannot be identified, the Council can nominate another household in a high level of housing need.

Orkney Housing Association Limited will make the final decision on who is offered the property using their own Lettings Policy.

4.10. Summary

Our Lettings Policy is based on a variant of the group plus points system that satisfies, not only allocation law and guidance, but promotes our lettings Charter Standards. The groups plus points system enables us to address local needs thus fostering sustainable and inclusive communities. Section 6 now explains what we mean by housing need and how we award points for different housing needs.

Section 5: Our priority pass system

5.1. What we mean by the term “housing need”

Housing need is not defined in allocation law but can be explained by reference to certain standards.

For example, various forms of housing needs are defined in housing law, including definitions of homelessness, overcrowding and the tolerable standard.

Again, we recognise that applicants may require to be re-housed due to social needs such as wishing to live near relatives and/or have access to support.

Our housing groups cover, therefore, a diverse range of housing needs and this promotes our allocation policy principle to develop sustainable communities, as appropriate.

5.2. How we prioritise different housing needs

We assess the various forms of housing need on an ongoing basis. We do this for four main reasons.

Firstly, it is our statutory duty to evaluate specific types of housing need in Orkney, including homelessness, overcrowding and housing below the tolerable standard.

Secondly, we must assess housing need in Orkney that is linked to equality issues such as the needs of disabled people.

Thirdly, we gather information regularly on housing need.

Finally, we use information that we gather on housing need to inform applicants of their housing options through our internal Lettings Plan.

The Lettings Plan is a critical part of our lettings services as we use housing need information to inform our lettings practices, as appropriate.

For example, we use our Lettings Plan to assess:

- The likely number of houses available for letting.
- The number of applicants seeking access to that housing.
- Annual targets of lets to be made to each of the groups.
- Expected time scales before applicants are re-housed.

5.3. Our housing groups and passes

As explained in Section 4, we have seven main housing groups. This section explains their priority and the housing passes that we award to applicants in the different groups.

In the sections below, the housing groups and the needs that each group cover are explained followed by the priority pass (or passes) that can be awarded.

5.3.1. Group One: Homelessness or threatened with homelessness

Homelessness

Group One is one of the three housing need groups to be given reasonable preference in allocation law when selecting tenants. We re-house people affected by homelessness through our homelessness policy, or by referring people to Orkney Housing Association Limited using our referral procedure. This is often referred to as Section Five referrals that is a reference to its legal source.

Threatened with homelessness

The terms “threatened with homelessness” refer, in law, to applicants who are likely to become homeless within two months. We seek to prevent applicants becoming homeless by providing them with detailed advice about their housing options.

Applications in this group cover applicants who:

- Are leaving institutions such as prisons.
- Live in tied accommodation.
- Are leaving HM forces.
- Applicants who are lawfully required to leave their homes in the private sector, for example, a valid notice has been served and/or the tenancy is ending and a court order is being sought.

Note

If we do not re-house such applicants before they become homeless, then their applications are dealt with through the homelessness legislation unless applicants obtain housing elsewhere.

Housing need.	Pass awarded.
Homelessness You have been accepted by Housing Services at Orkney Islands Council as being homeless and unintentionally so with a local connection/You have been accepted as homeless by another Local Authority and have been referred to Orkney by that other authority on the	Gold.

Housing need.	Pass awarded.
basis that you have a local connection with Orkney.	
Threatened with homelessness You have been determined as being threatened with homelessness within two months by Orkney Islands Council.	Gold.

5.3.2. Group Two: Other statutory housing needs

Group Two is for applicants who fall under the statutory forms of housing need that we must address, namely overcrowding and housing that is below the tolerable standard.

Note: Group Two enables us to identify housing needs that can then be dealt with to address our statutory duties. Overcrowded applications are assessed using the appropriate statutory standards.

Housing need.	Pass awarded.
Statutory overcrowding Your present home is short of one or more bedrooms as defined by the Housing (Scotland) Act 1987.	Gold.
Housing below the tolerable standard Your present home has been found to be Below the Tolerable Standard is defined in the Housing (Scotland) Act 1987 as amended. An inspection was undertaken by an Environmental Health Officer.	Gold.

Note: Properties which are not below the tolerable standard but are in a state or serious disrepair are included in group four.

Our policy is more progressive than purely statutory overcrowding and therefore we have included other passes within this area. We consider that a family that is required to use their living-room for sleeping accommodation as being overcrowded. This is different from the statutory overcrowding standard.

Housing need.	Pass awarded.
You are a household who although not statutorily over-crowded, has living arrangements which are causing difficulties arising from congestion. For example a family of four occupying a one bedroom property which has caused condensation and resultant	Silver.

Housing need.	Pass awarded.
health issues or a family unit are forced to live apart due to unsatisfactory/overcrowded housing.	
You require two or more bedrooms but occupy accommodation in which you are required to share kitchen or bathroom facilities with people who are not members of your household. You are part of a couple who have separated but continue to share a property.	Bronze.

5.3.3. Group Three: Transfers by Scottish secure tenants

Group Three is for our tenants who want to move to other Orkney Islands Council housing.

They are awarded passes for the following housing needs.

