

# Housing Allocation Policy

## Summary of Changes from 31 October 2022

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The below summarises the changes we have made to our Allocation Policy since October 2020.

### The Appeals Process

There are now three further grounds for appeal. The Appeals Process should be used if you would like to challenge a decision the Council has made about your application for housing. You can now appeal a decision that Falkirk Council has made about your application for housing for the following reasons.

You can appeal if:

- The Council has refused to make you an offer of housing
- The priority Band you've been awarded doesn't match your situation
- You have been suspended from the housing list
- Your application for housing has been cancelled
- You have been offered a property that is in an unreasonable condition
- The property you have been offered doesn't match the choices you made on your application form
- Your Band 1 or 2 priority has been removed because you have not placed a bid for 3 months
- Your Band 3 or 4 priority has been removed because you have not placed a bid for 12 months
- You have refused offers of housing or a direct match

You can appeal the Council's refusal to make you an offer of housing or your feeling that your priority Band does not match your situation at any time.

Your appeal in relation to all other grounds for appeal can be submitted up to 21 days after decision you are appealing was made.

## 1 Introduction and Policy Context

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This policy outlines Falkirk Council's key aims, objectives, and processes in the allocation of its housing stock. The Housing Allocation Policy is designed in line with the local and national context to ensure that available housing stock is allocated fairly.

### Local and National Strategic Context

The Council is focused on improving the lives of our citizens and communities. Our ambition is for everyone, but as a Council we have a particular responsibility for those who are disadvantaged or excluded.

This Allocation Policy supports the Council's wider corporate strategy as outlined in Falkirk Council's Corporate Plan 'The Council Plan 2022 – 2027'.

Our Key Priorities include:

- Supporting stronger and healthier communities
- Promoting opportunities and educational attainment and reducing inequalities
- Supporting a thriving economy and green transition

The Council has also produced and adopted a Rapid Rehousing Transition Plan. This is a requirement by the Scottish Government's 2018 'Ending Homelessness Together' action plan. This means there is now a new planning framework for local authorities and their partners. This is with the aim to 'Build a Scotland, where people are treated with fairness, dignity and respect [and] there is no place for homelessness or rough sleeping'.

### Policy Statement

Falkirk Council provides a range of good quality, affordable housing to help meet the needs of local people, including those with specific needs. The Housing Allocation Policy aims to make best use of the Council's housing stock and to develop and maintain sustainable communities.

Our Housing Needs list continues to show that demand for Council properties outstrips supply, we must ensure that we make best use of our properties and meet the requirements of applicants who are in most housing need. We must ensure our Housing Allocation Policy provides the greatest opportunity for applicants to find suitable housing as quickly as possible.

To do this, the Council evaluates and prioritises the differing needs of applicants, and operates a choice-based lettings system, Homespot. This allows applicants to bid for advertised properties of their choosing. Bids received are ranked according to applicant priority and the date priority was awarded.

## **Policy Principles**

The following principles underpin Falkirk Council's approach to allocating its homes:

### **Legality**

The Council strives to ensure that the Housing Allocation Policy reflects the legal framework and good practice.

### **Consistency**

The Council applies the Housing Allocation Policy in a consistent manner in dealing with all applicants and in the way we allocate properties.

### **Openness**

The Council will be open and honest in explaining why we do things, whenever we can. We provide explanatory leaflets on the Housing Allocation Policy. We provide information on the operation and outcomes of the Allocation process.

### **Responsiveness**

The Council aims to have a Housing Allocation Policy that is responsive and capable of being responsive to a wide range of complex individual needs and circumstances. Our Appeals Process is built into the ethos of our Housing Allocation Policy.

### **Local Co-operation**

The Council works with other housing providers in the area in order to best meet housing need in the Falkirk Council area.

### **Confidentiality**

The Council is registered under the Data Protection Act 2018 and is duty bound to comply with the conditions that are set out in this legislation. This means that all personal information relating to applicants and their households is held securely.

### **Equalities**

The Council respects diversity and promotes equality. The Housing Allocation Policy does not discriminate between applicants on the grounds of age, disability, race, religion or belief, marriage or civil partnership, sexual orientation or gender reassignment.

## **Policy Objectives**

Falkirk Council's Housing Allocation Policy aims to meet the following key objectives:

- To be reactive to housing needs in the area and to take into account applicant's housing aspirations
- To assess applications for housing in an objective, consistent and fair way
- To ensure applicants are able to address their housing needs
- To promote 'balanced' and sustainable local communities - 'balanced' communities are communities that have a broad range of households from all sections of society
- To make the best use of the housing stock we have available

- To monitor performance and outcomes and to respond to changing patterns of housing need as this happens; we will do this by reviewing the Housing Allocation Policy at least every 3 years
- To inform the Council's strategic housing planning process
- To make sure that the Housing Allocation Policy and processes are accessible to everyone by publishing information in plain language that is clear and understandable

## 2 Legal and Regulatory Context

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Falkirk Council's Housing Allocation Policy has been developed using guidance from the Scottish Government, the Scottish Housing Regulator, and the Chartered Institute of Housing. This means that the Housing Allocation Policy is fair and designed to allow us to give reasonable preference to applicants who have the most housing need.

