

WISHAW AND DISTRICT HOUSING ASSOCIATION

INTERNAL TRANSFERS POLICY

As with all the Association's policies and procedures, this document, where required, can be translated into other community languages on request. For people with visual impairment, taped, large print or Braille versions can also be provided. Further information on the implementation of this policy is available at the office.

Wishaw and District Housing Association acknowledge that, under the Housing (Scotland) Act 2001, it is required to consult with residents on policies that directly affect the management of the properties. The consultation process on the Internal Transfers Policy took place between December 2006 and the end of February 2007.

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1.0 INTRODUCTION

Wishaw and District Housing Association accepts that the housing requirements of residents may alter over time as a result of changes in, for example, the size of the household and /or the medical needs of a member of the household. Often such changes mean that the current accommodation no longer meets the needs of the household and is, therefore, no longer suitable.

The Association believes that it has a responsibility to address the housing needs of its existing tenants as well as having a wider commitment to establishing stable communities. Existing tenants of the Association will, therefore, be entitled to apply to the Association for an internal transfer.

The Internal Transfer Policy is intended to clarify the conditions that must be met before a transfer can take place and to give guidance to both tenants and staff on the transfer process. The policy is also intended to outline the obligations and responsibilities of all parties involved in an internal transfer.

2.0 AIMS AND OBJECTIVES

The primary aim of the Internal Transfer Policy is to ensure that the Association has a mechanism in place to address the housing needs of its existing tenants and to show a commitment to those tenants. However, the Association also recognises that it has a responsibility to those applying for housing through the waiting list and an aim of the policy must be to ensure that internal transfers are not allowed to become the key function of the allocations process.

Arising from these overall aims, the key objectives of the Internal Transfer Policy are:

- To ensure that the Internal Transfer process is open and made available to all tenants of the Association.
- To identify those tenants that have a definable housing need that renders their existing accommodation unsuitable.
- To seek solutions to the housing difficulties of the Association's tenants and allocate accommodation which is suitable and appropriate to meet the tenant's housing needs.
- To make best possible use of the housing stock.
- To ensure that the Internal Transfer process is operated in a fair and equitable manner.
- To ensure that the Internal Transfer policy remains a mechanism for addressing housing need and does not develop into a process for meeting tenants' housing aspirations only.
- To use the Internal Transfer process to assist in building and maintaining stable communities.
- By displaying a commitment to tenants, to foster a reciprocal sense of commitment and loyalty to the Association.
- To provide clear guidance on the criteria for being considered for a transfer and outline the factors taken into consideration before deciding on an application.
- To use the internal transfer process to assist in building and maintaining balanced, sustainable communities.

3.0 ACCESS TO THE INTERNAL TRANSFER WAITING LIST

Although every tenant is entitled to be considered for rehousing by the Association, the Internal Transfer Policy is intended to solely address the requirements of existing tenants whose current accommodation no longer meets the needs of their household. Tenants of the Association that do not qualify as having an element of housing need as defined in the policy but still wish a move to another house within the Association's stock, will be placed on the general waiting list.

The Association will operate an open waiting list for internal transfers in order to give all tenants of the Association the opportunity at all times to apply for rehousing.

4.0 CONFIDENTIALITY

The Association will treat all information provided in the application and/or during the course of processing the application with the strictest of confidence. Personal details may be disclosed to other recognised statutory agencies in line with legislation but only with the express permission of the applicant and only when required to confirm information or carry out necessary checks. Permission will be deemed to have been given on receipt of a signed mandate from the applicant.

Personal details provided in an application will only be disclosed to Association members of staff on a 'need to know' basis as determined by the Housing Services Manager and in line with procedures.

Any case referred to the Tenancy Services Committee will be made anonymously with no information that could identify the applicant being given.

5.0 ACCESS TO PERSONAL FILES

The Association maintains a computerised waiting list for internal transfers and information provided on the application form is held on computer records. In line with the Data Protection and Access to Information legislation, the Association will, therefore, respond to written requests by an applicant for access to any records stored pertaining to their application. Under normal circumstances there will be a fee of £10.00 made for requests for copies of information. This fee is to cover administration, stationary, postage and incidental expenses. However, the Association reserves the right to waive the fee where it is felt appropriate to do so.

In line with the Association's Equal Opportunities Policy, no charge will be made in respect of charges incurred by the Association in providing information in alternative formats, such as large print, Braille, or languages other than English.

6.0 EQUAL OPPORTUNITIES

Wishaw and District Housing Association is committed to Equal Opportunities and will endeavour to ensure that all functions within the transfer process are carried out in an equal and undiscriminating manner in line with both the Internal Transfer Policy and the Equal Opportunities Policy.

In particular, the Association will not discriminate on the grounds of race, colour, culture, age, gender, religious beliefs, sexual orientation, national or ethnic origin, political affiliations or beliefs, disability, marital status or social background and medical conditions (including those with AIDS or are HIV Positive).

The transfer procedures and the actual allocation of properties to existing tenants will be monitored and reviewed on a regular basis to ensure that no one sector of society is being treated unfairly or in a discriminatory way within the transfer process.

To ensure that the Association's internal transfer process is accessible to all tenants, translation and interpretation services will be provided where required and, where appropriate information will be made available in other formats including tape, Braille and large print. These services will be provided in line with the Association's Translating & Interpreting Policy.

7.0 BALANCED SUSTAINABLE COMMUNITIES

It is a stated objective of the Internal Transfer Policy to work towards building strong, balanced and sustainable communities within its stock that accommodate and support a range of socially and economically diverse households. In particular the Association will seek to use the internal transfer process in a positive way to avoid an over-density of people with the same housing and/or support needs. In doing so the Association aims to create stable and mutually supportive communities that people will identify with and actively seek to stay in.

8.0 LOCAL LETTING PLANS

To support the Association's commitment to building sustainable, balanced and supportive communities the Association will develop local lettings plans for areas and/or blocks where allocating properties in accordance with the normal policy and procedures is likely to lead to:

- Management difficulties
- High turnover of tenancies
- Neighbour disputes
- Clashes of lifestyle
- An over concentration of households types and/or composition within one area/block

All lettings plans will take into consideration the needs of the residents, the wider community and the Association and will be approved by the Tenancy Services Committee.