Housing need.	Pass awarded.
Under-occupation Your present home has one or more bedrooms more than you require. Moving to a smaller property would allow a larger property to be made available for a family (this only applies to tenants of the Council or Orkney Housing Association Ltd).	Gold.
Transfers Transfer applications will be prioritised where applicants are living in unsatisfactory housing conditions and have unmet housing needs in accordance with allocations law. Any priority pass will be awarded through the relevant group. In situations where a transfer application evidences no housing need, a bronze priority pass will be awarded. This is to assist us to make the best use of our stock and also mainstreaming the principle of choice.	Bronze.

This group consists of applicants that are already tenants of housing provided by the Council. These applicants may need to move either to larger or smaller properties, to a different type of property or to a different area.

5.3.4. Group Four: Unsatisfactory housing.

Group Four is for applicants living in unsatisfactory housing. They are awarded passes for the following housing needs.

Housing need.	Pass awarded.
<p>Accessibility/medical Your present home is completely unsuitable for your (or a member of your household's) medical condition. The quality of someone within the household's life is seriously limited and would be greatly improved by moving to more suitable accommodation. Urgent action is recommended.</p>	Gold.
<p>You or a member of your household has a serious medical condition which would be improved by moving to more suitable accommodation.</p>	Silver.
<p>You or a member of your household has a medical condition which would be improved by moving to more suitable accommodation, but rehousing is not urgently required.</p>	Bronze.
<p>Serious Disrepair You live in housing which you or another member of your household own or rent from a private sector landlord which although not Below the Tolerable Standard, is in a state of serious disrepair, as determined by an Officer of the Council's Environmental Health Team and Housing Services is satisfied on the basis of evidence provided to it that the repairs are uneconomical or impractical. This may include evidence from the Council's Building Control Section.</p>	Silver.

5.3.5. Group Five: Local needs

Group Five is intended to address local needs and to prevent homelessness occurring.

At present we have no negotiated Local Lettings Initiatives in place. However, appendix three outlines our processes for considering Local Lettings Initiatives.

Housing need.	Pass awarded.
<p>Applicants moving to address specific needs whether these are medical, support, employment related needs.</p> <p>You need to move into a given area as you have a medical/psychological need and require to access specialist services.</p> <p>You wish to move into a given area for community or social reasons for example to stimulate local employment or you need to remain in that area for the same reasons.</p> <p>You wish to move into a given area to give or receive support to/from a relative.</p> <p>You wish to move into a given area for employment reasons as detailed below. Alternatively you need to remain in that area for the reasons given above.</p>	Silver.
<p>Applicants in tied accommodation provided by their employers but are required to leave due to health, unemployment or retirement reasons.</p>	Silver.
<p>People who are living in insecure accommodation</p> <p>Applicants who have been served with valid notice to quit. Notice must be assessed by Housing Services to confirm validity.</p> <p>Applicants whose landlord has been refused registration or had their registration revoked under private sector landlord registration procedures.</p> <p>Applicants who are subject to repossession action by their mortgage lender or other creditors with an interest in the property. Case should be investigated by Housing Services to identify most appropriate housing option.</p> <p>Applicants who have been served with valid notice to quit on conduct grounds.</p>	Silver.

Housing need.	Pass awarded.
Notice must be assessed by the Homelessness and Advice Section of Housing Services to confirm validity.	
<p>Applicants who have a short-term tenancy i.e. short assured tenancy. Tenancy agreement must be assessed by Homelessness and Advice Section of Housing Services to confirm validity.</p> <p>Applicants who are lodging with a resident landlord/subtenant (this includes sub-tenants of Council tenants).</p> <p>Applicants who are living in a hostel or a House in Multiple Occupation.</p>	Bronze
<p>Service personnel who can establish a local connection with Orkney.</p> <p>Service personnel who can establish a local connection with Orkney, leaving the services. (Time limited to two years from discharge).</p>	Silver.
<p>People who are living with parents/guardians and wish to live independently (emergent households).</p>	Bronze.
<p>People with urgent/emergency housing needs for other housing.</p> <p>This is awarded in exceptional circumstances where the existing housing situation is seriously affecting the wellbeing of the applicant or members of the household.</p> <p>The allocation of a platinum pass should be considered by the Executive Director of Education, Leisure and Housing and the Head of Housing, Homelessness and Schoolcare Accommodation Services and be informed by the Service Manager (Housing and Homelessness) and the Team Leader (Housing and Homelessness) to ensure they have all necessary information.</p>	Platinum.

Where applicants who are living in insecure accommodation have received a valid notice to quit and a court order is being sought, and therefore homelessness is threatened within two months, we will address it through our homelessness procedures.

5.3.6. Group Six: Social needs

Group Six is intended to address social needs and to prevent homelessness occurring.