The Housing Allocation Policy complies with and takes into account the following housing legislation:

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Homelessness etc. (Scotland) Act 2003

There are also a number of pieces of legislation that are aimed at protecting the rights of everyone. The Housing Allocation Policy meets the requirements of the following legislation:

- Human Rights Act 1998
- Equality Act 2010
- Children (Scotland) Act 1995
- Civil Partnership Act 2004
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Immigration and Asylum Act 1999
- Protection from Harassment Act 1997
- Adult Support and Protection (Scotland) Act 2007
- Management of Offenders etc. (Scotland) Act 2005
- General Data Protection Regulations (GDPR) and the Data Protection Act 2018

### Reasonable Preference

Falkirk Council aims to meet the housing needs of applicants fairly and help applicants who are in most housing need get secure accommodation. We do this by responding quickly to people who are in urgent and acute need of housing. To do this, we give the right priority to people who are in most need of housing. There are specific groups of people who we are required by law to give 'reasonable preference' to. These are:

- People who are homeless or threatened with homelessness and who have unmet housing needs
- People who are living in unsatisfactory housing conditions (see Appendix A for the legal definition of unsatisfactory conditions) and have unmet housing needs
- Tenants of properties held by a registered social landlord (RSL) that the RSL considers to be under occupied

We also take the needs of other applicants into account as well as those given reasonable preference. We may create other needs groups for prioritisation, though this cannot be at the expense of the three reasonable preference groups listed above.

### **Regulatory Context**

The performance of Social Landlords, including Falkirk Council, is assessed by the Scottish Housing Regulator to ensure we meet the outcomes and standards of the Scottish Social Housing Charter.

We must meet the standards and outcomes listed below:

### **Housing Options**

Social Landlords must:

- Work together to make sure that people looking for housing can make informed choices and decisions about the range of options available, and
- Give applicants enough information to do this
- Make sure that tenants and applicants can review their housing options at any time
- Ensure that people at risk of losing their homes get advice on preventing homelessness

### **Access to Social Housing**

Social Landlords will make sure that:

- People looking for housing find it easy to apply to the widest choice of social housing available, and
- Get the information they need about how the landlord allocates properties and how likely they are to be housed

Our Housing Allocation Policy must also meet the Scottish Social Housing Charter standards in relation to Equalities and Tenancy Sustainment.

### **Applying for Housing**

Any person aged 16 years or older is entitled to apply for housing. The right to apply for housing does not mean that Falkirk Council will definitely offer you a property. More people apply for housing with Falkirk Council than the number of properties we have available to let.

Application forms to apply for housing are available online at: [www.falkirk.gov.uk](http://www.falkirk.gov.uk). If you do not have access to the internet or a device to access the internet at home, all Council Advice and

Support Hubs and libraries have internet enabled computers that are free to use. Hub staff are happy to provide any help and support you may need. Paper application forms can also be provided. Application forms and information are available in other languages, Braille, large print or audio tape on request.

Contact details and addresses for Advice and Support Hubs can be found at the end of this document.

## **Information and Advice**

Falkirk Council will provide applicants with Housing Options information and advice about your housing application. We can provide information about the availability of Council housing throughout the Falkirk area. We can also provide information about alternatives to Council accommodation in the area - that provided by other Registered Social Landlords (sometimes known as Housing Associations), the private rented sector, and options for low-cost home ownership.

If you would like to discuss the Housing Options available to you, you can do so by visiting or contacting your local Advice and Support Hub. Hubs can give you information about help that may be available to help you stay in your own home, or to move home. We can provide you with information on how to contact other housing providers in both the social and private rented sector. Housing Options information will be tailored to your individual circumstances and housing needs.

In line with our aim to make services easily and equally accessible to all applicants, we can provide an interpreter service if you are hearing or visually impaired or if your first language is not English.

Hub staff will be available to provide help and support with completing housing application forms if you require assistance.

## **Factors for Consideration**

Falkirk Council will take a number of factors into consideration when assessing your application for housing.

### **Factors taken into consideration when applying for housing are:**

- you want to move to the Falkirk area to seek employment here, and we are satisfied this is the case
- you want to move to the area to be nearby to give care to, or receive care from a relative or carer
- you have special medical or social reasons that mean you require to be re-housed in the area
- you want to move to the area to escape harassment
- you want to move to the area to escape the risk of domestic violence

- if you or anyone that you will live with owns a property that you are entitled or able to live in
- if you have rent arrears of more than 1 month's rent and you have not agreed to repay what you owe, or you have agreed to pay the money you owe but haven't made at least 3, monthly payments towards the amount you owe

### **Factors that are not taken into consideration when applying for housing**

In accordance with legislation, we will not take the following factors into consideration when you apply to Falkirk Council for housing:

- whether you live in the Falkirk Council area, and if so, how long you have lived here (what was known as having a 'local connection')
- any housing debt - such as rent arrears or repair charges - that are not owed by the applicant
- any past housing debt that has been paid
- any non-housing debt - such as council tax - owed by the applicant or other household members
- rent arrears that amount to less than 1 month's rent, or arrears that you have been paying, where you have been making repayments for 13 weeks or more and have kept to your agreed repayment plan
- the age of the applicant, as long as you are 16 years of age or older - unless you are applying for a property designed or adapted for applicants of a specific age group, i.e., Housing with Care properties
- the applicant and their family's income
- who you are living with at the time when you apply for housing
- if you are legally separated or divorced

### 3 Your Housing Application

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Once Falkirk Council have received your application for housing, there are a number of steps we will then take to record and process your application. This section summarises what you, the applicant must do, and the things we will do when we look at your application.

#### Receiving an application

Anyone who wishes to apply for housing with Falkirk Council can do so by completing the standard application form. This is available online at [www.falkirk.gov.uk](http://www.falkirk.gov.uk) and can also be supplied as a paper application form, in Braille, audio tape and in languages other than English on request. We can also provide interpreters and sign language interpreters free of charge if needed. Application forms and help and support to complete these can be found at your local Advice and Support Hub.

#### Once we have received your application

Once we have received your completed application form, we aim to process your application within 5 working days. If we need more information or you haven't given us all of the information we have asked for on the application form, we may contact you to request any extra information we need to assess your application. If you don't give us all of the information we need, this may result in a delay to your application.

If we need to assess your circumstances further, we aim to do this within 28 working days from the date we receive your application.

Once we have assessed your application, if you are eligible to bid for a Falkirk Council property, we will send you a letter advising you of the priority Band you have been awarded. We will also tell you what applicant group you have been placed in - Home Seeker, Home Mover, or Home Starter.