9.0 ASSESSING HOUSING NEED

It is recognised that there is a range of problems and circumstances which a household may face that places them in some degree of housing need which could be resolved or alleviated by rehousing by the Association.

The Association operates a points based assessment system as a means of identifying applicants in the greatest housing need. Points have been attributed to categories of identified housing circumstances to reflect the perceived severity of need. All applications will be assessed in accordance with this points system.

Points will be awarded under the following categories:

9.1 Demolition or Modernisation Works

In line with the Allocations Policy, priority will be given to tenants currently residing in properties that are included in the Association's development or modernisation programme in which:

- The property will be demolished
- The area/block requires to be cleared
- The property requires extensive improvement or modernisation works that requires the property to be temporarily vacated

Awarding points under this category is not intended to assist in the decanting of residents but is intended as a means of providing alternative permanent accommodation to current residents whose home is part of a development programme and/or assisting the Association adhere to its development and modernisation programme.

9.2 Imminent Danger

Points will be awarded where the tenant or a member of their household runs the risk of violence if they remain living in their present accommodation. The risk may arise out of ongoing severe harassment, domestic abuse or sexual abuse and will be at a level where the applicant and/or a member of their household can no longer continue to reside safely in their current accommodation.

Points may also be awarded under this category if the household has moved into temporary accommodation but cannot return to their own home. Under such circumstances, the applicant would be assessed as still living in their original accommodation unless they have been accepted as a statutory homeless person in priority need by the local authority.

Supporting evidence and/or letters of support may be required from other external agencies such as the police or social work.

9.3 Domestic Abuse

The Association believes that everyone should be able to live in their own home free from fear and abuse. Tenants that can demonstrate that their quality of life and/or their ability to live peacefully within their own home is being seriously affected because of domestic abuse (whether verbal or emotional) will be considered for points under this category.

Where the abuse is of a physical nature the applicant will be regarded as being in Imminent Danger.

Tenants may be asked to provide supporting evidence from appropriate bodies such as police, Victim Support, Women's Aid etc.

Applications from non entitled spouses, co-habitees and civil partners will be considered under the category for Marital/Relationship Breakdown.

9.4 Overcrowding

The degree of overcrowding being experienced by the tenant's household will be assessed according to the number of bedrooms required to adequately accommodate that household in accordance with the following criteria;

- 1 DOUBLE bedroom for the applicant/applicant and partner
- 1 DOUBLE bedroom for every 2 children of different gender under the age of 10 years of age
- 1 DOUBLE bedroom for every 2 children of the same sex between 10 and 16 years of age
- 1 SINGLE (minimum) for every household member over the age of 16 years of age

Points will be awarded for every bedroom the household is short within the present accommodation.

N.B. Only registered members of the household will be considered in assessing overcrowding within the property.

9.5 Underoccupancy

In order to make best use of the stock and free up larger family homes, the Association will regard underoccupancy as a housing need and make the underoccupancy of a property a priority for rehousing.

Points will be awarded for each bedroom within the property that is surplus to requirements to adequately accommodate the tenant's household in accordance with the above criteria.

9.6 Family/Community Support

The Association understands that there are a number of reasons why people may require or seek practical care and support from family, friends and/or community services and that, for many, easy access to these is an essential part of their housing requirements.

Consideration will be given to awarding points to tenants who can show that the distance and/or travelling difficulties between their current place of residence and the source of care and support make it unreasonable for them to receive the level of care and support required. Conversely, consideration will be given to tenants who wish a move in order to provide these services to a friend or family member.

Awarding points will also be considered where the tenant can demonstrate that a move to another property within the Association's stock would improve current medical, social and/or family difficulties.

- e.g. Assistance with household duties
- Assistance with personal care
- Regular childcare
- Special needs services

To reflect the varying types and levels of care and support that can be given, there are 3 categories of point that applicants may be considered for. The level of points awarded will be accordance with the category that best reflects that applicant's circumstances and the level of care and support given or received. These categories will be;

Intensive Levels of Support

- e.g. Daily visits to assist with personal care and the provision of meals
- Special needs schooling or care

Medium Levels of Support

- e.g. Daily childminding
- Regular respite care

Low Levels of Support

- e.g. Assistance with household duties
- Regular childminding

N.B. This is not an exhaustive list but is intended to give guidelines as to the situations that will be considered under each category.

Evidence of the need to either give or receive care and support may be required. These points will only be awarded where it can be shown that the provision or receiving of the care and support is problematic due to difficulties caused by distance and/or travelling. It must be demonstrated that a move within the Association's stock would alleviate these difficulties.

9.7 Travelling to work

Points will be awarded to applicants where the tenant or a member of the household works within the Association's area of operation and it can be shown that travelling difficulties between their current accommodation and their place of work is causing undue hardship.

Evidence of the problems caused by the distance and/or travelling difficulties may be required and points will only be awarded where it can be shown that a move to another property within the Association's stock will alleviate these difficulties.

9.8 Families Living Apart

Where an existing tenant of the Association wishes to unite his/her household with another household (this will include another tenant of the Association) and live as one family unit but is unable to do so because the current property is unsuitable, the whole family will be taken as residing in the property and points awarded accordingly (e.g. overcrowding, medical needs etc).

However, where the other household is currently residing in a property suitable for the housing needs of the whole family unit, the tenant of the Association would normally be expected to end their tenancy and move into the suitable accommodation.

9.9 Harassment

Harassment should not be confused with neighbourhood problems, general nuisance, vandalism or other forms of anti-social disputes. It is ongoing violence, which may be verbal or physical, which is aimed at a specific person or household purely on the basis of a personal factor such as the nationality, race, religion, colour, sex, sexual orientation, health problems or disabilities of that person or household.

Points will be awarded under this category where the applicant can demonstrate that their quality of life and/or their ability to live peacefully and comfortably reside in the house is being seriously affected because of ongoing harassment of themselves or a member of their household. Where the harassment is of a violent, physical nature, points will be awarded under the Imminent Danger category.