Housing need.	Pass awarded.
<p>People affected by relationship breakdown</p> <p>Forced sale and division of matrimonial home where partner determines to sell the home of the partner with principal responsibility for the children.</p>	Silver.
<p>Awarded in the case of relationship breakdown to the parent with least access to the dependent children of the union.</p> <p>N.B. Applicants awarded priority in this category will be restricted to a two bedroom property regardless of the number of dependent children. (This refers to access arrangements specifically rather than to children who are permanently part of a household on a full-time basis).</p>	Bronze.
<p>People required to move house for financial reasons</p> <p>Applicants whose current accommodation is not affordable. See note below.</p>	Gold.
<p>Two tenancies for one</p> <p>An applicant, who is an existing Orkney Islands Council tenant, wishes to be housed with another Orkney Islands Council tenant or a tenant of Orkney Housing Association Limited.</p>	Gold.
<p>Young people leaving care</p> <p>Applicants who are entitled to throughcare/aftercare support and who are leaving care. (Please also see our Protocol on Housing and Young People Leaving Care)</p>	Gold

Note: Applicants affected by harassment or relationship breakdown could also be homeless in law and options are discussed with applicants, as appropriate.

The term “dependent children” is defined at section 4.1.2.

5.3.7. Group Seven: Other

If an applicant lives outside of the Orkney Islands Council area and does not meet the criteria explained above, then the application is placed in Group Seven.

For example, if an applicant from elsewhere in Scotland simply wants to live in Orkney, then their application would be placed in this group. If the applicant was coming to work in Orkney, though, their application would be placed in one of the other groups based on their housing needs.

Priority passes are added for each housing need factor so that applicants with more housing needs in Group Seven would receive priority.

5.4. Procedural information

Relevant procedural information is now described below (in alphabetical order) with reference to:

- Assessing statutory housing needs.
- Insecurity of tenure.
- Medical Assessments
- Overcrowding.
- Service tenancies and/or tied accommodation.
- Support and care requirements.
- Two tenancies for one.
- Under-occupation.
- Unsatisfactory housing.
- Urgent local housing needs.

5.4.1. Assessing statutory housing needs

In respect of statutory overcrowding and housing that is below the tolerable standard, we obtain evidence that is supplied by an Officer of the Council's Environmental Health Team as part of the general evaluation to determine housing options. We do this in consultation with applicants for housing.

5.4.2. Accessibility/Medical

As regards the assessment of accessibility/medical needs, an appropriate assessment will be undertaken. To ensure a consistent and informed approach, evaluation of needs will be assessed by a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment.

5.4.3. Insecurity of Tenure

This relates to applicants who have been served with valid notice to quit, including applicants with either a short assured, assured tenancy or private residential tenancy. Notice must be assessed by Housing Services to confirm validity. If the

applicant is threatened with homelessness within two months, then we deal with it through our homelessness procedures.

This also covers applicants whose landlord has been refused registration, or had their registration revoked under private sector landlord registration procedures.

Applicants who are subject to repossession action by their mortgage lender or other creditors with an interest in the property. Each case is investigated by Housing Services to identify the most appropriate housing option.

In the case of applicants who have been served with valid notice to quit on conduct grounds, the notice is assessed by the Homelessness and Advice Section of Housing Services to confirm validity.

Indeed, procedures are subject to our normal procedures covering the prevention of homelessness and provision of housing advice to ensure that tenant's rights are maximised.

5.4.4. Medical Assessments

This group partially consists of applicants (tenants and non-tenants) whose housing is not accessible to meet their needs and they wish to apply for our accessible housing. This could include disabled people or people with medical conditions (with or without support needs).

This group also contains applicants whose current housing impacts negatively on their mental health. This may include people, with mental health issues, who wish to move to access specialist services to assist them, In addition it may include people with mental health issues who wish to move due to trauma experienced within the house or its area which continues to have a negative association and is impacting on their mental health. This situation requires to be evidenced by a GP or an appropriate mental health professional, involved in their care.

Note: An applicant in this group can apply to move to other housing that does not meet their accessibility needs, but may meet other needs such as overcrowding. In such cases, no further award on the basis of accessibility would be granted. This rule applies to other groups below.

To ensure a consistent and informed approach, evaluation of needs will be assessed by a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment.

5.4.5. Overcrowding

Overcrowding exists where a household has insufficient bedrooms for its needs. The Council determines the number of bedrooms required as follows:

- A separate double bedroom is required for:
 - Couples, that is two people in a relationship, irrespective of gender.
 - Two children of the same sex under 16 years where the age difference is less than nine years.

- Two children of different sex under eight years of age.
- A separate single bedroom is required for:
 - Any other adult over 16 years of age.
 - Any other child not able to share on the basis of two or three above (for example this may include children with medical issues determined to pose difficulties for other children within the household, or newly formed households with children who are not siblings).

The minimum bedroom sizes are:

Double bedroom.	Two person.	10.5 square metres.
Single bedroom.	One person.	7 square metres.

We recognise that there may be cases of exceptional circumstances which may not fit within the criteria outlined above and in such cases we will consider each case on its own merits.

5.4.6. Service tenancies and/or tied accommodation

Applications can be taken on this basis prior to discharge provided supporting information can be obtained from the Ministry of Defence or equivalent.

It is anticipated that after the passage of the two year term, if the household has not been accommodated by the Council inside that timescale, the household will have made other arrangements which will determine housing need instead.

5.4.7. Social Needs

We have a duty to address economic disadvantage in our area under equality legislation. In terms of lettings, this means addressing housing needs of applicants who are living in relative poverty.