We will include instructions on how to register for Homespot, our online choice-based letting website. Once you have registered for Homespot, you can place 'bids' for properties of your choosing that you would like to be considered for. More information about Homespot can be found in the 'Your Guide to Homespot' leaflet.

#### Enquiries

We may need to make some enquiries once we have received your application. We will ask about where you are living when you apply, and where you've lived in the last 5 years. If you've been a tenant of another social or private let property in the last 5 years, we will ask your current or previous landlord(s) for a reference. We will speak to them to find out if:

- you owe any money

- you have acted or behaved in an antisocial way
- your landlord has ever taken any action against you to end your tenancy

You might not be considered for an offer of a property until you can show that you have previously been or now are a satisfactory tenant. We may suspend your application if we receive an unsatisfactory reference.

## Suspensions

In some cases, we may have to suspend an application for housing. We aim to minimise the number of applications we suspend, and we will not suspend your application unreasonably. If we do need to suspend your application, we will write to you to tell you that your application has been suspended and the reasons why. We will give you clear instructions about what you will need to do next to have the suspension lifted.

You will also have the right to appeal against the decision for your application to be suspended. We regularly review and monitor suspended applications.

## Grounds for Suspension

The reasons we may suspend an application are listed below. This also explains how long your application may be suspended for, and what you must do to no longer have your application be suspended.

| Reason for Suspension  | Time Period of Suspension   | How to End Suspension  |
|--|---|--|
| You have failed to reply to us when we have contacted you about your application   | 28 days   | Reply to us within 28 days. If you do not respond, your application will be cancelled  |
| We need a reference from your current or previous landlord                         | Up to 6 months  | When we receive a satisfactory reference or you are able to show us you can maintain a tenancy satisfactorily, whichever happens soonest |
| You have current or past housing debt (rent arrears or chargeable repairs arrears) | Until we have agreed a repayment plan and you have made at least 3 months of repayments | You make an arrangement to repay your debt and have made repayments for 3 months in a row, and you are still making repayments           |

|  |  |   |
|--|--|---|
| <p>We have evidence that you have behaved in an antisocial way related to your occupancy of a property or the safety of your local community</p>                   | <p>Your application will be suspended for a minimum of 1 year</p>  | <p>We can reconsider your application when you can show your behaviour has been satisfactory for at least 12 months</p> |
| <p>You have a conviction of or have been evicted because of antisocial behaviour related to your occupancy of a property or the safety of your local community</p> | <p>Your application will be suspended for a minimum of 2 years</p>   | <p>We can reconsider your application when you can show your behaviour has been satisfactory for at least 24 months</p> |
| <p>You have kept your home or garden or common close in unsatisfactory condition</p>   | <p>Your application will be suspended until you are keeping your property and garden or common close in a satisfactory condition</p> | <p>When your home, garden, or close is in satisfactory condition</p>  |
| <p>You have given us false information on your application which gave you an unfair advantage when your application was assessed</p>                               | <p>6 months</p>  | <p>Your suspension will be automatically ended after 6 months</p>   |
| <p>Asylum Seekers</p>  | <p>Your application will be suspended from the date you apply until it is confirmed you have the right to be offered a property</p>  | <p>Your application can be considered once the Home Office confirms your rights to remain in the UK</p>                 |

## **Your Choices**

Homespot is Falkirk Council's choice-based way of letting properties. This means that the properties we have available for let are advertised on the Homespot website. You can then view the properties available to your applicant group (Home Seekers, Home Movers, or Home Starters) and place bids for properties of your choosing you would like to be considered for.

When you complete your application form, we will ask you to indicate the areas in the Falkirk Council area you would prefer to live in. There are not any limits on the number of areas you can choose. However, there are some issues and circumstances that may affect what choice of property type or area is available.

These include:

- if you have a medical recommendation for a specific type of property
- if you have an antisocial behaviour order that means you are not allowed to enter a specific area
- the availability of properties in an area

We will provide you with information about the properties that Falkirk Council has so you can make an informed choice when you are selecting the areas you would like to live in. Certain areas and types of property are more popular than others, so you may wish to take into account the fact that you may wait longer to be offered e.g., a house rather than a flat when you place your bids.

## **Housing Areas**

Falkirk Council lets properties in the following areas:

- Bo'ness
- Braes
- Bonnybridge and Banknock
- Dawson
- Denny
- Falkirk Central
- Falkirk East
- Falkirk West
- Grangemouth
- Larbert and Stenhousemuir

## **Reviews of your Application**

Falkirk Council must prioritise the applications of people who are in most need of housing. Because of this, it is important that we make sure that applications for housing are up to date

and reflect your current circumstances. This means that if your need for housing changes, we can make sure that urgent housing problems are resolved quickly.

We will review your application if you tell us that your circumstances change - you can do this using the Change of Circumstances form. We will also review your application if we receive other information relevant to your application.

## 4 Assessment of Needs and Award of Priority

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### Applicant Groups

Your application form will ask you for some details about you, your housing circumstances, and your household. We will use this information to decide which applicant group you are in. When we assess your application, we will write to you to tell you what your applicant group is.

#### Home Seekers

Home Seekers are applicants who have been assessed as homeless. This is based on homelessness legislation

#### Home Movers

Home Movers are applicants who are already Falkirk Council tenants or tenants of a RSL (also known as Housing Association) in the Falkirk Council area

#### Home Starters

All other applicants who do not fall into the above groups are Home Starters

### Assessing your Priority Band

As well as an applicant group, our assessment of your application will allow us to assess what priority Band you will be awarded. If you tell us you have a particular housing need or circumstance that affects your housing needs, we may need to carry out further assessments to make sure that we award you with the correct priority. These assessments are listed below:

#### Homelessness Assessment

Homelessness legislation means that we must decide whether you are homeless or not by carrying out a Homelessness Assessment. This will be an interview that is usually about 1 hour long, with a trained Falkirk Council officer. We will ask you about your situation and provide you with information, advice, and support.

If you don't agree with the decision we make following your Homelessness Assessment, you have a legal right to a review of this decision.

#### Functional Needs Assessment

If you apply for housing because your house is unsuitable for you because you have a physical health condition or disability, we will ask you to complete a Functional Needs Self-Assessment form. We do this to find out more about the difficulties you are having. We will help you to look at options for housing that may be more suitable for you.

We may make a recommendation for a particular type of housing e.g., a home with a wheelchair ramp or a level access shower. If we make a recommendation for a particular type of property,

you should only bid for properties that match this recommendation. If you bid for properties that do not match your recommendation, we will not be able to take the priority Band you have been awarded because of your health condition or disability into account.

### **Mental Health**

If you have applied for housing because your mental health or mental health care and treatment is affected by your current home being unsuitable for you, we will ask you to provide us with some more information about this.

We will ask you to provide us with evidence from your GP or another support professional involved in your care that explains how your current home is affecting your mental health condition and care and treatment, and how moving home would help with your care and treatment or recovery.

### **Leaving Care**

If you have been in the care of Falkirk Council, we will provide you with practical support and advice when you want to move into your own home. The Leaving care service can work with you to help you to find your new home, and with anything else you may need support with.

### **Public Protection Assessment**

In some cases, a multi-agency public protection partnership may make a recommendation about where someone should live.

### **Exceptional Housing Needs**

Our Housing Allocation Policy covers the majority of situations that you may experience in terms of your need for housing. However, we recognise that sometimes there are some situations that are not covered by the policy.

Falkirk Council can consider your application if you are experiencing circumstances not covered by the Housing Allocation Policy but where there is clearly an exceptional need for you to be offered a property. Examples of situations where this may apply include:

- A traumatic life event has made it impossible for you to continue living in your current property
- You are experiencing serious harassment not otherwise covered under the Housing Allocation Policy
- Extreme problems with a neighbour where the only remaining solution is for one party to move property due to the level of risk present
- An extreme situation that means your current home is not suitable for you and cannot be adapted to make it suitable for your needs
- Witness protection

Exceptional housing needs priority is generally only awarded after a multi-agency case conference has taken place, and the professionals involved have decided that a move of home is necessary. The exceptional housing needs priority reflects how urgent the need for a new home is. Because of this, if you're awarded this priority, you will be directly matched to a property that will be suitable for your needs.

When we offer you a property, we will, as far as possible, make sure that the property we offer you takes into account your circumstances, your household, and how sustainable the tenancy will be – i.e., the property is in an area you would like to and can safely live in.

We will only make you one, reasonable offer of housing. If you refuse this property, your application will no longer be considered urgent. Your application for housing will revert to and be assessed according to the usual Housing Allocation Policy. Your exceptional housing need may be awarded for a time-limited period - for example, if your circumstances change you may no longer be assessed as having exceptional housing need priority.

### **Social Housing Needs**

If you apply to move home because you need support from someone else to live independently or you provide this support to another person, we will ask you for evidence of this. If you can provide us with evidence e.g., you receive Carers Allowance or the person who supports you does, we may award you a higher priority Band.

### **Parental Responsibilities**

If you are a parent, but your child or children lives somewhere else some or most of the time, i.e., with another parent or caregiver, we may ask for some more information about when and how often your child or children live with you. We might ask you to provide us with a letter from your solicitor, your child or children's school or a letter from you and your child's other parent or caregiver explaining what your arrangements are for seeing your child or children.

### **Unsatisfactory Housing Assessment**

If you need to move home because your current home is classed as being below the legal satisfactory housing standard, we will need some more information to confirm this. We will need a report from an Environmental Health Officer or a Private Sector Housing Officer that explains why your home does not meet the standard. Appendix A has more information about what is considered as being below the tolerable standard for a home.

### **Housing Management Assessment**

You may need to move home if there is regeneration or redevelopment happening where you live. If you need to move because of regeneration or redevelopment happening in the Falkirk Council area, we will ask the Senior Manager of the Council department that is carrying out the work to confirm the work that will take place.

## **Security of Tenure Assessment**

If you need to move home because you don't have a secure tenure or lease for your current property, we will ask you to confirm the details of the conditions of your arrangement to live where you currently do. For example, if you are living in someone else's home, this could be a letter from them explaining what your agreement was for you to live in their home.

## **Award of Priority and Priority Bands**

Once we have assessed your application for housing, as well as telling you what your applicant group is, we will also award you a priority Band. We will write to you to tell you your priority Band. This is based on the information about your circumstances you have given us. The highest level of priority that can be awarded is Band 1, and the lowest Band 4.

Applicants who have a higher priority Band will be considered before those with a lower Band when more than one applicant bids for a property.

You will be awarded one Band, and if you have more than one reason that you need to move home, your Band will be decided by looking at your most urgent housing need.

### **Band 1**

Band 1 is awarded to those:

- applicants who are found to be unintentionally homeless following a homelessness assessment
- applicants who are assessed to be threatened with homelessness within the next 2 months following a homelessness assessment
- applicants who have been 'looked after and accommodated' by Falkirk Council (Care Leavers) and are leaving their care placement
- applicants who are leaving the Armed Forces where their right to occupy service accommodation is coming to an end and a certificate of Cessation of Entitlement to occupy Service Living Accommodation has been issued
- where a Public Protection case conference has made recommendations regarding accommodation
- applicants who are unable to be safely discharged from hospital because their current home is no longer suitable for them
- applicants whose home is causing significant problems due to a physical, medical, or mental health problem or disability
- applicants who are living in an overcrowded home and need 2 or more additional bedrooms to meet their household needs
- applicants who are living in a 1 bedroom property and have 2 children under the age of 8 years sharing a bedroom with them
- applicants who have 2 teenage children of different genders sharing a bedroom

- applicants who are currently both social housing tenants in the Falkirk Council area who wish to move so they can live together as a family unit and need a larger property to prevent overcrowding
- applicants who are Falkirk Council or Registered Social Landlord (RSL) tenants living in the Falkirk area in a house that is too big for their household needs by 2 or more bedrooms
- applicants who are living in a house that is assessed as falling below tolerable standards
- applicants who need to be re-housed because of regeneration or redevelopment in the Falkirk Council area
- applicants with another exceptional housing need

## **Band 2**

Band 2 is awarded to those:

- applicants who are living in a property where they don't have a secure tenure or lease
- applicants who live in a home that is overcrowded and who need 1 additional bedroom to meet their household needs
- applicants who are living in a home that is a bed-sit
- applicants who need to move home because of a social housing need, such as to give or receive support, or because they are experiencing severe harassment in their current home

## **Band 3**

Band 3 is awarded to applicants who:

- have children under 10 years old living in a tenement flat with no access to a shared or private garden
- are Joint Tenants or owners of a property but no longer wish to live together because of a relationship breakdown
- are living in a home where their independence is limited because of a physical medical condition or disability
- want to move to the Falkirk Council area because they have a local connection to the area e.g., are employed in the area
- are living in a property where they have a Private Sector Tenancy
- are homeowners who live in the Falkirk Council area who would like to downsize to a home with 2 or more bedrooms less than their current home
- are living in a Private Sector rented home where they have a short-assured tenancy agreement
- who are currently sharing amenities e.g., cooking facilities or a bathroom, with another household that they are not applying to be housed with

## **Band 4**

Band 4 is awarded to applicants who apply for housing but have no housing need as listed above.

### **Priority Date of Award**

For applicants who are assessed as homeless and are awarded Home Seeker status, the award of priority will be from the date that you present to Falkirk Council to tell us you are homeless.

For all other applicants, the date of award of priority will be the date we receive your application.

If your circumstances change after you have applied, your priority will be awarded from the date that you tell us about your new circumstances, and we receive evidence of this change.

### **Time Limits for Placing Bids**

Falkirk Council is committed to offering you a home as quickly as possible, and to making sure that your housing needs are met. Because of this, if you have Band 1 or Band 2 priority, but you do not place any bids for properties you would be eligible for, you will be moved into Band 4.

If you think that you may need help and support to manage your application and place bids, Falkirk Council staff will be happy to assist you with this.

If you have been awarded Band 3 or Band 4 priority and have not placed any bids for properties you would be eligible for for 12 months, we will cancel your application. Before we do this, we will send you a letter to let you know you have not been bidding and you are at risk of having your application cancelled.

If we do cancel your application, you can ask for a review of the decision to cancel your application. You can appeal the decision using the Appeals Process.

### **Household Size Rules**

Falkirk Council aims to make the best use of the properties we have available to let. To do this, we will try to select an applicant to offer a property to who will best be able to use all of the bedrooms within a property.

- Couples are expected to share a bedroom. Couples and single applicants will be considered for properties with 1 or 2 bedrooms
- Each household member over 8 years old can have their own bedroom
- Priority for overcrowding will not be awarded where 2 children under 8 years of age of either gender share a room that is larger than 10 square metres (110 square feet)
- If you have 2 children of the same gender over 8 years old, they can share a bedroom if you wish

The household size rules are a general guide to how occupants may be expected to share bedrooms. We will take into account any medical needs a member of your household may have that mean you might require additional bedrooms.

## **5 Letting a Property**

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### **Making Bids**

If you would like to be considered for a property that is advertised by Falkirk Council, you must make a bid for that property before the closing date - this is stated on the advert for the property on the Homespot website.

You should bid for properties that you will be eligible for i.e., if you are a Home Seeker, properties advertised for Home Seekers, or properties that are advertised for All Applicants. You should also make sure that you bid for a property that is a suitable size for your household.

You can place a bid online on the Homespot website. If you aren't able to access the internet to do this, you can also bid by handing in a paper bidding slip to your local Advice and Support Hub or by using the Freephone telephone service: 0800 678 3091.

### **Number of Bids**

There is no limit to the number of bids you can place each week when new properties are advertised. However, you should make sure you only bid for properties that you are eligible for.

### **Matching Bids for Properties**

Once the closing date for a property has passed, we will look at all of the bids that have been made and make a short-list of suitable applicants. These will be applicants who:

- meet the criteria described in the advert e.g., are in the correct applicant group
- meet the household size rules for the property i.e., would make best use of the bedrooms available
- applicants who have not had their application suspended
- applicants who have a recommendation for a particular type of property when the property is advertised for applicants who need an adapted property

If no suitable applicants apply for a property, we will re-advertise the property on Homespot, making it available for applicants from All Groups to bid for.

### **Offering a Property**

If you are the successful bidder, we will contact you to tell you that you are the successful bidder and to offer you the property. We will not contact unsuccessful applicants individually. If you

have bid for a property but been unsuccessful, you can find information about the number of bids for the property, the priority of the successful applicant and the date of award of priority on the Allocations Outcomes section of the Falkirk Council website.

If your bid for a property is unsuccessful, you should continue to place bids for properties you are eligible for.

### **Refused Properties**

If you are a Home Mover or Home Starter and you are offered and refuse properties, you will lose priority you have for your housing needs and you will move to priority Band 4.

If you are a Home Seeker and refuse your offer, your priority for homelessness will be removed as the Council will have discharged its duty to you in terms of homeless legislation. Your application group will change from Home Seeker to Home Starter and your housing situation will be reassessed. If you are living in temporary accommodation provided by the council, you may have to leave this.

If you are a Home Seeker and have not been bidding for properties using Homespot, we may directly match you to a suitable property. We will try to offer you a property in the areas you have chosen, but this will depend on the availability of properties.

You may also be made a direct match offer if:

- You have been the successful bidder for a property, and you refuse this offer, and do not bid again for more than 3 months
- You do not bid for suitable properties advertised by Link Housing Association through their HomeHunt scheme
- You refuse a property offered under nomination agreements

### **Mutual Exchanges**

If you are a Falkirk Council tenant and wish to move house, you can exchange your home with:

- Another Falkirk Council tenant
- A tenant of another council area
- A tenant from a Housing Association or Registered Social Landlord (RSL)

You must receive written permission from us before an exchange can take place. If you have found someone you wish to swap homes with, you both need to submit an application for the exchange to be considered.

Falkirk Council tenants can find someone to exchange properties with using HomeSwapper. If you are a Falkirk Council tenant, you can register with HomeSwapper for free. If you are not a tenant of Falkirk Council, check with your landlord to see if they are registered with HomeSwapper. If your landlord isn't registered with HomeSwapper, you can still use the site, but you will need to pay a small registration fee.

In some cases, we cannot allow a mutual exchange to take place. We may refuse an application because:

- A notice for eviction has been served on you or the person you are swapping with, or an eviction order is in place
- If you have rent arrears and do not have a repayment arrangement in place
- The house has been adapted and no one on the application needs the adaptations
- The exchange would result in one of the houses being overcrowded or under occupied
- You or the person you are swapping with has a Short Scottish Secure Tenancy
- The property is not of a lettable standard

If we turn down your application, we will write to you to explain why.

Permission to exchange will not be unreasonably withheld. Permission for an exchange must be received from the landlord of the other tenant.

If we approve the mutual exchange, we will contact you to arrange a date for exchanging properties.

### **Time Limited Priority - Home Seeker Applicants**

If you are a Home Seeker, the priority that you are awarded reflects your urgent need for housing. If you are assessed as a Home Seeker, we expect you to bid for any type of property that meets your household's housing needs. To help Home Seekers to quickly find a suitable home, we can also nominate you to be housed in an available, suitable property that is owned by a Registered Social Landlord (RSL) - also known as housing associations.

If you are a Home Seeker with Band 1 priority, and you have not bid for suitable properties for 3 months, including suitable properties owned by RSLs, we may make a direct match. This is when we identify an available property that would suit your needs, and directly offer you this property. You will not need to use the choice-based lettings system, Homespot.

This direct match offer will formally discharge Falkirk Council's duty under homelessness legislation. This means that if you refuse this direct match offer, the Council will not be legally required to continue to offer you priority as someone who is homeless. Any offers of a RSL property to a Home Seeker are considered an offer of housing too, and the above will apply.

If you refuse your direct match offer, you will lose your Band 1 priority awarded because you are homeless. You will continue to be able to bid for housing, but your applicant group will be changed from Home Seeker to Home Starter. We will also look at your circumstances again, and your priority Band may change because of this.

If you have been living in temporary accommodation and you lose your priority because you do not bid, you may be asked to leave the temporary accommodation.

You will not lose your Home Seeker Band 1 priority if you have not bid in 3 months because there have been no suitable properties available for you to bid for. If you are living in temporary accommodation provided by Falkirk Council, you will be able to continue to stay there. We will continue to review your application and respond to any changes in your circumstances.

### **Nominations to Registered Social Landlords**

Falkirk Council have 'nomination arrangements' with the Registered Social Landlords (RSLs) - also known as housing associations - who have properties in the Falkirk Council area. This means that the Council have the right to nominate an applicant for a RSL property suitable for their needs that becomes available.

### **Section 5 Referrals**

Falkirk Council has 'Section 5' protocols in place with the RSLs in the Falkirk area. This means that there is a legal requirement placed on RSLs to house applicants who are assessed as being homeless.

### **Local Lettings Initiatives**

Some properties that Falkirk Council lets may be subject to local lettings initiatives. The main aim of local lettings initiatives is to build strong and sustainable communities.

This means we may look at, for example the households that already live in a block of flats and think about the household we allocate to move into the block of flats to ensure that the community there will be sustainable.

A local lettings plan or initiative provides an open and transparent framework where we will set out any variation we will make to the Housing Allocation Policy. We will only do this when needed to take account of and address any local needs and circumstances.

### **Existing Local Lettings Initiatives**

Block profiling:

- we may consider the profile of other households living within a block of flats when we allocate vacant properties to ensure sustainable communities.

High Flats:

- as a result of public consultations, the Council will now only allocate properties within the High Flats (multi-storey properties) to applicants who are aged 50 years or older.

Low Demand Properties

- some property types are not seen as popular and can take more time to let e.g., larger tenement flats with 3 bedrooms or properties that are in more rural or outlying areas.

If no bids are received for a property the first time it is advertised on Homespot, we will re-advertise the property, making it available for All Groups.

#### New Build Council Houses

- Within the new build programme, ground floor properties are designed to barrier-free standards and are suitable for wheelchair users. These properties will be advertised as 'Adapted' and preference will be given to applicants who need the facilities provided.

### **Void (empty) Properties**

When a property becomes void - there is no longer a tenant living in it - we will assess the property to see if it is:

- a mainstream property
- a property that has already been adapted and would meet the needs of an applicant with a physical medical condition or disability, or would be suitable to be adapted
- a Housing with Care property (sheltered housing)

The property will then be recorded on the allocations database, and mainstream properties will be sequenced.

### **Property Sequencing**

'Sequencing' is an automatic process that each void (empty), mainstream property goes through. The sequencing process decides whether a property should be advertised for Home Seekers, Home Movers, or Home Starters. There is more information about this process in Appendix C.

There are quotas for each applicant group, that decide how many homes are allocated to each group. These are:

- Home Seekers - 45% of properties are advertised for Home Seekers
- Home Movers - 27.5% of properties are advertised for Home Movers
- Home Starters - 27.5% of properties are advertised for Home Starters

### **Exceptions**

The Housing Allocations Policy explains how the majority of Falkirk Council properties are allocated, and the policy that decides how this is done. There are some exceptions to this policy, where homes are allocated without using Homespot, the choice-based lettings system.

These are:

- Housing with Care Level 1 and Level 2 properties. These are allocated following a housing and support needs assessment
- When a property is required to provide accommodation because of an emergency situation
- When we identify a property that would meet the needs of an applicant with particular needs e.g., someone who is unable to leave hospital because their own home is particularly unsuitable for their needs. We may re-house another applicant to allow their property to be let to the applicant with particular needs
- When there are multi-agency concerns that offering a property to an applicant would create an unacceptable risk either to the applicant or to the local community, we may refuse to offer the property to that applicant
- When a property is required so we can discharge our statutory duty to someone who is homeless, as required by homelessness legislation
- When a property is required for an applicant who has been awarded priority because of their exceptional housing needs or circumstances

## 6 Cancellation of Housing Application

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There are a number of situations where your application for housing could be cancelled. There are as follows:

- Once you have been successful in bidding for a property
- If you accept an offer of housing from another social housing provider or RSL
- You move home through a mutual exchange with another social housing tenant
- You buy any property that you will live in as your main home
- You become a joint tenant or owner of a property, or you succeed to a tenancy (become the main tenant of a home you have been living in with someone who was the main tenant and has died)
- You have not placed any bids for properties you are eligible for, for 12 months
- Falkirk Council has sent you a letter to tell you your application for housing has been suspended, and you have not replied or responded to this within 28 days

## 7 Complaints

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Falkirk Council aims to provide a high-quality housing allocation, housing advice, and information and support service. If you're not satisfied with the way we've dealt with your application, you can use Falkirk Council's Complaints Procedure. Complaints can be made:

- Online, using the online complaints form
- by emailing [contactcentre@falkirk.gov.uk](mailto:contactcentre@falkirk.gov.uk)
- in person at your local Advice and Support Hub
- by phoning 01324 506070
- by writing to the relevant Council Service

You can use the Complaints Procedure to complain about or deal with the following situations:

- delays in responding to enquiries or requests you have made
- if you feel the Council has failed to provide a service
- the Council's standard of service
- Council policy or policies not being followed
- your treatment by or the attitude of a member of staff
- the Council's failure to follow proper procedure

## 8 Appeals

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Whilst the Complaints Procedure can be used if you are unsatisfied with the dealings you have had with Falkirk Council, the Appeals Process should be used if you would like to challenge a decision the Council has made about your application for housing.

You can appeal if:

- The Council has refused to make you an offer of housing
- The priority Band you've been awarded doesn't match your situation
- You have been suspended from the housing list
- Your application for housing has been cancelled
- You have been offered a property that is in an unreasonable condition
- The property you have been offered doesn't match the choices you made on your application form
- Your Band 1 or 2 priority has been removed because you have not placed a bid for 3 months
- Your Band 3 or 4 priority has been removed because you have not placed a bid for 12 months
- You have refused offers of housing or a direct match

You can appeal the Council's refusal to make you an offer of housing or your feeling that the priority Band does not match your situation at any time.

Your appeal in relation to all other grounds for appeal can be submitted up to 21 days after decision you are appealing was made.

## 9 Quality, Assurance, Performance, Management and Reporting

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Falkirk Council is committed to meeting the outcomes of the Scottish Social Housing Charter. We monitor our performance in the housing services we provide, with the aim of continuously improving.

To do this, we have a quality assurance system we follow. Each month we:

- check 5% of all new applications for housing that we have processed to make sure that all of the relevant information has been properly recorded
- check 10% of all allocations of housing that have been made to make sure they have been carried out in accordance with the Housing Allocation Policy

Appendix D has more information on the information we report on.



## Appendix A

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### Unsatisfactory Housing

A property is considered to be in unsatisfactory condition if it does not meet the criteria set out in Section 86 of the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 2006. These criteria are:

- the property is structurally stable
- the property is substantially free from rising or penetrating damp
- the property has satisfactory provision for natural and artificial lighting, for ventilation and for heating of the property
- the property has an adequate, piped supply of wholesome water available within the home
- the property has a sink with a satisfactory supply of both hot and cold water within the home
- the property has a water or waterless closet [toilet] available for the exclusive use of the occupants of the home and suitably located within the property
- the property has a fixed bath or shower and a wash hand basin, both with a satisfactory supply of both hot and cold water, suitably located within the home
- the property has an effective system for the drainage and disposal of foul and surface water
- the property has satisfactory facilities for the cooking of food within the home
- the property has satisfactory access to all external doors and outbuildings
- if the property has a supply of electricity, this should comply with the relevant requirements in relation to the electrical installation (i.e., the electrical wiring, and associated components and fittings) for the purposes of that supply
- the property has satisfactory thermal insulation

## Appendix B

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### Advertising Mainstream Properties

To make sure mainstream properties are managed efficiently when they become void (empty) and to minimise loss of rent, properties are advertised as soon as we are notified of a termination of a tenancy. Newly available properties are advertised weekly.

Applicants can only bid for properties that are advertised for the applicant group that they are in. For example, an applicant who is a Home Seeker can only bid for properties advertised for Home Seekers. The same applies to Home Movers, and Home Starters.

Most properties are let the first time they are advertised on Homespot. However, if a property receives no eligible bids from the applicant group it is advertised for, it will be re-advertised as available for All Groups to place bids. This means that any applicant group can bid for these properties. Properties advertised for All Groups may also be offered to a Home Seeker applicant who has not been placing bids as a direct match offer.

Properties are advertised on the Falkirk Council website through Homespot. If an applicant is unable to use Homespot or requires particular arrangements to be made to alert them to available properties and opportunities to bid, they can inform the Council of this on the application form.

Such applicants will be supported by an outreach worker and will be routinely notified of any properties that may be of interest to them.

### Adapted Properties

An adapted property is a property that is suitable for a person with a physical medical condition or disability and will have one or more of the following:

- a walk-in (level access) shower or a wet room
- an external wheelchair ramp or altered external steps to the entrance to the property
- a fully adapted and wheelchair accessible kitchen

The Council aims to let properties that are adapted to applicants who have a physical medical condition or disability and who have a need for the adaptations and facilities. This way, the Council can make best use of its housing stock and meet the particular needs of applicants and their households.

Where a void (empty) property has a ground floor bedroom and bathroom and access and an entrance to the home that could be fitted with a wheelchair ramp, the Council may adapt this

property. This is a cost-effective way of meeting the needs of applicants who need an adapted property.

### **Allocating Adapted Properties**

When an adapted property becomes available to let, it is advertised through Homespot. The advert will say that the property is 'Adapted' and there will be information describing how the property has been adapted or the facilities the property has.

Applicants who have undergone a Functional Needs Assessment to establish their need for an adapted property will be awarded a priority Band and the priority 'F', as they have a functional housing need for an adapted property.

These applicants will be able to bid for adapted properties regardless of whether they are a Home Seeker, Home Mover, or Home Starter. Preference will be given to applicants who apply who need the particular adaptation a property has e.g., a wheelchair user who needs a property with a wheelchair ramp at the entrance.

### **Housing with Care**

Housing with Care (formerly known as Sheltered Housing) is housing for older people who are physically frail and need some care and support services at home. Housing with Care properties has been designed or adapted to make living easier for older people.

To qualify for Housing with Care, applicants must normally be aged 60 or over and have support needs. In the case of joint applicants, one person must be aged 60 or over with support needs.

Exceptions can sometimes be made, where a younger applicant suffers from ill health, or a disability and they would benefit from the features of the housing or services provided in Housing with Care properties.

There are three levels of Housing with Care:

- Level 3 - Individual flats or houses, with extra safety or security features such as the Mobile Emergency Care Service (MECS) available to those who wish to use this service
- Level 2 - Individual flats or houses, with additional features such as a communal lounge and laundry facilities, lifts, and CCTV
- Level 1 - This is the highest level of Housing with Care available. Level 1 properties have the same facilities as Level 2 complexes, but meals are prepared for tenants on site and served in a communal dining room

### **Assessment of Applicants' Needs for Housing with Care**

When an applicant applies for Housing with Care, an assessment is carried out to determine what their care and support needs are, as well as their housing needs.

As part of the assessment, we may speak with family members, carers, or other professionals to understand the applicant's needs.

During the assessment, we will look at how the applicant manages activities in and out of the home e.g., making a cooked meal, walking around the home, doing laundry, and getting shopping. We will take into account any help the applicant has at home and the social activities they are able to take part in.

The assessment allows for applicants to be prioritised according to their personal and housing needs as it takes account of the following:

- the type of care and support the applicant needs, and how often
- any risk factors that the applicant may face
- how urgent the applicant's need to be re-housed is
- the applicant's preferences

### **Allocating Housing with Care**

When a Housing with Care Level 1 or Level 2 property becomes available, it will be matched to the applicant waiting to be allocated a Housing with Care property who has the greatest care, support and housing needs and whose needs match the facilities and level of care and support the property provides.

When a Housing with Care Level 3 property becomes available, it is advertised through Homespot in the same way as mainstream properties.

## Appendix C

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### Sequencing

The property sequencing process takes into account the allocation area the property is in, the size of the property, the property type and the date the property became void (empty).

### Allocation Areas

Properties are sequenced individually in each of the allocation areas i.e., properties in the Braes will be sequenced by their size, property type and the date they became void.

The allocation areas are:

- Bo'ness
- Braes
- Bonnybridge and Banknock
- Dawson
- Denny
- Falkirk Central
- Falkirk East
- Falkirk West
- Grangemouth
- Larbert and Stenhousemuir

### Property Size

Properties are grouped by the following sizes to be sequenced:

- 0 - 2 bedrooms
- 3 bedrooms
- 4 bedrooms or more

### Property Type

Within each allocation area and each property size group, properties are then sequenced again by property type:

- houses
- four-in-a-block properties
- flats

## **Applicant Groups**

Within each allocation area, property size and property type, the sequencing process divides properties into 3 groups, and voids (empty properties) are then available to let on the basis that:

- 45% of properties are advertised for Home Seekers (18 out of 40 properties)
- 27.5% of properties are advertised for Home Movers (11 out of 40 properties)
- 27.5% of properties are advertised for Home Starters (11 out of 40 properties)

## Appendix D

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### Quality, assurance, management, performance and reporting

We report on the following:

- Accessing the housing register
- The number of new registrations on the housing register, including the number of applications processed within the target timescale of 5 working days
- Suspensions from the housing register, and the grounds for suspension
- Offers and refusals of offers of housing
- The total number of properties allocated
- The total number of bids for each property allocated
- Reasons for refusal of an offer of housing
- Properties let
- Properties let by applicant group (Home Seekers, Home Movers and Home Starters)
- House let by applicant priority Band (Band 1, 2, 3 or 4)
- Nominations and Section 5 referrals to partner Registered Social Landlords (RSLs)
- The number of applicants re-housed using HomeSwapper i.e., applicants who have moved via a mutual exchange with another social housing tenant
- Appeals and complaints made
- The number of homeless appeals made, and the outcomes of these
- The number of applicants requesting to be re-housed because of an exceptional housing need, and the outcomes of these requests
- Equality information
- Information on the age, disability, ethnic and national origins, race, and gender of applicants on the housing register, and applicants who are successful bidders for a property

This information is not reported on in a way that would identify any individual tenant or applicant.