Applicants may be asked to provide supporting evidence of the harassment such as police reports.

N.B. Harassment points will not be awarded for general problems being experienced within the neighbourhood as the Association believes it and other statutory bodies such as the Police, have an obligation to resolve neighbourhood problems such as vandalism and drug dealing.

9.10 Height of Accommodation

Points will be awarded where there is at least one child in the household under the age of 16 years old living in accommodation above the second floor of a building.

9.11 Medical and Health Needs

9.11.1 *Awarding Medical or Health Points*

Having a medical or health condition does not automatically mean that medical points will be awarded. Points will only be given under this category where;

- Tenants can demonstrate that they, or a member of their household, have a medical or health condition that is being exacerbated or adversely affected by their current accommodation and/or the tenant's current housing is incompatible with their medical condition.

AND

- The Association is satisfied that rehousing in another of the Association's properties will either ease the medical condition or will help improve the person's quality of life.

AND

- The Association has accommodation within its stock that is an improvement on the applicant's current accommodation in terms of its suitability for the applicant's medical condition.

N.B. Points will NOT be awarded for stress, anxiety or depression UNLESS the sufferer is receiving ongoing and long-term assistance from psychiatric services AND it can clearly be demonstrated that their current housing is aggravating the problem.

9.11.2 *Levels of Medical & Health Points*

The category and number of medical points awarded will be dependent on the severity of the health or medical problems being experienced within the house and the extent to which rehousing would alleviate the problems or improve the sufferer's quality of life.

The five categories of medical points are:

VERY HIGH – Points will be awarded where it is clear that the current accommodation is:

- Rendering the tenant, or a member of the tenant's household, housebound
- Making it impossible for the tenant, or a member of their household, to access essential facilities within the property
- Totally incompatible with the person's disabilities

Very high medical points will only be awarded where the applicant or a member of their household is effectively housebound and unable to leave the property, even with assistance.

Very high medical points will be awarded where the applicant or a member of their household is unable to be discharged from hospital and return to their home because the property is now unsuitable due to change in their medical condition.

HIGH – Points will be awarded where it is demonstrated that the current accommodation is:

- Greatly exacerbating the medical condition or health problem
- Severely restricting the person's access to essential facilities within the property
- Severely restricting the person's daily activities

High medical points will only be awarded where there is clearly an urgent need for rehousing in order to improve the sufferer's quality of life and/or improve the medical condition.

MEDIUM - Points will be awarded where it can be shown that the current accommodation is:

- Aggravating the medical condition or health problem
- Restricting the applicant's mobility within the property
- Making it difficult for the sufferer to enter and leave the property independently

LOW – Low medical points will be awarded to applicants that demonstrate that their current accommodation is:

- Having a detrimental effect on a recognised and proven medical condition or health problem
- Making it difficult for the sufferer to move freely about the house
- Causing the person mental and/or emotional problems to such a severe degree that continued and long-term assistance is required from psychiatric services

VERY LOW – Points will be awarded where;

- The tenant or a member of their household is finding it difficult to access normal external facilities such as shops, public transport
- Factors within the living environment are causing the person mental and/or emotional problems that require medical attention

N.B. This is not an exhaustive list of the medical conditions that will be considered under each category and is intended to give guidance only.

9.11.3 Assessing Applications for Medical Points

The Association aims to ensure that all applications for medical points are assessed in a fair and consistent manner and requires to have all relevant information made available to enable assessment.

Tenants making an application for a transfer on medical grounds are, therefore required to complete a comprehensive medical self assessment form. The form will ask for verification of the health problem and an explanation of how their current accommodation is unsuitable and/or is adversely affecting the sufferer and their quality of life.

All completed forms will be assessed by a senior member of staff and the staff member responsible for allocations and reference will be made to the HMSO publication "The Disability Handbook" and any other relevant publications.

A health professional familiar with the applicant's case will be consulted where necessary for verification purposes and/or for further relevant information.

The assessment and the category of points awarded will be based on 3 criteria i.e. the severity of the problems being experienced within the current accommodation, the extent to which rehousing would alleviate these problems and the ability of the Association to actually provide suitable housing. Consideration will also be given to the type and floor level of accommodation required and, where appropriate, the applicant will be placed on the list for Ground Floor housing.

9.12 Marital/Relationship Breakdown

The spouse, co-habitee or civil partner of a tenant may apply to the Association for rehousing in the event of a breakdown in the marriage/relationship. Where the couple are not married or in a civil partnership, applications will, generally, only be accepted where the partner that is not the tenant would be likely to be granted occupancy rights by the courts. In making this determination the Association will take into account:

- How long the couple have lived as husband and wife
- If they are generally viewed as being a married couple
- If the house was allocated as the marital home

Same sex couples facing a breakdown in the relationship will be treated as co-habitees and in considering an application will, generally, be accepted where the non-tenant would likely be granted occupancy rights by the courts. The Association will take into account;

- The length of time the couple have lived as a family unit
- If both partners were allocated the house as the family home

In order to meet its objective of making best use of the stock, however, the Association will also take into consideration the size of the household being left in the family home and the size of that property. Where the property is going to be underoccupied by the remaining members of the family (e.g. single person in a 4 apartment family home) and the applicant's household will need a similarly sized property, the Association may consider transferring the tenancy to the applicant and rehousing the original tenant in a more suitably sized house.

9.13 Joint Tenants

Where there is a joint tenancy applications will be considered from either parties where there is a breakdown in the relationship. However before accepting the application, the Association must be satisfied that the joint tenancy was not created simply as a mechanism for bypassing the general allocation process. In making this determination, the Association will take into account the nature of the relationship between both parties and the length of time the joint tenancy has existed.

9.14 Management Transfers

Points may be awarded under this category in very exceptional circumstances where the Association accepts that rehousing is the only means of resolving a serious management problem such as a potentially violent neighbour dispute.

Consideration of awarding these points will only be awarded after all other reasonable avenues for resolving the problem have been explored and the points will only be given with the approval of the Housing Services Manager.

9.15 Exceptional Circumstances

Points may be awarded in exceptional circumstances where the Association accepts that rehousing is the only means of resolving a housing problem that is not otherwise taken account of in any of the other categories of points e.g. the tenant has been a victim of a serious crime within the house.

Where applicable, awarding of these points will only be considered once corroborative evidence has been provided by the tenant. This would include incident reports from the police and other statutory and/or voluntary organisations such as Victim Support and the Anti Social Task Force.

In order to maintain the integrity of awarding points for exceptional circumstances, it is intended that these points will only be awarded on very rare occasions. Each case will be judged on its own merit and the awarding of points will solely be at the Association's discretion.

Points under this category will only be given with the approval of the Housing Operations Manager.

10.0 REMOVAL OF PRIORITY POINTS

Points are awarded under certain categories only when the Association is satisfied that the problems being experienced are so severe that the only means of resolving the situation is URGENT rehousing. These categories include:

- IMMINENT DANGER
- DOMESTIC ABUSE
- HARASSMENT
- VERY HIGH & HIGH MEDICAL & HEALTH NEEDS
- MANAGEMENT TRANSFER
- EXCEPTIONAL CIRCUMSTANCES

Where these points are awarded, the emphasis is on the need to rehouse the applicant as quickly as possible and the housing aspirations of the applicant are of secondary importance. Refusals of suitable rehousing will, therefore, result in a review of the applicant's eligibility for the priority points unless the reason for refusal is directly linked to the reason for awarding the points and may result in these points being removed. The applicant will not be considered for priority points for a period of 12 months.

Thereafter, the tenant will be reconsidered for points under these categories on provision of proof that the situation is still ongoing.

Priority points may also be removed if the cause of the problem that led to the points being awarded has been resolved by other means and/or no incidents have occurred in the previous 12 months.

11.0 WAITING LISTS HELD

Tenants that qualify for an internal transfer will be placed onto the waiting list that best reflects their housing needs, taking into consideration:

1. **The house size required to accommodate the household.**

A separate waiting list for each property size will be held;

- e.g.
- 2 apartment - 1 bedroom
 - 3 apartment - 2 bedrooms
 - 4 apartment - 3 bedrooms
 - 5 apartment - 4 bedrooms
 - 6 apartment - 5 bedrooms

No distinction is made within the waiting list between flats and houses.

2. The type of property required to accommodate special needs;

- i.e GENERAL HOUSING – applicants with no medical or social need for specific type or level of housing
GROUND FLOOR HOUSING – applicants with a recognised medical condition that requires ground floor housing on the one level OR housing with amenities

Applicants with a medical certificate that states that ground floor housing is required will not normally be considered for first floor accommodation or housing with internal stairs. Exceptions to this will only be considered where there are a limited number of suitably sized ground floor flats or bungalows available within the Association's stock and specifically where the applicant needs larger family sized accommodation i.e. 4+ apartment properties. Exceptions will be at the Association's discretion and with the approval of the Housing Operations Manager.

MEDICALLY ADAPTED HOUSING – applicants with severe mobility problems that require housing specifically adapted for wheelchair access OR with medical conditions that require specific adaptations to the property (e.g. showers).

12.0 SIZE OF ACCOMMODATION

When assessing the size of accommodation required to adequately house the applicant's household according to the following criteria:

- 1 DOUBLE bedroom for every applicant/applicant and partner
- 1 DOUBLE bedroom for every 2 children under the age of 10 years of age
- 1 DOUBLE bedroom for every 2 children of the same gender between 10 and 16 years of age
- 1 SINGLE bedroom (minimum) for children of different gender between 10 and 16 years of age
- 1 SINGLE bedroom (minimum) for every household member over 16 years of age

Although the above criteria will be used to determine the size of accommodation the tenant's household requires, it is recognised that there is a shortage of larger family accommodation available within the Association's stock and within the Association's area of operation in general. In strictly applying the above criteria, some tenants will be placed on a list for larger accommodation that they have little chance of getting a transfer to. The Association will therefore allow applicants requiring larger accommodation to choose to be placed on the list for a smaller property on the following conditions:

- The household will not be illegally overcrowding in terms of the number of bed spaces within the property
- The smaller property still represents an improvement on the tenant's current living conditions, especially in relation to addressing the issues of overcrowding, medical conditions etc.

Normally only the permanent members of the tenant's household registered with the Association will be taken into consideration in determining the waiting list the application will be placed on.

Single persons and couples will normally only be considered for a 2 apartment property regardless of the size of accommodation they currently reside in. However, where a tenant is severely underoccupying a larger property, the Association may consider offering a smaller property that lessens the level of underoccupancy and frees up a larger family house.

Couples will be taken to share a bedroom unless a doctor's medical certificate is submitted clearly showing that there is a medical condition that requires each to have a separate room. Similarly, a doctor's medical certificate will be required for any child under the age of 10 years old or children of the same sex between 10 and 16 years of age that require a separate bedroom due to a medical condition.

Where the tenant or a member of their household is pregnant, the baby will be taken as part of the household from 20 weeks from Expected Date of Deliver (proof of EDD will be required). From this date, the baby will also be taken into consideration in assessing any overcrowding in the present accommodation.

Applicants that provide formal evidence (e.g. from a legal source or family mediation service) of overnight access to dependent children (i.e. under the age of 16 years) that do not currently or permanently live with them OR can provide evidence of an application for overnight access will be viewed as requiring one more bedroom, regardless of the number of children involved. Access must be for the equivalent of a minimum of one night per week.

Where a tenant can provide official evidence that they have been accepted to provide fostering services, the household will be viewed as requiring one more bedroom.

Tenants that provide evidence of official approval for adoption will be placed on the appropriate list for the size of accommodation required for the new household.

13.0 PLACE ON THE WAITING LIST

Although the Association is continuing to expand, it is still a relatively small landlord within the North Lanarkshire area. Furthermore the Association has a low turnover of housing. As a result, the Association has a limited supply of available housing and it is accepted that a significant number of tenants that apply for an internal transfer will not be made an offer whilst other may have to wait a considerable period of time before a suitable offer of transfer is made.

Although every tenant is entitled to be placed on either the waiting list for an internal transfer or on the general waiting list, the Association believes it is unfair to give tenants unreasonable expectations about their housing opportunities. All applicants for an internal transfer will therefore be provided with information that will allow individual tenants to assess their own chances of being made an offer of housing and the likely timescales involved.

As much information as reasonably possible will be given to provide applicants with an indication of:

- The size and type of properties owned by the Association within each area
- The number of properties that become available for let within each area in a year
- The number of points that tenants require before they are likely to be made an offer of rehousing
- The average time applicants have been on the Association's waiting list before being made a suitable offer

Tenants will also be encouraged at every reasonable opportunity to discuss their housing options with the Association in order that they are able to make informed decisions regarding their housing choices.

14.0 ALLOCATIONS PROCESS

14.1 Priority According to Points

In recognition of the Association's commitment to rehousing tenants in housing need, tenants on the appropriate internal transfer waiting list will be given priority consideration for any property after any Schedule 5 referral from North Lanarkshire Council. Tenants will be considered in points order and the property will be offered to the tenant with the most points that the property is suitable for.

14.2 The Association's Discretion

However one of the stated objectives of the Internal Transfer Policy is to assist in building and maintaining stable communities and to avoid an excessive number of vulnerable households in one area or a concentration of age range and/or lifestyle in one site.

In making an offer of a transfer consideration must, therefore, also be given to potential problems caused by clash of lifestyles and the Association is required to consider the needs of the existing tenants in an area as well as the needs of the local community before making a specific offer of a transfer to a tenant.

The Association must therefore be able to exercise an element of flexibility and use of discretion when selecting a tenant for a transfer to a particular property. In line with good practice the Association will therefore retain the right to bypass applicants for a particular property where it is felt that to make the offer of a transfer to that tenant would be inappropriate, inadvisable or against the greater good of the tenants, the Association or the immediate community.

Either the Housing Manager or the Housing Operations Manager must approve the bypassing of any transfer applicant on discretionary grounds and the Tenancy Service Committee will be advised of the reasons for the decision at the next meeting. The tenant(s) bypassed will remain at the top of the waiting list and will be considered for the next suitable house that becomes available.

Tenants at the top of the internal transfer list may also be bypassed where they do not meet the specific criteria laid out in any applicable local lettings plan.

14.3 Special Needs

Where adaptations are required to a property to meet the individual needs of a tenant requiring a transfer, the Association's ability to offer suitable rehousing may be dependent on the availability of funding.

Where appropriate, the Association will seek the tenant's permission to contact relevant support and/or specialist agencies for advice on meeting an individual's housing needs.

15.0 SEX OFFENDERS

Where the Association is advised by the applicant and/or by an official source such as North Lanarkshire Council Housing Department, the Police, the Social Work Department or the Prison service, that an applicant for an internal transfer or a member of their household is a registered sex offender, the Association will require a risk assessment to be carried out by the local authority in order to identify suitable housing. It is expected that the risk assessment will be carried out by a suitably qualified officer and will take into account the needs of all parties including the applicant, the Association and the local community.

No offer of rehousing will be made until a full risk assessment has been carried out and made available to the Association.

16.0 PROVISION OF INFORMATION

It is the responsibility of every tenant applying for a transfer to provide the information necessary to assess their application and, where applicable, to provide any supporting evidence required. Any costs incurred in obtaining this evidence will be the tenant's responsibility.

Where the applicant cannot or will not provide corroborating evidence, the Association has the right to either disregard the information in the assessment of the application or transfer the application onto the 'delayed list'.

It is also the responsibility of the tenant to ensure that the information provided in the application form is a true and accurate record of their housing circumstances. Every applicant for a transfer is required to sign a statement contained in the application form stating that the information provided is a true and accurate record and it is the applicants responsibility to ensure that the Association is immediately advised of any changes in their circumstances that may be relative to their application or have a bearing on any offer of rehousing.

17.0 CONFIRMATION OF INFORMATION & CHECKS MADE

The Association will take all reasonable steps to verify the information provided in the application form at the stage of assessment and checks will be made with other statutory bodies such as Housing Benefit & Council Tax, Benefits Agencies etc to confirm the information.

Before an offer of a transfer is made a staff member from the Association will carry out a home visit to confirm the information on the application form.

18.0 INSPECTIONS OF THE PROPERTY

18.1 Preliminary Inspection

In accepting the offer of an internal transfer, tenants are expected to ensure that they leave their current accommodation in a standard acceptable to the Association. As such tenants will be required to carry out any repairs identified as their responsibility prior to moving. However, it is recognised that once an offer of an internal transfer is made, the timescales for accepting the offer and moving are quick and do not allow much time for tenants to carry out repair works.

The Association will, therefore, carry out a preliminary inspection of the property at the time the internal transfer application is submitted in order to give tenants the opportunity to carry out identified repairs well in advance. An offer of a transfer is not subject to these works being completed although tenants will be encouraged to carry out as many as possible to minimise the need for the Association to carry out repairs and recharge the costs back to the tenant after they have moved.

18.2 Pre-termination Inspection

Once a provisional offer of an internal transfer has been made, a full pre-termination inspection of the property will be carried out and the tenant advised in writing of all repairs identified as tenant responsibility that require to be carried out prior to the tenant leaving the property.

The Association may consider supplying items such as doors, work surfaces etc at cost and/or carrying out certain repairs on behalf of the tenant on the condition that all costs incurred are either paid in advance or an acceptable repayment arrangement is agreed.

Any identified works not carried out prior to the tenancy ending will be carried out by the Association and all costs incurred recharged to the responsible tenant.

18.3 Void Property Inspection

It must be accepted that there is likely to be repairs required to the property that can only be seen once the house is empty of furniture, floor coverings and fixings. A void property inspection will therefore be carried out as soon as practical possible after the property has been vacated. The former tenant will be advised in writing of any further repairs identified as their responsibility.

All additional works identified at the void inspection will be carried by the Association and the costs recharged to the former tenant.

19.0 INACTIVE LISTS (i.e cancelled, deferred, delayed and suspended applications)

19.1 Cancelling an Application

An application for an internal transfer will only be cancelled in very specific circumstances, namely:

- Where the tenant requests their application to be cancelled. The Association will confirm in writing that the application has been cancelled and the date of cancellation.
- Upon notification of the applicant's death.
- Where the tenant has failed to respond to a review of the Association's waiting list. An application will only be cancelled after the tenant has failed to respond to two review letters.

An application that has been cancelled at the tenant's request or due to the tenant's failure to respond to a review will be re-instated at any time at the tenants' request.

19.2 Deferring an Application

An application will be deferred where the tenant is not actively seeking housing or is unable to immediately move and take up occupancy of another property. The tenant may advise the Association verbally or writing that they wish their application to be deferred or the Association may defer an application where the tenant fails to respond to a written offer of a transfer.

While an application is deferred the tenant will not be considered for a transfer to any properties that become available for let.

A deferred application will be re-instated onto the active waiting list at any time at the tenants' request.

19.3 Delaying an Application

Internal transfer applications will be delayed where:

- The Association is awaiting information from the applicant to allow a full assessment of their application
- The tenant refuses to co-operate with the Association in the internal transfer process (e.g. does not allow a pre-termination inspection of the property, refuses to attend an interview, will not provide confirmation of circumstances)
- The Association is awaiting a risk assessment to be carried out on a registered sex offender in order to identify suitable housing

Before an application is categorised as delayed as a result of the tenant's failure to co-operate with the Association, the tenant will be informed in writing of the consequences of their continued non co-operation.

While an application is delayed, the tenant will not be considered for any properties that become available for let. However, the application will be re-instated on the active transfer list immediately upon the provision of the information required and/or the tenant's co-operation to allow the progression of the transfer process.

19.4 Suspending an Application

Although the Association will treat and assess all internal transfer applications on their individual merit, there are certain standards and basic information that tenants are expected to adhere to both when applying to the Association and before any offer if a transfer would be made. These standards and expectations relate to the information provided in the application form and their conduct in their current tenancy.

Where a tenant fails to meet the standards expected in any of the circumstances noted in the following clauses, the Association may, as appropriate:

- Suspend the application for a stated period of time
- Suspend the application until the tenants meets the standards expected
- Suspend any offer of a transfer for a stated period of time
- Suspend any offer of a transfer until the tenants meets the standards expected
- Withdraw any offer of a transfer made

The Tenancy Services Committee will be informed of any application or offer of a transfer suspended and, where required, will determine the period of suspension. Where an offer of a transfer has already been made the Housing Operations Manager may authorise the offer to be withdrawn. Where a tenancy has been awarded the Tenancy Services Committee may authorise legal action for the recovery of the property to be instigated.

19.4.1 *Grounds for Suspending an Application*

19.4.1.1 *Outstanding Rent Arrears or Other Tenancy Related Debts*

Consideration will be given to suspending an application where the tenant has an outstanding rent arrear with the Association that is the equivalent or more than one month's full rent charge or where the tenants owes the Association other monies relating to their tenancy.

In considering suspending an application on the grounds of outstanding debt the Association will take into account a number of factors:

- **How old the debt is** – The debt will only be considered if it is currently owed. Any debt older than five years will, in line with guidance from the Scottish Executive, generally be disregarded.
- **How much the debt is for** – Only arrears that are equivalent or greater than one month's rent and service charge will be taken into consideration. Where the debt is rent arrears and the applicant is on part housing benefit, the entire rent and service charge for the property will be used as the basis for determining if the level of arrear is applicable.
- **How the debt arose** – Rent arrears that have arisen during a period when housing benefit should have been available towards the rent costs will be disregarded where there is a backdated housing benefit payment due or where the non-payment of housing benefit was as a result of the tenant's justifiable failure to return the necessary forms and documentation (e.g. tenant was in hospital long term).

An arrear may also be disregarded where it is as a result of an overpayment in housing benefit but only where the Association is satisfied that the overpayment was made as a result of either an administrative error or due to a genuine mistake made by the tenant.

- **Any arrangement the tenant has in place for clearing the debt** – An application will not be suspended on the grounds of outstanding debt where the tenant has made an arrangement to pay off the debt and has adhered to that arrangement for three months or more.

The Association will also consider cases where the tenant has made regular payments towards clearing the debt even if these payments have not been for the full agreed amount. Each case will be considered on its own merit, taking into account the amount of the payments and how realistic these are when compared to the tenant's income.

- **Who is liable for the debt** – In accordance with legislation, an application will only be suspended on the grounds of outstanding debt where the applicant is liable for the debt as the tenant or joint tenant.

- **What the debt is for** – Only debts directly related to a current or former tenancy with the Association will be taken into account when considering suspending an application on the grounds of outstanding debt.

Tenancy related debts will include arrears of rent, service charges, rechargeable repairs, property management charges and costs for clearing and/or cleaning abandoned properties and for storing furniture.

The Housing Operations Manager will approve the suspension of an application on the grounds of outstanding debt.

Where an application is suspended on the grounds of outstanding debt the tenant will be given the opportunity to:

- Clear the debt
- Reduce the debt to less than the applicable amount (i.e. the equivalent of one month's rent)
- Make a suitable repayment arrangement and adhere to that arrangement for at least three months.

The suspension will be lifted and the application reactivated by the Association once the debt has been cleared or has reduced to less than the applicable amount or the tenant has adhered to a repayment arrangement for at least three months.

19.4.1.2 *Anti Social Behaviour*

Consideration will be given to suspending an application where there is evidence that the tenant and/or a member of the household to be rehoused, has been guilty of anti-social behaviour. Anti-social behaviour will be taken to include:

- Conducting criminal activities from the Association's property
- Harassment, threatening behaviour or violence to neighbours
- Threatening or violent behaviour towards staff of the Association
- Severe damage to the Association's property during the period of the current or former tenancy with the Association
- Continuous and serious misconduct that affects the residents in the neighbourhood

This list is not exhaustive and other extreme forms of anti-social behaviour may also be deemed as grounds for consideration of suspending the application.

The suspension of an application on the grounds of anti-social behaviour will only be considered where there is clear evidence such as:

- An eviction decree against the tenant for anti-social behaviour
- An Anti Social Behaviour Order against the tenant or a member of their household
- A criminal conviction for activities conducted from the tenancy
- A Notice of Proceedings served on the tenant by the Association for anti-social conduct
- Reports from other agencies such as the Police, Social Work, Anti Social Task Force etc
- Substantiated reports from staff of the Association of violence and/or threatening behaviour towards them by a tenant or a member of their household

It is recognised that an assessment of anti-social behaviour can be very subjective and the Association will therefore also consider the reasonableness of suspending an application where there is evidence of anti-social behaviour. In considering whether it would be reasonable to suspend an application a number of factors will be taken into account including;

- **The nature of the behaviour** – The anti-social activities must be deemed to be severe and to have had a serious detrimental effect on other people and/or have caused substantial damage to the property of either the Association or other residents.
- **The frequency and duration of the behaviour** – isolated incidents of anti-social behaviour will not be considered as grounds for suspending an application unless they have continued over a prolonged period of time.
- **The perpetrator of the behaviour** – Where anti-social behaviour was conducted by a member of the tenant's household and that person is not moving with the applicant, the application will not normally be suspended. Account will also be taken of the extent to which the conduct is the consequences of acts or omissions of people other than member of the tenant's household (e.g. visitors to the property).

- **When the incidents of anti-social behaviour occurred** – An Anti Social Behaviour Order granted or criminal conviction or Notice of Proceedings served more than two years earlier will not be taken into account when considering the suspension of an application on the proviso that there have been no further incidents of anti-social behaviour.

The Housing Operations Manager will approve the suspension of an application on the grounds of anti-social behaviour.

The suspension will be lifted and the application reactivated by the Association where the applicant can show that there has been a change in the circumstances and/or the behaviour of the perpetrator. Evidence of changes in circumstances and/or behaviour will include;

- **The passage of time** – Where there has been no incidence of anti-social behaviour for at least six months, consideration will be given to lifting the suspension. Where the suspension was imposed because of an eviction or granting of an Anti Social Behaviour Order, the Association will lift the suspension and reactivate the application once a two year period has elapsed since the granting of the decree or the ASBO on the proviso that there has been no further incidents of anti-social behaviour.
- **Evidence from a third party** – The Association will consider evidence submitted by a third party who has direct professional dealings with the applicant and/or the applicant's household, for example the police, social worker, support worker, probation officer etc. the association will not normally consider representation from such agencies without supporting evidence.

The Housing Operations Manager will approve the lifting of the suspension where evidence of a change in circumstances and/or behaviour is presented by a third party.

- **Submission from the applicant** – The Association will consider submissions from the applicant that can demonstrate that there has been a change in either circumstances and/or behaviour that render the decision to suspend invalid. A submission from the applicant will only be considered where they can provide supporting evidence.

The Housing Operations Manager will approve the lifting of the suspension where evidence of a change in circumstances and/or behaviour is submitted by the applicant.

19.4.1.3 Condition of the Property

In very extreme circumstances consideration may be given to suspending an application where the current accommodation is severely damaged, vandalised or neglected as a result of actions of the tenant or a member of his/her household and the tenant is not prepared to make good the damage or enter into a repayment arrangement for the costs incurred by the Association is carrying out the works on their behalf. An application will not normally be suspended where the property is simply of a low standard of cleanliness and/or decoration.

The Housing Operations Manager will approve the suspension of an application on the basis of the condition of the property.

Approval from the Housing Services Manager to lift the suspension may be given where the applicant can demonstrate that the damage, vandalism or neglect to the property has been repaired. Where the damage, vandalism or neglect is being rectified by the Association as a rechargeable repair, consideration of suspending the application will be covered by the provisions on outstanding debt contained within clause 13.4.1.1 of this policy.

19.4.1.4 Refusal of Offers

In accordance with the Clause 20.5 of this policy, internal transfer applicants will be made two offers of suitable housing that meets their needs and stated preference in terms of areas and house type. Unreasonable refusal of both offers will normally result in the applicant being suspended for a period of 6 months.

The assessment of the reasonableness of the refusal will be in line with Clause 20.6 of this policy and the Housing Operations Manager will approve the suspension of an application due to the unreasonable refusal of two suitable offers.

At the end of the suspension period the original application will be reactivated and the applicant advised in writing.

19.4.1.5 *Fraudulent, False or Misleading Information*

Applicants found to have deliberately provided fraudulent, false or misleading information on the application form OR to have withheld information relevant to the application with the purpose of artificially enhancing their chances of being made an offer of housing, will be suspended for a maximum period of 12 months. However where the falsification has little or no material effect on the assessment of the application, suspension will not normally be considered.

The Housing Operation Manager will approve the suspension of an applicant due to the provision of fraudulent, false or misleading information. Where the full twelve month period of suspension is deemed excessive in relation to the degree of falsification and/or the housing needs of the applicant, the Housing Operations Manager may approve a shorter period of suspension.

At the end of the suspension period applicants will be advised in writing that their application has been reactivated. However the applicant will be awarded zero points until a true and accurate application form is submitted to the Association.

19.4.1.6 *Notices for Repossession of the Property*

A tenant will not normally be considered for an internal transfer where the Association has served notices warning that action to repossess the property may be instigated. The reason for the action being raised may be any of the grounds given in the Housing (Scotland) Act and included rent arrears, anti-social behaviour and other breaches of the tenancy agreement

19.5 Notification

Applicants will be informed in writing of any change in the status of their application and, where appropriate, will be advised of:

- The period of suspension
- The actions they require to take to have their application transferred back onto the active waiting list
- The consequences of being transferred onto an inactive list
- Their right to appeal against the decision to transfer their application onto an inactive list

Where applicable applicants will also be advised when their application has been re-activated or re-instated onto the active waiting list.

20.0 OFFERS OF REHOUSING

20.1 Properties Offered

The Association accepts that transfer applicants may have aspirations as to the type of housing they live in and/or legitimate reasons for not wishing to live in certain areas. As such the Association will endeavour to give applicants an element of choice in the area and type of housing they apply for. Applicants will therefore be able to select the general geographical areas and the type of housing they wish to be considered for. Applicants will not normally be considered for housing in areas not specified in their applications.

The Association currently has stock in the following areas:

CENTRAL WISHAW
SHOTTS
HARTHILL
COLTNESS
MOTHERWELL

CAMBUSNETHAN
CRAIGNEUK
NETHERTON
NEWMAINS

20.2 Viewing Property

Applicants will normally have up to 5 working days from the date of the letter of offer to view the property. An applicant may be allowed to extend this period of time on very exceptional circumstances such as work commitments or where the applicant has informed the Association of holidays. Granting an extension of time will solely be at the Association's discretion.

20.3 Acceptance of Offers

After viewing the property being offered, applicants will have a maximum of 2 working days to accept or refuse the offer. An extension to this may be granted in exceptional circumstances at the Association's discretion. Failure to advise the Association of a decision within the two days (or the agreed timescale) will, normally, result in the offer being withdrawn and the property being offered to another applicant. Failure to accept the offer within the timescale will be classed as a refusal.

20.4 Date of Entry

The date of entry will normally be no more than 1 week from the date of formal acceptance of the offer. The Association may consider allowing the tenant a longer period of time to arrange the move but this would normally only be granted on the grounds of infirmity, old age, disability or the need for family support. The extended period of time allowed will normally be no more than a further 7 days.

As the Association has an interest in both the properties involved in an internal transfer, the handover of keys prior to the date of entry will be at the Association's discretion.

20.5 Number of Offers Made

Applicants for an internal transfer will be made a maximum of two offers of suitable rehousing. Unreasonable refusal of both offers will result in the application being suspended for a period of six months.

Where an application has been suspended due to the unreasonable refusal of two suitable offers the applicant will be informed, in writing, of the action taken.

20.6 Refusal of Offers

A refusal of an offer will be considered to be unreasonable unless:

- The property is shown to be unsuitable for the medical or physical needs of the applicant or a member of their household
- or
- The reason for refusal is directly linked to a factor of housing need as stated in the application form (e.g. the house offered is in close proximity to the perpetrator of harassment against the tenant)

The decision as to the reasonableness of refusals will be at the discretion of the Housing Operations Manager. Where a refusal is deemed reasonable, the offer will not be counted. All refusals of offers will be reported to the Tenancy services Committee as part of the allocations report.

21.0 SCHEDULE 7 CONSENT

In order to ensure that the Association is able to comply with the requirements of schedule 7 of the Housing (Scotland) Act 2001, all applicants will be asked to declare any relative status and/or relationship that may bring their application within the scope of the Schedule 7 provisions. Specifically applicants will be asked to declare any direct relationship with an employee or former employee of the Association and/or current Board member or former Board member.

When such a relationship is declared, no offer of a transfer will be made until the allocation has been expressly approved by the Board or other Committee. Approved transfers will be recorded in the Association's Benefits Register.

22.0 OFFERS OF A TENANCY

Applicants accepting an offer of transfer from the Association will be offered a Scottish Secure Tenancy (SST) in line with the Housing (Scotland) Act 2001. The tenancy agreement will be a contractual agreement based on the SFHA model.

Offers of a Short Scottish Secure Tenancy will only be made in accordance with the criteria set out in the Housing (Scotland) Act 2001 and in line with the Association's policy on The Use of Short SSTs, Leases and Protocols.

23.0 TIMESCALES FOR ASSESSING APPLICATIONS

Receipt of all application forms received at the office will be acknowledged within 2 working days.

The Association will endeavour to carry out an initial assessment of the application and advise the applicant of the outcome, in writing, within 10 working days. However, a response may be delayed when, for example, the applicant is required to provide additional or supporting evidence or a medical certificate has been submitted by the applicant.

24.0 THE RIGHT OF APPEAL

All applicants have the right to appeal any decision made by the Association regarding their transfer application and will be advised of this right in writing where applicable. Applicants may also make a complaint if they feel aggrieved at the treatment they have received from staff during the process of applying for a transfer.

Appeals and complaints will be dealt with in accordance with the Association's Complaints Procedures. In line with these procedures, applicants have the right to have their appeal or complaint referred to the Association's Complaints and Grievances Committee for consideration.

A copy of the Association's Complaints Procedures is available from the office on request.

25.0 INFORMATION AND ADVICE

Information on the Association's Internal Transfer Policy and Procedures will be made available to advise and assist applicants with their application.

A copy of the complete policy will be made available on request and, where necessary, will be made available on tape or in Braille or will be translated into other languages as required.

26.0 DELEGATION OF RESPONSIBILITY

The practical implementation of the policy and the day-to-day operation of the internal transfer procedures will be undertaken by members of the Association's Tenancy Services Department. Normally the assessment of applications and offers of transfers will be the responsibility of a delegated member of staff but in his/her absence, other members of the tenancy services team may carry out the function.

All transfer applications will be countersigned by another member of the tenancy services team and all offers of a transfer will be approved and countersigned by either the Housing Services Manager or the Housing Operations Manager prior to a formal offer being made.

Any special cases or need to deviate from the policy will be referred to the Tenancy services Committee for approval.

27.0 REVIEW OF THE POLICY

The full Internal Transfer Policy will be reviewed by the Association's Policy and Resources Committee at least once every three years. However, the Tenancy Services Committee may refer elements of the policy to the Policy and Resources Committee within that timescale if required.

28.0 CONSULTATION

The Association will seek to carry out a consultation exercise prior to final approval being given for any proposed review and/or amendment to the Association's Internal Transfer Policy and, where appropriate will seek comments and views of interested and affected parties including current transfer applicants, tenants and other partners. All comments and views formally expressed and notified to the Association as part of the consultation exercise will be reported to the Association's Policy and Resources Committee for consideration prior to final approval.

However, in order to allow the Association to provide as high a standard of service as possible the proposed reviewed and/or amended policy may be implemented as an interim policy during the consultation period, pending final approval.

Document History

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