We endeavour to assist applicants through various methods as follows:

- Awarding points to people living in poor housing conditions as explained in section four.
- Providing applicants with advice and information about affordability of housing, energy advice to encourage sustainable tenancies.
- Ensuring that applicants get access to quality advice about any benefits to which they are entitled.

The social needs group will include applicants who require to move for financial reasons. Assessment of this need will include an assessment of the household's financial position relating to essential household expenditure relative to housing costs. This assessment may be done in conjunction with Orkney Citizen's Advice Bureau. An example may be where the cost of a household's current housing exceeds their entitlement under local housing allowance. Essential household expenditure includes items such as rent, council tax, electricity/fuel costs, food etc.

5.4.8. Support and care requirements

In the case of households moving into the area for support reasons supporting information will be required from an appropriate professional such as a Doctor, Community Psychiatric Nurse, Social Worker or Occupational Therapist and the relevant family member. This information should detail the reasons why the household requires to live in the area.

In the case of those moving for employment reasons a letter detailing the offer of employment is required. The employment should be of a type where a pool of suitable labour would not be available in Orkney/within that area of Orkney and quantifiable evidence to support this will be required from the employer. Alternatively, the employer has advertised locally but their recruitment processes have identified an applicant from outside Orkney as being the best person for the job. A pass on this basis is time limited to two years. Please note that this would not be applicable where the employment is subject to a relocation package.

In most cases “the area” would constitute Orkney generally (excluding Kirkwall and Stromness) as on mainland Orkney, or the linked south isles, commuting is normally possible. However, in the case of the outer isles this may be refined to that particular island. This is intended to be a rural or island structure to enable the sustainability of fragile communities.

5.4.9. Two tenancies for one

An application should be submitted (if not already in existence) detailing the circumstances of both parties. All parties must normally live in Orkney, and when the new tenancy is created, it will be in joint names. A priority pass will be awarded once the circumstances of the applicants have been checked by us. Once an offer of housing has been made and accepted, both parties end their existing tenancies in favour of the offered new joint tenancy.

5.4.10. Under-occupation

This applies to Council tenants or tenants of Orkney Housing Association Limited. The Council operates a Removal Grant Scheme to assist its tenants to move into smaller properties within its own stock or that of Orkney Housing Association. Housing Management staff within the Council will be happy to provide information on the removal grant scheme and demand issues on request.

In exceptional circumstances a higher priority pass can be awarded under the arrangements outlined under “emergency”. This may be done in cases where the Council has a high demand or great need for a particular type of property such as one which has been heavily adapted to meet particular needs and these adaptations are no longer required by the current occupants.

5.4.11. Unsatisfactory housing

This includes disabled applicants whose housing is not accessible to their requirements or people whose housing does not meet their medical needs.

Assessment of needs is carried out as outlined under accessibility/medical needs above.

Unsatisfactory housing takes account of objective factors, including the effects of such housing on individual applicants. This may include the impact on the applicant's/or a member of their household's, mental health, for example they wish to move due to a trauma which was suffered within the property or its area and has had a direct negative impact on their mental health.

To ensure a consistent and informed approach, evaluation of needs will be assessed by a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment.

5.4.12. Urgent local housing needs

Passes are awarded in exceptional circumstances where the existing housing situation is seriously affecting the wellbeing of the applicant or members of the household. The allocation of a platinum pass should be considered by a small panel consisting of the Executive Director of Education, Leisure and Housing, the Head of Housing, Homelessness and Schoolcare Accommodation Services the panel should be informed by the Service Manager (Housing and Homelessness) and the Team Leader (Housing and Homelessness) to ensure they have all necessary information.

5.5. Summary

Section 5 has explained what we mean by the term housing need and how we have established different housing groups to address a range of housing needs. Very importantly, these housing needs include the reasonable preference groups covered in allocation law, as well as other needs. This allows us to promote sustainable communities by considering a much broader range of needs, including locally identified housing needs.

Section 6: Lettings procedures

This section describes key stages of our lettings procedures. These are the internal organisational procedures that we use to implement the Lettings Policy.

6.1. Key stages of our lettings procedures

This section summarises, in plain language, what we do when an application has been completed by applicants and assessed.

6.1.1. Admission to the housing list

We accept applications from any person who is sixteen or over onto our housing list. This does not mean that an applicant will receive an offer of housing. For receiving an offer of housing is determined by applicants' priority under the groups plus priority pass system.

We assist applicants to complete their application, as appropriate. This includes making reasonable adjustments in the case of disabled people. For instance, we will

provide information to hearing impaired people through the use of induction loop, as well as providing interpreting services in other languages.

6.1.2. Information provided to applicants

We provide applicants with a copy of our application form and other documentation, for instance, the Lettings Policy leaflet. We provide information in plain language and can also provide this information in other formats. For example, we can provide disabled people with information in larger print and/or audio-format. We can also provide information in other languages, as appropriate. Our website provides significant information and facilitates the use of browse aloud for instance, amongst other services.

6.1.3. Information received from applicants

We gather relevant information from applicants to verify their identity. These are covered in detail in our lettings procedures. Information about legal status regarding offer of tenancy is also gathered, if required.

Each applicant is required to produce two pieces of identification such as:

- Photographic identification if held (passport or driving licence).
- Birth, marriage certificate.
- National Insurance Card.
- UK residence permit or equivalent.
- Electricity bill etc.
- Other standard documents to prove residence.

6.1.4. Processing housing applications

We process completed housing applications within set time scales. After placing in a group and awarding a priority pass (if relevant), we enter the application onto our housing list.

6.1.5. Application details

We advise applicants of their priority pass and the group into which their application has been placed. On request, we also discuss housing prospects with applicants, including possible waiting times before an offer can be made. It is often the case that no time scale can be given (see note).

Note

This is the case as our housing list is fluid as applicants come onto – or leave the – housing list. We also cannot conclusively tell in advance, how many properties may be available for re-let inside each year.

6.1.7. Offers and home viewings

We contact applicants as soon as we can to make them an offer of housing. Before making offers, we check all relevant application details. At this point, we may visit applicants to discuss details.

We arrange visits after giving applicants reasonable notice. This is based on our commitment to respect individual applicants' rights under human rights law, for instance, their right to privacy. If applicants live outside Orkney Islands Council's area, we may ask other landlords and/or agencies to check application details.

Note

We may suspend further offers in line with our suspension procedure (see Section 7).

6.1.8. Letting houses

If application details are correct, then an offer of housing can be made as soon as this is applicable. Applicants can apply for either a sole or a joint tenancy. We provide applicants with information about tenancies through our joint tenancy leaflet. This enables them to make an informed decision about what type of tenancy meets their requirements.

6.1.9. Review of applications

We review applications annually to determine if applicants still want to be re-housed by us and to ensure their application details remain up-to-date. This allows us to keep the housing list up-to-date and reduce unnecessary offers.

Applicants are required to advise Housing Services of any change in circumstances from the details provided on the initial Housing Application Form.

6.2. Summary

We have established internal lettings procedures so that Lettings Policy objectives are implemented effectively. These cover lettings practices from application stage through to reviewing of applications. We process all personal data in line with the General Data Protection Regulation and all relevant data protection law.

Section 7: Procedures relevant to lettings practice

This section describes specific procedures that relate to our Lettings Policy. Appendix 2 lists all policies and procedures that impact upon our Lettings Policy.

7.1. Exchanges

Scottish secure tenants are entitled to apply to exchange their tenancies ("swap homes") with any other Scottish secure tenant.

Although tenants must first obtain our written consent before an exchange can go ahead, we refuse consent only if this is reasonable.

We assess each case on its own merits and take account of all relevant information. Details about how we deal with exchange requests are contained in our mutual exchange procedure. This is summarised below.

7.2. Our mutual exchange procedure

We have a separate procedure on mutual exchanges.

In summary:

- After we receive a written application from tenants to exchange homes, we provide our written decision within one month.
- If we don't reply within this time scale, consent is deemed to have granted.
- If we refuse an application to exchange homes, we must provide reasons in writing.
- Tenants can appeal to the sheriff court.

Note: We give tenants information about their appeal rights when we make our decision. This ensures that tenants can access independent advice and support to lodge their appeal.

7.3. Harassment

We address harassment through specific procedures and adopt a range of methods to address harassment depending on its nature and severity. These procedures are part of our anti-social behaviour policy. Our procedures include management and judicial remedies, that is, taking legal actions, as appropriate. If an applicant is experiencing harassment, then we provide her/him about their housing options, including rehousing options with other landlords.

7.4. Homelessness and threatened with homelessness

We work in partnership with Orkney Housing Association Limited to address the needs of people affected by homelessness, as well as other housing needs. We do this in two main ways.

Firstly, we refer homeless people to Orkney Housing Association Limited (these are known as "section 5 referrals from the Housing (Scotland) Act 2001, section 5).

Secondly, we use our groups plus priority system to prevent homelessness occurring.

In addition both organisations provide housing advice which can assist to prevent homelessness. Both organisations have attained accreditation at the National Standard for Information and Advice Providers.

7.5. Suspension of offers

We can suspend offers to housing to applicants in specific circumstances. These circumstances were explained in Section Three.

We operate, therefore, a suspension procedure that describes when we might suspend making offers to applicants. This information is provided to all housing applicants and includes information about appeal rights if suspensions of offers are applied.

7.6. Summary

This section has referred to other key procedures that we have established to deal with specific aspects of lettings practice. Our list of policies and procedures that link to Lettings Policy is provided in Appendix Two.

Section 8: Training and development

Training is important to meet our Lettings Charter Standard. Lettings training can be/is provided to the following groups:

- Housing staff.
- Elected Members (as required).
- Tenants and housing applicants.
- Other organisations.

8.1. Housing staff

We deliver various lettings training courses that are tailored to the needs of our housing management staff.

Examples of lettings training may include:

- Allocation law, regulatory standards and guidance.
- Lettings Policy and procedures training.
- Developing effective consultation strategies.
- Homelessness.
- Assessing housing needs and housing options.
- IT lettings system testing.
- Other policies and procedures.
- Performance monitoring.
- Promoting equality issues.

8.2. Elected Members

Councillors are responsible for policy development and monitoring. For example, lettings practices are monitored through committee reports produced by senior staff.

Training issues that are relevant to their role are:

- Allocation law and guidance.
- Performance monitoring.

8.3. Tenants and housing applicants

We must consult with tenants, applicants and other groups when we are developing and/or changing the Lettings Policy. Examples of training related activities are:

- How to produce accurate, clear and comprehensive information packs.
- Training for tenants on law and guidance including any tenant focus groups involved in Lettings Policy development.

8.4. Other organisations

We liaise with other organisations, as appropriate, when we develop our Lettings Policy. This includes groups seeking to promote equality for people who experience disadvantage in society. This is part of our policy commitment to promote equality and diversity that is explained in Section Nine.

8.5. Summary

We provide internal lettings training to staff and other groups. This is critical if Lettings Policy is to be implemented effectively. A key part of this process is to ensure that staff provide quality services to our tenants and housing applicants.

Section 9: Promoting equality and diversity

9.1. Context

As a local authority, we must meet the public sector equality duty. This duty requires us, not only to eliminate unlawful forms of discrimination, but to:

- Promote equality between people with and those without protected characteristics.
- Foster good relations between people with and those without protected characteristics.

We promote these actions throughout all of our housing services, including allocation practice.

9.2. Actions to promote equality objectives

We do this, for example, through:

- Providing accurate and clear information about our Lettings Policy and doing this in various formats, as appropriate.
- Providing a lettings summary in plain language.
- Addressing the needs of individual applicants, including the accessibility needs of disabled people.
- Appointing interpreters (as required) for people from black and minority ethnic groups.
- Promoting the social model of disability through staff training to understand the barriers within society that disable people.
- Working in partnership with other agencies and organisations to address homelessness and also promote social inclusion.

- Monitoring lettings practices to ensure that our services prevent unlawful or unfair forms of discrimination.

9.3. Summary

We include equality and diversity issues throughout our lettings services. This is done by including equality law and guidance into lettings services. This includes working in partnership with equality groups. Our monitoring systems include equality measurements to we can assess how effectively we are promoting equality objectives. This latter point is now explained in Section Ten.

Section 10: Managing our performance

Performance management is central to organisational governance. The Council must, therefore, be able to assess and demonstrate how well the Lettings Policy is working, in particular if it is meeting Lettings Charter Standard.

We gather information as part of the Annual Return against the Charter (ARC) – the annual report on the Scottish Social Housing Charter) and general information. This is a requirement specified by the Scottish Housing Regulator and this information is published accordingly.

We evaluate statistical information relating to lettings and tenancy sustainment on a regular basis. This will enable recommendations to be made regarding areas of the Lettings Policy that need to be revised. This might also include the establishment of Local Lettings Initiatives (see Appendix 3).

The Voids Policy also contains detailed performance indicators to monitor service delivery.

Case Reviews are also undertaken on a quarterly basis to audit ten per cent of cases in line with Line Management and Supervision arrangements.

10.1. Summary

Managing performance is a key part of governance in relation to our Lettings Policy and practice. We monitor information, not simply for statistical returns, but to use this information to improve our services. Information that we gather is also used to inform our consultation processes with tenants, applicants and other people.

Section 11: Policy consultation and review

We consult with tenants, applicants for housing and other groups as explained in Section Three.

Our consultation process is part of our tenant participation strategy and we use various methods of consultation. These methods also take account of the needs of individual people, including accessibility requirements of disabled people.

We review our Lettings Policy every five years or sooner, as appropriate. For example, we may review our Lettings Policy because of changes to law.

Section 12: Dealing with appeals or complaints

This section provides information about our separate appeals and complaints procedures. Detailed information on these procedures is contained in our information pack that applicants receive. This includes making applicants aware of their right to appeal and be advised that independent agencies such as the Citizen's Advice Bureau and Advocacy Orkney can assist them with this process if they wish.

12.1. Appeals against decisions

If an applicant is dissatisfied regarding any decision made in the letting process, they have the right to appeal.

In the first instance applicants should discuss the reasons why they feel their pass is incorrect with staff within the Housing Management Section to ensure all relevant information has been taken into account. If the applicant still disagrees, she/he can then submit an appeal.

We advise applicants, in writing, of the appeal process, including time scales for making an appeal. This is done through our procedural appeal information.

12.2. Appeals against suspensions

In our policy, applicants do not have the right of appeal to the sheriff court. However, applicants can appeal our decisions through our internal process; and decisions are reviewed on a regular basis. Information about appeals and reviews are provided to any applicant to whom this policy applies.

12.3. Complaints

Complaints can be made if applicants are dissatisfied with our processes or actions. For example, someone might complain if she/he feels that Lettings Policy has not been implemented properly.

A copy of the Council's Corporate Complaints Procedure is available on request from the Council offices or can be downloaded from our website.

Applicants should note that an independent review of decisions is available by referring a case to the Public Sector Ombudsman after the complaints procedure has been used.

This is a free and impartial service and a leaflet giving details is available at the Council offices.

The Ombudsman's address is:

Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Telephone: 08003777330.

Fax: 08003777331.

Email: CSA@sps.gov.scot

Website: <https://www.sps.org.uk/>

Appendices

Appendix 1: Legal and guidance framework

This Appendix describes the legal and guidance sources. It also provides a summary of the tolerable standard.

Legal sources

Allocations law is contained in the Housing (Scotland) Act 1987, as amended.

Allocation guidance

The Scottish Government's Social Housing Allocations in Scotland: Practice Guide (2019) can be sourced at <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>

Other relevant law

Key laws that impact on developing Lettings Policy are (in alphabetical order):

- Data Protection Act 2018.
- Equality Act 2010.
- General Data Protection Regulation 2018.
- Housing (Scotland) Act 2014.
- Housing (Scotland) Act 2010.
- Housing (Scotland) Act 2001.
- Human Rights Act 1998.

Note: There are many other laws and secondary legislation that impact on lettings practice. Further information is available by contacting housing staff.

Tolerable standard: the legal definition

Primary legislation: the Housing (Scotland) Act 1987, section 86.

The tolerable standard sets out the basic requirements for a healthy safe home. It applies to all tenures and 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. The tolerable standard is under review and landlords should note any changes to the standard in developing and applying their allocation policy.

A house meets the current 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.
- Has satisfactory access to all external doors and outbuildings.

A property is below tolerable standard if one or more of the criteria set out above are not met. If evidence is not already available, landlords may want to bring in the local authority's Environmental Health Service to assess whether the property meets the tolerable standard. If a property is below tolerable standard the local authority may contact the owner and ask for repairs or work to be carried out on their property. However, while a property remains below tolerable standard any applicant should be given reasonable preference.

Overcrowding

Part seven of the 1987 Act defines "overcrowding". When the number of people sleeping in a home exceeds the room standard or the space standard (both of which are set out below) a house is overcrowded.

Under the room standard, if the number of people sleeping in the house and the number of rooms available as sleeping accommodation (that is rooms normally used in the locality as a bedroom or living room) mean that two people of the opposite sex have to sleep in the same room then the accommodation will be overcrowded unless:

- The two people are living together as husband and wife.
- One or both of them is under ten years old.

The space standard determines the number of people who are permitted to sleep in a home based on:

- The number of rooms available as sleeping accommodation. Rooms that are counted are rooms normally used in the locality as a bedroom or living room.
- The size of those rooms. Rooms under 50 square feet (4.645m²) are ignored.
- The ages of people who live there. Children under one-year old are not counted and children over one and under ten count as a half.

Landlords can calculate the permitted number of people in a property by looking at both of the tables below. Table One sets out how many people can sleep in the house according to the number of rooms. Table Two set out how many people can sleep in each room according to the size of the room and the total for each room, when added together, tells you how many people can sleep in the house. Landlords need to look at both tables and the smaller of the two numbers produced is the permitted number of people that may live in that house. If the permitted number is exceeded, the house is overcrowded.

Table One: How many people can sleep in the house according to the number of rooms.

Number of rooms available for sleeping.	Number of people who can sleep in the property.
One.	Two.
Two.	Three.
Three.	Five.
Four.	Seven and a half.
Five or more.	Two for each room.

Table Two: How many people can sleep in each room according to the size of the room.

Floor area of room.	Number of persons who can sleep there.
110 square feet or more (10.219 metre squared).	Two.
90 square feet (8.361 metre squared) or more but less than 110 square feet.	One and a half.
70 square feet (6.503 metre squared) or more but less than 90 square feet.	One.
50 square feet (4.645 metre squared) or more but less than 70 square feet.	A half.

While the law sets out the minimum standards needed to prevent overcrowding, in practice, landlords can set more generous standards of their own.

In deciding on levels of priority under their policy, landlords may wish to give a higher level of priority to those who are overcrowded by two or more bedrooms than to those overcrowded by one bedroom.

Appendix 2: List of policies and procedures related to Lettings Policy and practice

The Lettings Policy is linked to many other policies and procedures such as the following documents (in alphabetical order):

- Antisocial behaviour policy and procedure.
- Equality policy.
- Our letting plan.
- Section Five referral protocol (homelessness).
- Rent arrears policy and procedure.
- Rent setting policy and procedure.
- Repairs and maintenance policy and procedure.
- Suspension procedure.
- Void houses (empty houses) policy and procedure.

Appendix 3: Lettings initiatives

These are promoted under good practice guidance and are used to promote sustainable communities at a local level. A key part of these initiatives is to address the needs of an area comprehensively so that, not just housing is considered, but environmental and social issues too.

We publish details of any initiative so that tenants and other residents understand how the initiative meets legal rules and good practice guidance, as well as the processes involved. This might involve advertising vacancies to stimulate demand for areas that are hard to let (“choice-based lettings approach”).

Before we initiate a lettings initiative, we take account of factors such as:

- Basing proposals on a sound rationale using clear statistical data sources.
- Consulting with tenants to obtain their agreement.
- Discussing issues with our partners.
- Implementing a quality monitoring system.
- Reviewing any initiative on an ongoing basis.

A local letting initiative is used to address management issues relating to:

- Anti-social behaviour.
- Low demand housing.
- Promoting local sustainability.
- Social deprivation.

Note

Social deprivation issues are assessed using internal data that is gathered from various sources, including:

- Applicant information forms.
- Census information.
- Housing benefit information.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Lettings Policy
Service / service area responsible.	Housing Services
Name of person carrying out the assessment and contact details.	Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services Ext 2177 E-mail frances.troup@orkney.gov.uk
Date of assessment.	15 January 2020
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New for 2021

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To ensure Council properties are let in accordance with allocations law and good practice.
Is the function / policy / plan strategically important?	Yes. It is a central part of the Council's processes and is underpinned by legislation.
State who is, or may be affected by this function / policy / plan, and how.	Applicants for Council housing. These may include existing Council tenants applying for a transfer and non-tenants who have applied to be housed.
How have stakeholders been involved in the development of	A consultation on the Council's new Lettings Policy was undertaken during 2019.

<p>this function / policy / plan?</p>	<p>This included a letter being sent to all tenants with written information. There were also two consultation events, one in Kirkwall, one in Stromness which allowed tenants to hear a presentation, ask questions and to make any points they may wish to raise.</p> <p>A questionnaire was used alongside Smart Survey and all responses were manually assessed.</p> <p>The consultation also involved a range of partner agencies and Council staff. Two separate consultation sessions were arranged, one involved partner agencies and the other Housing staff. Their views were sought through this process and they were also able to complete the questionnaire (which allowed respondents to advise on the capacity in which they were responding).</p> <p>Partner agencies included various Council Services such as Planning, Environmental Health, Education and Orkney Health and Care. Orkney Housing Association Ltd, NHS Orkney, Job Centre Plus and the third sector including Orkney Citizen's Advice Bureau.</p> <p>The outcome of the consultation was reported to the Council's Education, Leisure and Housing Committee in November 2019.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>There is significant data and research relating to this area.</p> <p>The Scottish Government has undertaken research and has produced guidance which is available from:</p> <p>Scottish Government, 2019, Social Housing Allocations in Scotland: A practice guide, Edinburgh: Scottish Government. Web link: https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/</p> <p>Scottish Government, 2019, Minimum period for applications to remain in force – suspensions under section 20 B of the Housing (Scotland) Act</p>

	<p>1987, Statutory Guidance, Edinburgh: Scottish Government. Web link: https://www.gov.scot/publications/minimum-period-applications-remain-force-suspensions-under-section-20b-housing-scotland-act-1987-statutory-guidance/pages/1/</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>The Joseph Rowntree Foundation has produced a range of research focussing on poverty and disadvantage and the links between this and housing and homelessness. Research such as this relates directly to the introduction of the Fairer Scotland Duty.</p> <p>There is significant research indicating that homeless households suffer socio-economic disadvantage and this is intensified if they are rough sleepers. The provision of housing or lack of it is recognised as being intrinsically linked to a range of indicators related to health, wealth and educational achievement.</p>
<p>Could the function / policy have a differential impact on any of the following equality strands?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> <p>The Lettings Policy is designed to be inclusive of all communities and to address any disadvantage experienced by particular groups.</p> <p>There is a priority pass system that is allocated on the basis of housing need in line with the legislation, and as defined within our housing groups. This inevitably means that there will be some differential impacts for certain groups.</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No specific impact identified.</p>
<p>2. Sex: a man or a woman.</p>	<p>No specific impact identified. Issues such as relationship breakdown / domestic abuse can impact in terms of slightly higher levels of housing need and the policy seeks to address these.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No specific impact identified.</p>

4. Gender Reassignment: the process of transitioning from one gender to another.	No specific impact identified.
5. Pregnancy and maternity.	No specific impact identified.
6. Age: people of different ages.	No specific impact identified.
7. Religion or beliefs or none (atheists).	No specific impacts identified.
8. Caring responsibilities.	No specific impact identified.
9. Care experienced.	No specific impact identified. Issues such as care experience can impact in terms of slightly higher levels of housing need and the policy seeks to address these.
10. Marriage and Civil Partnerships.	No specific impacts identified.
11. Disability: people with disabilities (whether registered or not).	No specific impact identified. Issues such as disability can impact in terms of slightly higher levels of housing need and the policy seeks to address these.
12. Socio-economic disadvantage.	Socio-economic disadvantage is likely to be more prevalent amongst particularly homeless households and some other households applying for Council housing. However, the Lettings Policy is intended to assist in ensuring fairness in respect of any suspensions being applied.
13. Isles-proofing.	No specific impact identified.

3. Impact Assessment

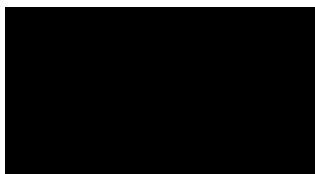
Does the analysis above identify any differential impacts which need to be addressed?	Socio-economic disadvantage may be more prevalent amongst some groups who may apply for Council housing than the general population. These have been addressed throughout the EQiA.
How could you minimise or remove any potential negative impacts?	Gender, care experience and disability may result in slightly increased levels of housing need and the policy seeks to address these. Socio-economic disadvantage is likely to be more prevalent amongst particularly homeless households and some other households applying for Council housing. However, the Lettings Policy is intended to assist in ensuring fairness in respect of any suspensions being applied.

Do you have enough information to make a judgement? If no, what information do you require?	Yes
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4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	N/A
Who will undertake it?	N/A
When will it be done?	N/A
How will it be monitored? (e.g. through service plans).	N/A

Signature:



Date: 15 January 2020

Name: Frances Troup

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk