

A meeting of the Management Committee will take place on
Thursday 27 May 2021 at 7.00pm held virtually using Teams

Please advise staff if you are unable to attend.

Joyce Bolan
Secretary

B U S I N E S S

1.0 GENERAL

- 1.1 Apologies
- 1.2 Declaration of Interest by Management Committee Members
- 1.3 Minutes of 25 March 2021 – **for approval**
- 1.4 Action List – for information
- 1.5 Matters Arising

2.0 GOVERNANCE

- 2.1 Secretary's Report – for information
- 2.2 Key Performance Indicators 2020/21 – for information
- 2.3 Management Committee Training Needs Assessment – **for approval**

3.0 PRIORITY ITEMS

- 3.1 Annual Return on the Charter – **for approval**

4.0 POLICIES

- 4.1 Management Committee Membership Policy Review – **for approval**
- 4.2 Procurement Policy – **for approval** Appendix 1
- 4.3 These Homes (Allocations) Policy Review – **for approval**

5.0 BUSINESS MANAGEMENT

- 5.1 Tenant Participation Annual Report – for information
- 5.2 Housing First Pilot Project – for information

6.0 ANY OTHER BUSINESS

DATE OF NEXT MANAGEMENT COMMITTEE MEETING

Thursday 26 August 2021 at ELHA Head Office, Haddington, at 7.00pm

Action List

Report by Martin Pollhammer, Chief Executive – for information

The table below sets out the required actions agreed at the last meeting of the Management Committee on 25 March 2021, and confirms the actions taken as a result.

Minute Ref	Action Required	Action By	Action Taken
1.3	Publish minutes and papers from the meeting of 25 February 2021	ES	Complete
3.1	Make a Charitable Donation of £1,000 to the Care & Repair Charitable Trust	PO	Complete
4.1	Update the Authorisations and Standard Charges and Allowances Policy in the ELHA File Structure	ES	Complete
4.2	Update the Gifts & Hospitality Policy as agreed in the meeting minute	ES	Complete
4.2	Add the Gifts & Hospitality Policy to elha.com and update in the ELHA File Structure	ES	Complete
4.3	Update the Insurances Policy in the ELHA File Structure	ES	Complete
4.4	Add the ICT Security Policy to elha.com and update in the ELHA File Structure	ES	Complete
4.5	Add the Chargeable Repair Service Policy to elha.com and update in the ELHA File Structure	ES	Complete

Secretary's Report – for information

1.0 Membership

No new applications for membership have been received.

2.0 Use of Seal for Homologation

No use of the Seal made.

Key Performance Indicators 2020/21

Report by Martin Pollhammer, Chief Executive – for Information

1.0 Introduction

The Association's Key Performance Indicators (KPI's) for the third quarter of 2020/21 are attached as **Appendix 1** to this report.

2.0 ELHA Performance

The Association has missed the following targets:

2.1 Unit Management Costs

Unit management costs are £30 more than the target figure. Various budgets have been overspent and underspent due to the pandemic, but overall this outcome is not of concern.

2.2 Unit Reactive Maintenance Costs

Unit Reactive Maintenance Costs are £794 compared to the target of £667. The Reactive Maintenance Cost includes Lockdown Support Fees paid to R3 during both Lockdown periods to support emergency repair services. If the Lockdown Support Fee is excluded, the Unit Reactive Maintenance cost would be £24 below target.

2.3 Stock Condition Inspections Completed

The 20% sample stock condition survey would, in normal circumstances, have been completed in early Autumn 2020. As this survey involves extensive access being required to the homes of tenants, this was delayed as a result of the pandemic restrictions. It had been hoped that this could be carried out in Quarter 4 of this financial year, however, as restrictions continue, this will not be possible.

ELHA has a comprehensive 100% stock condition survey of its properties, with the most recent 20% sample having been completed in June 2019. The 20% planned for this year was to maintain and update the relevance of the information held. As it has not been possible to conduct the survey this financial year due to the concerns around the pandemic, the properties that would have been included this year will be added to the 20% sample survey planned for the 2021/22 financial year.

2.4 Gold and Platinum Key Tenants

Both Platinum and Gold Key Tenant figures have increased again this quarter, but both remain under target at year end. Following the introduction of the Bronze Key Tenant Status in March, payable from 1 April 2021, targets for all Key Tenant levels have been revised with emphasis currently being placed on contacting those tenants who are not paper-free to ensure they qualify for the new Bronze discount.

Performance Indicator	Quarterly Target	Q1	Q2
Rental Income			
Non-technical arrears as % of rental income	3.0%	3.17%	3.20%
Bad debts written off as % rental income	1.75%	1.45%	0.76%
Voids as % of rental income	0.75%	0.45%	0.46%
Finance			
Interest cover (loan covenants)	110%	461%	262%
Gearing (loan covenants FRS102 definition)	<37%	24%	25%
Current assets as a % of current liabilities	100%	144%	151%
Unit management costs	£1,663	£1,362	£1,456
Unit reactive maintenance costs	£667	£646	£875
Asset Management			
Stock condition inspections completed	cumulative	0%	0%
Gas services completed within timescale	cumulative	97%	100%
Planned maintenance contracts with >5% overspend	0	0	0
Average time taken to complete emergency repairs	< 2 hours	01:24	01:37
Average time taken to complete non-emergency repairs	< 6 days	2.8	5.0
Repairs completed right first time	85%	96%	96%
Repair appointments kept	93%	97%	95%
Housing Management			
Properties allocated after 3 or more refusals	0	0	0
Number of evictions carried out	no target	0	0
Number of ASBO's in force against tenants	no target	2	2
Gold Key Tenants	35.0%	12.3%	12.1%
Platinum Key Tenants	25.0%	16.9%	18.9%
Corporate			
Number of accidents reportable to HSE	0	1	0
% working days lost through long term sick leave	5%	0.2%	0.00%
% working days lost through short term sick leave	2%	0.37%	0.10%
Management Committee Attendance	75%	100%	77%
Audit & Assurance Committee Attendance	75%	83%	83%
% of Tenants using their My Home Account	80%	76%	76%
% of Tenants Paper Free	70%	71%	73%

☺ Performance Excellent ☹ Performance Satisfactory ⊗ Performance Poor

Training Needs Analysis

Report by Peter Ewart, Chair – for approval

Training Needs Assessment (TNA) forms have been issued, with all returned.

Comprehensive information has been gathered for the returned TNA's, which assess the Management Committee's overall competence in the various categories rather than simply individual training requirements.

2.0 Management Committee Training Plan 2021/22

The Training Plan for 2021/22 has been based on the outcomes of the TNA's received.

Clearly no-one is expected to be fully competent within every area, but if the Management Committee as a whole has the required skills set, then this is sufficient. This does not preclude individuals from receiving tailored training to improve their skills, but the focus for the training programme is based on areas where the overall skill level within the Management Committee is lower.

Section 9 of the TNA form is scored based on understanding. Therefore, the higher the score (both individually and collectively), the higher the skills and knowledge level.

Description	Score
Have a full understanding	3
Have some understanding	2
Have little understanding (training required)	1

Appendix 1 sets out the responses made by individual Members.

The average subject skill level based on 10 responses across the various different subject areas is 26. This is a decrease from 29 in the previous year. This gives an average individual skill level across all subjects of 2.5 which is slightly lower from the previous year (which was 2.7). Therefore, the Management Committee's general competence across all areas is midway between level 2 (some understanding) and level 3 (a full understanding of the subject).

There was only one Management Committee member who reported a skill level of 1 in any area. This demonstrates, in general terms, the Management Committee's overall competence.

Any individual with training needs will have this met by an individual training plan which will be discussed during the individual annual reviews with the Chair. This year's results show that there are three subjects with the lowest subject level skill, Knowledge of Care & Support Organisations, Employment and Human Resource Issues, and Developing New Homes.

The Training plan for 2019/20 had training requirements for two subjects; Employment and Human Resources, and Knowledge of Care & Support Organisations. Unfortunately, these had to be postponed due to the Coronavirus situation. Given that these remain in the lowest subject skill level, new dates for this training are suggested. It is therefore proposed that this, along with training on Developing New Homes, form the basis for the training plan for this year.

The table below sets out the training requirements for the year, including the proposed delivery method and trainer / training agency.

It was identified in the TNA's that Management Committee members were split over their preferred time of training, with some preferring training prior to the start of a Management Committee meeting and others preferring other weekday evenings, but the majority happy to do anytime. A discussion is therefore required over the agreed timings for training sessions (however any or all of them could be included as part of the Management Committee Away Day programme). Other training needs identified can be met on a one-to-one basis, or by attendance at suitable conferences / training events (although see Section 3 below).

Training Requirement	Delivery Method	Trainer	Provisional Date
Developing New Homes	External Trainer	TBC	November 2021
Employment and Human Resources	External Trainer	TBC	February 2022
Knowledge of Care & Support Organisations	Internal Trainer	Angela Brunton, Care & Repair	March 2022

Under additional comment, there are further comments that the Management Committee might want to consider before agreeing Training Plan.

3.0 Conference Attendance

Due to the current Coronavirus situation, there are no conference dates currently identified for the coming year. However, in previous years, attendance at conferences had been relatively low, which meant that the budget had been able to accommodate all requests. It is anticipated that this year conference attendance will also be low and any requests should be easily accommodated within the £5,000 training budget. Once future conference dates (whether by attendance or online) are available, the Management Committee will be informed.

Recommendation

The Management Committee is asked to approve the Management Committee Training Plan for 2021/22

Conference Attendance 2021/22

Scottish Federation of Housing Associations (SFHA) Annual Conference	Scores										Subject Skill Level
	AF	BL	DR	ES	IA	JC	JB	PH	SE	PE	
Knowledge of tenants' needs and how to meet these	3	2	3	2	2	2	3	2	3	3	25
Understanding the responsibilities of a Management Committee Member	3	3	3	3	3	2	3	3	3	3	29
Knowledge of the Scottish Housing Association movement	2	3	3	3	2	2	2	3	3	2	25
Role of the Scottish Housing Regulator	3	3	3	3	2	2	2	3	3	2	26
Knowledge of care and support organisations	2	3	3	2	2	2	2	3	3	2	24
Business planning and strategy development	3	3	3	2	2	2	2	3	3	3	26
Participating in meetings constructively	3	3	3	3	2	2	2	3	3	3	27
Financial awareness	3	3	3	2	2	2	2	3	3	3	26
Employment and human resource issues	3	2	2	2	3	2	2	3	3	2	24
Developing new homes	3	3	3	2	2	3	1	2	3	2	24
Housing management and maintenance	3	3	3	3	2	2	2	3	3	3	27
Legal liabilities of the Association	2	3	3	3	2	2	1	3	3	3	25
Performance standards and monitoring	3	3	3	3	2	2	2	3	3	3	27
Governance	3	3	3	2	2	2	2	3	3	3	26
How Group Structure Works	3	2	3	3	2	2	2	3	3	3	26
Individual Skill Level	42	42	44	38	32	31	30	43	45	40	387

Scores: Have a full understanding= 3
Have some understanding= 2
Have little understanding= 1

2.8 2.8 2.9 2.5 2.1 2.1 2.0 2.9 3.0

Average subject skill level= 26

Average individual skill level per subject=38

Average overall individual skill level= 2.5

Additional Comments
<p>(PH) - I've had training for pretty much everything in the past but I always welcome an update on the current costs of development/rent levels/borrowing costsetc. Probably best done as part of the Awayday programme. I could never claim to have a full awareness of tenants' needs.</p> <p>(AF) - Regular updates on relevant Health and Safety Legislation in relation to Social Housing.</p> <p>(ES) - When possible it would be good to see elha properties - empty ones would be fine. I have struggled with teams owing to a combination of reasons and don't feel that I have participated easily through that medium, whilst of course aware of necessity to use. Receptive to any training felt appropriate. Would it be possible to get SFHA magazines to help keep in touch with rest of the sector ?</p> <p>(DR) - Better understanding of ELHA systems.</p> <p>(SE) - I am interested in any courses which will enhance my knowledge.othing specific.</p> <p>(PE) - Digital skills and systems</p>

Annual Return on the Charter (ARC)

Report by Karen Barry, Director of Housing – for Approval

1.0 Annual Return on the Charter (ARC)

The Scottish Housing Regulator (SHR) is responsible for monitoring social landlords' progress towards achieving the standards and outcomes set out in the Scottish Social Housing Charter. The Annual Return on the Charter (ARC) provides contextual information and performance information against 45 Charter Indicators and must normally be submitted to the SHR by 31 May each year.

The SHR also monitors and reports on social landlords' compliance with the Energy Efficiency Standard for Social Housing (ESSH) which was launched by the Scottish Government in March 2014 and which forms part of this Return. The ESSH contributes towards the carbon emissions reduction targets set by the Climate Change (Scotland) Act 2009.

The information provided in the ARC is used by the SHR to:

- Form a view of the regulatory risk presented by a Registered Social Landlord (RSL) and consequently the level of engagement that the SHR will have with the landlord (other information, e.g. Financial returns is also considered)
- Inform the regulatory process by comparison with other RSLs
- Form the basis for thematic inspections
- Publish an annual statistical report to enable RSLs, and others, to analyse performance against comparable organisations
- Publish information aimed at informing tenants about their landlord's performance

It is the responsibility of the Management Committee to ensure that staff provide accurate information and submit the ARC on time. A Management Committee member is required to authorise the online submission of the ARC and to confirm that its contents have been discussed at a meeting of the full Management Committee.

A copy of ELHA's ARC is attached to this report.

2.0 Performance Review

The Scottish Housing Regulator uses the ARC return to compile Landlord Performance Reports for each RSL. This includes some key comparative data.

The Association commissions an independent consultant to review the published ARC data and undertake a review of ELHA performance, including benchmarking performance against other RSLs. This report will be presented to the November 2022 Management Committee meeting.

This ensures the Management Committee is able to review the Association's performance in a wider context, but routine performance management is reported through the Key Performance Indicator report (see **Agenda Item 2.2**), and Complaints Analysis reports, as well as other more detailed performance reporting to the Audit & Assurance Committee, therefore no further analysis of the ARC return has been undertaken at this stage.

Recommendation

The Management Committee is asked to approve the Annual Return on the Charter for submission to The Scottish Housing Regulator.

Landlord name: East Lothian Housing Association Ltd

RSL Reg. No.: 103

Report generated date: 14/05/2021 09:03:21

Approval

A1.1	Date approved	
A1.2	Approver	
A1.3	Approver job title	
A1.4	Comments	

Management Committee Membership Policy Review

Report by Martin Pollhammer, Chief Executive – for approval

1.0 Introduction

The Management Committee Membership Policy is due for review in May 2021.

2.0 Policy Changes

The main proposed changes are as follows:

Section 2.1 has been updated to note that the Management Committee generally aims to maintain membership between 10 and 12, but that additional members may be recruited as part of a planned succession.

Section 2.3 has been updated to note that background information will be available at elha.com. As part of the current recruitment exercise, this content has been fully reviewed and revised. Accordingly, Appendix 1 is deleted from the Policy, as information in this form will no longer be issued.

No other material changes are proposed, but all changes have been tracked in the attached **Policy Document**.

2.1 Revised Rules

References in the Policy to the Rules have all been checked against the Revised Rules (adopted at the SGM in September 2020), and no changes are required.

Recommendation

The Management Committee is asked to approve revised Management Committee Membership Policy.

Date Issued	5 May 2006
Last Reviewed	May 2021
Department	Corporate
Title	Management Committee Membership
Objective	To describe the requirements and arrangements for recruiting to the Membership of the Management Committee
Responsible	Chief Executive
Next Review Date	May 2026

1.0 Introduction

1.1 Management Committee Role

Our Management Committee is responsible for the effective and efficient management of our business, in accordance with the law and the standards set out in our Rules, policies and procedures and The Scottish Housing Regulator's [Standards in Governance and Financial Management Standards](#).

This policy should be read in conjunction with our Rules and Code of Conduct for Governing Body Members

The Management Committee is responsible for policy making, and for the process of implementation, monitoring and review of policies (see Code of Conduct for Governing Body Members).

1.2 Management Committee Membership

The Management Committee will endeavour to ensure that its membership consists of people who have a general empathy with our aims and objectives, reflect a balance of community interests, and have the ability as part of a team to ensure the effective and efficient management of our business.

1.3 Management Committee's Responsibilities

The Management Committee is responsible for the mentoring and support of existing Management Committee Members, recruitment and induction of new Management Committee Members, ensuring that the Management Committee has the correct mix of skills and experience it requires, and to develop the Management Committee Away Day agenda.

In practice the Management Committee may delegate some of these tasks to the Chair or to staff, but it will review its governance responsibilities at each Management Committee Away Day, as well as approving an annual Training Plan for Management Committee members.

2.0 Membership Procedures

2.1 Management Committee Structure

The Management Committee consists of up to 15 Members, of whom up to no more than one third be co-opted Members. [The Management Committee aims to maintain a membership of between 10 and 12 at any one time, but will recruit additional members above this level as part of planned succession.](#)

2.2 Review of Management Committee Composition

To ensure that the Management Committee consists of people with the interest and ability to manage our business efficiently and effectively, the Chair will review Management Committee membership as follows:

- Annually, prior to the Management Committee Away Day, the Chair reviews the Management Committee's skills in order to identify the skills, expertise and representation we require to recruit onto the Management Committee, and reports to the Management Committee on their findings
- From time to time, if vacancies arise during the year, or when issues arise which identify an area of expertise required

2.3 Method of Recruitment

The Management Committee is responsible for the recruitment of new Management Committee Members.

The normal methods of recruiting Management Committee Members are:

- Invitation by the existing Management Committee, or via a direct note of interest to the Management Committee, under one of the following headings:
 - to fill a Casual Vacancy under Rule 41, whereby a Member may be invited to join the Management Committee for the period remaining up to the next AGM, at which time they require to stand down, but may stand for election to the Committee in their own right
 - as a co-opted Member under Rule 42.1, whereby an Association Member or a non-Member may be invited to join the Management Committee on the basis of particular skills or expertise that the Management Committee wishes to secure, for any period up to the next AGM
- Advertising in local and regional newspapers followed by interviews.

The Association Members must approve any nominations to join the Management Committee at the AGM. This approval is by a majority of the Members present or voting by proxy.

Anyone interested in joining the Management Committee will be [given an information sheet for prospective Committee Members \(see Appendix 1\) directed to background information on elha.com.](#)

2.4 Eligibility for the Management Committee

A Member of the Management Committee must be 18 years of age or over unless co-opted or appointed by the Scottish Housing Regulator.

2.5 Credentials for Management Committee Membership

We will seek to encourage those in the community who support our aims and objectives, and who have the ability to contribute to the effective management of our

business, to join the Management Committee. We will provide an information sheet to prospective Management Committee members.

The Management Committee will seek to clarify with potential Members or Co-optees:

- Their degree of interest in, or reasons for wishing to join, the Management Committee
- What is required of them as a Management Committee Member, [e.g. for example](#), conduct, commitment, responsibility [etc and so on](#), as set out in the Code of Conduct for Governing Body Members
- Their agreement to appropriate induction training as a new Management Committee Member, and to ongoing training

These points will be set out in the nomination papers issued prior to the AGM, and discussed with those who have expressed an interest, or who may be invited onto the Management Committee during the year.

2.6 **Skills, Expertise and Interests Sought by the Management Committee**

The Management Committee will endeavour to ensure that its membership is representative of a range of persons from the community who can contribute to the effective running of the Association.

- Commitment to our principles, aims and objectives, and common sense will be essential criteria
- We will actively seek Tenant representation and the Management Committee will if necessary consider setting a target for the minimum representation by tenant members

The range of skills, which may be required, may include housing experience, community and/or special needs interests, finance, business and/or human resource management expertise, building and/or technical knowledge, legal experience, health & safety expertise. This list is not exhaustive but is illustrative of the range of skills the Management Committee seek from time to time.

2.7 **Management Committee Members' Responsibilities**

Following their election or appointment, each new Management Committee Member will be bound by the Code of Conduct for Governing Body Members.

2.8 **Attendance**

The Executive Support Officer will maintain a register of Management Committee Members' attendance at Management and Sub-Committee meetings. Attendance will be discussed at each Management Committee Member's Annual Review meeting.

2.9 **Training**

Management Committee Members will be required to attend appropriate induction training and thereafter to attend ongoing training, as required and in accordance with the Management Committee Training Policy and Annual Training Plan, to ensure so far as possible that they are equipped to fulfil their responsibilities in accordance with all current law, statutory regulations, central guidance and good practice.

2.10 **Removal of a Management Committee Member**

Under Rule 44.5, the Management Committee may remove a Management Committee Member from office by a resolution approved by the majority of the remaining Management Committee Members voting in favour of this at a special meeting convened for this purpose. The vote to ask a Management Committee Member to leave the Management Committee must relate to one of the following:

- Failure to perform to the published standards laid out by the SFHA and The Scottish Housing Regulator adopted and operated by the Association
- Failure to sign or comply with The Code of Conduct for Governing Body Members
- A breach of the Association's [Rules](#) or [Standing Orders](#)

The Association will endeavour to provide adequate guidelines and training to Management Committee Members to ensure an acceptable level of performance in the carrying out of their duties and responsibilities.

2.11 **Ineligibility for, and [Vacating of](#), Management Committee Membership**

In accordance with Rule 43, a potential member cannot join the Management Committee nor a Member remain on the Management Committee or stand for re-election if [he/she/they](#):

- [H](#)~~h~~[has](#) been adjudged bankrupt, has granted a trust deed for or entered into an arrangement with creditors or [his/her/their](#) estate has been sequestrated and has not been discharged
- [A](#)~~r~~[re](#)is or will be unable to attend ~~the~~[Management](#) Committee Meetings for a period of 12 months
- [H](#)~~h~~[has](#) been convicted of an offence involving dishonesty which is not spent by virtue of the Rehabilitation of Offenders Act 1974 or an offence under the Charities and Trustee Investment (Scotland) Act 2005
- [A](#)~~r~~[re](#)is party to any legal proceedings in any Court of Law by or against the Association
- [H](#)~~h~~[has](#) been removed from the Management Committee of another Registered Social Landlord within the previous five years
- [H](#)~~h~~[has](#) resigned from the Management Committee in the previous five years in circumstances where their resignation was submitted after the date of their receipt of notice of a special Management Committee meeting convened to consider a resolution for their removal from the Management Committee in terms of Rule 44.5
- [H](#)~~h~~[has](#) been removed from the Management Committee in terms of Rules 44.4 or 44.5 within the previous five years
- [H](#)~~h~~[has](#) been removed or suspended from a position of management or control of a charity under the provisions of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 or the Charities and Trustee Investment (Scotland) Act 2005
- [H](#)~~h~~[has](#) been removed from the office of [C](#)~~e~~[charity](#) [T](#)~~r~~[trustee](#) or [T](#)~~r~~[rustee](#) for a [C](#)~~e~~[charity](#) by an [O](#)~~r~~[der](#) made by the Charity Commissioners for England and Wales or by

Her Majesty's High Court of Justice in England on the grounds of any misconduct in the administration of the charity for which they were responsible or to which they were privy, or which their conduct contributed to or facilitated

- ~~H~~has a disqualification order or ~~a~~ disqualification undertaking has been made against them under the Company Directors' Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002 (which relate to the power of a Court to prevent someone from being a director, liquidator or administrator of a company or a receiver or manager of company property or being involved in the promotion, formation or management of a company)
- ~~At~~after 1 April 2015, ~~at~~ an ~~A~~annual ~~g~~General ~~m~~Meeting, ~~he/she has~~they have served as a Management Committee Member for a continuous period in excess of nine years and the Management Committee has not resolved to permit them to stand again or otherwise be nominated for re-election
- ~~is~~Are the spouse, partner, child (including adopted child or step child), parent, parent-in-law, grandparent, grandchild, or sibling of a Management Committee Member or a ~~g~~Governing ~~B~~ody ~~M~~ember of any other organisation in the Group

A member of the Management Committee's membership will also end if they:

- ~~R~~esign their position in writing
- ~~C~~ease to be a member unless they are a co-optee in terms of rule 42.1 or an appointee of The Scottish Housing Regulator
- ~~M~~iss four Management Committee meetings in a row without special leave of absence previously granted by the Management Committee either at ~~his/her~~their request or by exercise of the Management Committee's discretion
- ~~T~~he majority of members voting at a ~~g~~General ~~m~~Meeting decide this
- ~~B~~ecomes ineligible as a Management Committee Member in terms of ~~R~~ule 43
- ~~A~~re a ~~C~~eo-optee whose period of office is ended in accordance with Rules 39.1 or 42.2
- ~~A~~re a Management Committee Member retiring in accordance with ~~R~~ule 39.1

2.12 **Members Interest**

Under Rule 38.2, if anyone serving on the Management Committee has any ~~C~~onflict of ~~i~~nterest in any contract or other matter about to be discussed at a meeting, they must tell the Management Committee. They will usually be required to leave the meeting while the matter is discussed unless the Management Committee agree that in the circumstances it is appropriate for them to remain, but they will not be allowed to vote on the matter or to stay in the meeting while any vote on the matter is being held. If they are inadvertently allowed to stay in the meeting and vote on the matter, their vote will not be counted.

3.0 **Monitoring and Review**

- 3.1 The Chief Executive is responsible for ensuring that this policy is followed by all Management Committee Members and staff.
- 3.2 The Chief Executive will ensure that this policy is reviewed at least every five years.

INFORMATION SHEET TO PROSPECTIVE MANAGEMENT COMMITTEE MEMBERS

Chairman's Foreword

Being a Member of ELHA's Management Committee requires commitment and dedication to the Association's aims i.e.:

"To promote balanced communities by providing locally managed quality homes and services which meet the needs and aspirations of local people."

Being a Management Committee Member has its rewards, e.g. when you can see new houses being provided within the community, the standard of our houses being upgraded or the quality of service to our customers being improved.

The following is intended as a guide to prospective Management Committee Members. It is important to us that Members who join the Association do so with their eyes open. We also hope you will enjoy working as part of our team and find it rewarding.

Management Committee Member – Personal Qualities

To be considered as a Management Committee Member, it may be beneficial to demonstrate some of the following skills/experience:

- Good communication skills
- Experience of handling large amounts of written information
- Be able, with training, to understand, agree and take ownership of a business plan including financial, policy, regeneration and procedural and legal aspects
- Ability to work constructively as part of a governing or management body
- Experience of sitting on a constituted body e.g. Residents Association or Management Board
- Interest in housing and community issues
- Commitment to the aims and objectives of the housing movement
- Strategic/business planning knowledge or experience
- Housing Management and/or assessment of housing needs knowledge or experience
- Financial management, investment or risk management knowledge and skills
- Experience of running a successful business
- Property development/regeneration or building skills or knowledge
- Legal knowledge or experience and ideally in social housing or related areas
- Involvement in housing or regeneration issues
- Press/Media or Public Relations skills
- An understanding of equalities and community relations issues

Meetings

Members of the Management Committee are required to attend meetings of the Management Committee and one Sub-Committee. Meetings generally take place on Thursday evening between the hours of 7.00 pm – 9.00 pm in Haddington. Very occasionally and by prior agreement the Management Committee may decide to meet during a weekend, for example for Management Committee / Staff Away days etc.

Calendar of Dates and Management Committee Structure

~~Management Committee Members will be issued, at the end of each year, with a Calendar of Meetings for the coming year. This will be subject to change in the event of holidays and business to be discussed being reviewed.~~

~~The Association's Management Committee meets six times per year. There are two Sub-Committees, Housing & Property Services and Finance & Audit. Each Sub-Committee meets four times a year and reports back to the Management Committee on general progress within their specialist areas.~~

Training

~~Induction training will be organised for new Members and ongoing training on an individual or group basis as required in order to assist Management Committee Members to fulfil their duties.~~

~~New Members may be matched and shadowed by an experienced Management Committee Member who will help support the new Member settle into the Management Committee. This may take place in the form of informal meetings prior to, or separately from, the various Management Committee meetings to assist the new Member to build up a sound understanding and knowledge of the Association's business, thereby enabling them to effectively contribute to the Association's business.~~

Representing the Association

~~Members of the Management Committee will require from time to time to attend Conferences and Seminars on the Association's behalf and to report back to the Management Committee and senior staff on the outcome of these events.~~

Conduct

~~The highest standard of integrity and loyalty to the Association is sought and encouraged. Much of the Association's business is confidential. Accordingly misuse of confidential information will be treated seriously by the Association.~~

~~The Association's Management Committee has adopted the Code of Conduct for Governing Body Members which provides clear guidelines to voluntary Committee Members as to what is expected of them.~~

Interests

~~Personal and financial interests should never influence a Management Committee Member's decision in Management Committee, nor should they use their Membership for the advancement of their own interests.~~

~~Members joining the Management Committee will require under our Entitlement, Payments and Benefits Policy, to disclose any interest that they might have, which might conflict with their Management Committee Member duties.~~

Expenses

~~Authorised expenses incurred on Association business will be reimbursed to Management Committee Members. This will include travel costs to and from Management Committee meetings and training courses.~~



Procurement Policy

Report by Martin Pollhammer, Chief Executive – for approval

1.0 Introduction

The existing Procurement Policy is out of date and has required significant review. The Association appointed Dougie Gold of Gold Consultancy Ltd to assist with the review and preparation of the Policy and associated Procedure.

The proposed **Policy Document** is attached to this report for approval. A Procedure Document is under development and will be presented to the next meeting of the Management Committee in August 2021. Unlike a Policy, a procedure does not require formal approval and they are not normally presented to Management Committee, but given this is such a key area for compliance, this will help to demonstrate that the proposed approach is supported by an appropriate procedure.

2.0 Key Issues

Procurement is a complex and sometimes specialised activity. The Group will continue to seek external support for major procurement exercises.

However, for more routine procurement in particular, the Policy sets out clear parameters and requirements. In particular, use of the “Quick Quote” process will replace previous approaches, and will help ensure full audit trails are kept.

Although not included in the Policy itself, a practical flowchart will be included in the Procedure Document to set out the initial assessment process for staff, and quickly identifies areas where further support may be required. A copy of this flowchart is attached as **Appendix 1** to this report.

3.0 Procurement Strategy

A Procurement Strategy is required where, in any one financial year, the Association expects to procure more than £5m in goods, works or services. Further investigation is required to clarify what level of procurement is likely to be undertaken in the current financial year (this is dependent on the development programme, which remains under review with Places for People Developments).

However, a template Strategy is under development for use in any years where a Development Strategy is required, and this will be presented to the next Management Committee meeting in August 2021 for approval.

4.0 Strategic Asset Management Project

A Procurement Policy underpins Value for Money as one of the ten key strands of Strategic Asset Management. Adoption of this new Policy will mark another key milestone in the development of the Association's overall approach.

Recommendation

The Management Committee is asked to approve the Procurement Policy.

Date Issued **March 2021**

Date Last Updated **March 2021**

Department **Corporate**

Title **Procurement Policy**

Objective To describe the Association's approach to the procurement of goods, services and works

Responsible **Management Committee**

Next Review Date **March 2026**

1.0 Overview

This Policy sets out the approach we will follow when procuring contracts for the supply of services, the supply of goods and materials and / or the execution of works.

Where we anticipate to procure more than £5m of goods or services in any one year, we will publish a Procurement Strategy for that year. All procurements undertaken by us in that year must have regard to the terms of our Procurement Strategy and the values, objectives and goals set out in it.

This Policy must be interpreted in accordance with fundamental general principles of equal treatment, non-discrimination, transparency and proportionality.

This Policy is subject to the over-riding provisions of United Kingdom and / or Scottish legislation. It is also subject to any UK Government or Scottish Government guidance on public procurement that may be issued from time to time.

All our employees shall comply with the terms of this Policy. Failure by any employee to comply with the terms of this Policy may result in disciplinary action.

This Policy may be suspended either in whole or in part by a decision of the Management Committee in respect of the proposed award of any contract, provided there are special circumstances justifying the suspension.

Any query regarding the application or interpretation of this Policy should be made in the first instance to the Chief Executive.

2.0 Aims of Policy

This Policy aims to ensure:

- We maximise Value for Money when procuring contracts

- That all procurement is in line with our Entitlements, Payments and Benefits Policy
- That the expectations of tenants, staff, colleagues and other key stakeholders are met
- We make best use of the commissioning process and that there is sufficient flexibility to ensure expenditure can be increased and decreased as necessary within the financial year

3.0 Legal Framework

We will comply with all legal and regulatory requirements governing procurement when procuring contracts including:

- The Procurement Reform (Scotland) Act 2014
- The Public Contracts (Scotland) Regulations 2015

4.0 Related Policies and Procedures

This Policy should be read in conjunction with the following policies and procedures:

- Procurement Strategy
- Financial Regulations
- Standing Orders
- Entitlements, Payments and Benefits Policy
- Authorisation and Standard Charges and Allowances Policy
- Fraud and Theft Policy
- Anti Bribery and Corruption Policy

In the event of any conflict or inconsistency between the terms of this Policy and any provisions in any of the above policies relating to public procurement of contracts, this Policy shall take precedence.

5.0 Overview of Procurement Procedures

When procuring contracts for goods, services or works, we must comply with the Public Contracts (Scotland) Regulations 2015 (“the Regulations”) and the Procurement Reform (Scotland) Act 2014 (“the Act”).

We are subject to a two-tier procurement regime, in terms of which the Regulations will apply to contracts with a value which meets or exceeds the relevant UK thresholds, and the Act will

apply to contracts with a value below such UK thresholds but with a value which is equal to or greater than the thresholds set out in the Act).

The UK procurement thresholds values change every two years and the table below lists updated contract value thresholds that Contracting Authorities (Housing Associations) must follow for all UK procurement procedures from 1 January 2020. More information can be found on Scottish Government website.

Contracting Authorities	Public Contracts Type	New Threshold (net of VAT) at 1 January 2020
Central government bodies	Supplies or Services	£122,976
Other contracting authorities (e.g. HA, RSL, LA etc)	Supplies or Services	£189,330
All Contracting Authorities	Works	£4,733,252
	Small lots / Supplies or Services	£70,778
	Small lots / Works	£884,720

5.1 Scottish Procurement Thresholds

Contracting Authorities	Public Contract Type	Threshold (net of VAT) at 1 January 2020
All Contracting Authorities	Supplies or Services	£50,000
	Works	£2,000,000

The procedure for the award of any contract depends upon the estimated value of that contract. The relevant threshold values and the associated Procurement Procedure that must be applied are detailed in the table below.

All values are exclusive of VAT and relate to the full life of the contract (including any potential extensions or renewals).

Contract Type	Contract Value (as at 1 January 2020)	Procurement Procedure
Works	£4,733,252 and above	OJUK Procedure under the 2015 Regulations – please refer to Section 6
Supplies / Services	£189,330 and above	OJUK Procedure under the 2015 Regulations – please refer to Section 6
Works	£2,000,000 to £4,733,252	Regulated procurement under the 2014 Act – please refer to Section 7

Supplies / Services	£50,000 to £189,330	Regulated procurement under the 2014 Act – please refer to Section 7
Works / Supplies / Services	Up to £50,000 (Supplies/Services) or £2,000,000 (Works)	Unregulated procurement – please refer to Section 8

The prescribed threshold values set out in the above table will be automatically revised in accordance with any subsequent amendment to the threshold values set by the UK for supply, services or works contracts (the next amendment being due to take effect from 1 January 2022).

All other financial limits specified in this Policy shall be subject to review from time to time.

6.0 Regulated Procurements under the Public Contracts (Scotland) Regulations 2015

6.1 Overview of the Regulations

The Regulations apply to the following types of contract:

- Contracts for goods or services with an estimated value of £189,330 (excluding VAT) or more
- Contracts for works with an estimated value of £4,733,252 (excluding VAT) or more
- Contracts for certain health, social and other services with an estimated value of £663,540 (excluding VAT) or more (see Section 8 for further detail on procurement of these types of contract)

The above types of contract must be advertised in the UK e-notification service / Official Journal (OJUK) and publicly procured in accordance with one of the defined procedures set out in the Regulations, which will include a formal standstill period before a contract can be entered into with the successful tenderer.

Certain categories of services are exempt from the full terms of the Regulations. In addition, certain contracting arrangements are exempt from the terms of the Regulations and such arrangements do not need to be publicly procured (see Section 9 for further detail on procurement of these types of contract).

Any procurement which is subject to the terms of the Regulations must comply with general principles of:

- Transparency – contract procedures must be transparent and contract opportunities should be publicised
- Equal treatment and non-discrimination – potential suppliers must be treated equally
- Proportionality – procurement procedures and decisions must be proportionate

- Mutual recognition – giving equal validity to qualifications and standards from other Member States, where appropriate.

We will award contracts under the Regulations on the basis of the "*Most Economically Advantageous Tender*" (MEAT). The MEAT means the tender offer that is most economically advantageous to us having regard to the subject matter of the contract and including matters such as:

- Quality
- Price
- Technical merit
- Aesthetic and functional characteristics
- Environmental characteristics
- Running costs
- Cost effectiveness
- After-sales service
- Technical assistance
- Delivery date
- Delivery period or period of completion

(All as may be considered appropriate in relation to any particular contract).

We will not award contracts which are subject to the Regulations on the basis of lowest price only, they will be awarded on a mix of price and quality.

We will not artificially split (de-aggregate) requirements under the Regulations to avoid the application of the Act and/or the Regulations (e.g. a single requirement for services with a value of £200,000 cannot be the subject of two separate contracts of £100,000 each).

Where a proposed contract is "mixed", e.g. if it contains both works and services / supplies or services and supplies, we will classify it according to the main subject of the contract and then the largest subject value (i.e. supply and fit 50 new kitchens, main subject is the supply then the fit of the kitchens). If, for example, the estimated value of the kitchen supply is £1,200 and the fit (works) cost is £1,000 then the main subject and higher value is the supply then the contract is a Supply. This approach will be followed for all contracts.

If the mixed contract comprises both services and supplies, or services covered by both the main regime, the main subject of the contract is determined by reference to which part of the contract has the greater value.

6.2 Procurement of contracts under the Regulations

An overview of each of the most relevant procedures under the Regulations is set out in this Section of the Policy.

Each of these procedures is subject to certain minimum timescales.

In relation to all procedures under the Regulations:

We will place a specific tender notice in the supplement to the OJUK, via Public Contracts Scotland, and will consider whether it would be appropriate to also advertise in a suitable professional / trade journal or the press.

Following the contract award decision, we will notify the successful and unsuccessful bidders of the contract award decision. Unsuccessful bidders must be given information on the scores they obtained, the reasons why they obtained those scores and the “*characteristics and relative advantages*” of the successful bidder’s tender submission compared to their own tender submission as follows:

- A mandatory “standstill” period must be observed between the date of the notices informing tenderers of the outcome of the procedure and awarding the contract
- If Contract Award Notices are issued electronically, then the standstill period starts on the day after the date of issue of the contract award notices and ends at midnight on the tenth day from that day
- If Contract Award Notices are issued by post, then the standstill period starts on the day after the date of issue of the contract award notices and ends at midnight on the fifteenth day from that day
- If the last day of the standstill period is not a working day, then the standstill period must be extended to include the next working day, for example, if the ten or fifteen-day standstill period ends on a Saturday, then the period must be extended until the next Monday
- Once the applicable standstill period has expired, we may enter into a contract with the successful tenderer
- Following completion of the tender procedure, we must publish a contract award notice in the OJUK, via the Public Contracts Scotland website
- Any complaint about, or challenge to a contract award we make, or any situation which could be reasonably expected to lead to such a complaint or challenge, must be notified to the member of our staff leading the procurement

6.3 Procurement Procedures under the Regulations

6.3.1 Open Procedure

The Open Procedure is a single stage procedure in terms of which all interested parties may submit a tender in response to the contract advertisement. There is no separate pre-qualification stage in the Open Procedure, although tenderers will be required to complete a document known as a Single Procurement Document (SPD) as part of their tender submission.

Use of the SPD under the Open Procedure

The SPD is a standard-form document, which will include a range of mandatory and discretionary grounds for exclusion. Bidders will need to confirm in their completed SPD that none of the mandatory and discretionary grounds for exclusion applies to them and / or their organisation.

The SPD may also include a number of “pass / fail” questions or questions in relation to which a minimum score must be achieved. Bidders will be required to achieve a “pass” or the minimum score in relation to these questions in order for their tender to be fully evaluated by us.

The SPD has replaced the requirement for suppliers to provide up-front evidence or certificates by allowing them to self-declare that they meet certain selection and exclusion criteria.

Bidders will be asked to provide proof that they meet the mandatory minimum criteria at a later stage in the tender process or they can be asked to provide the evidence at the SPD selection stage.

By law, a winning bidder has to submit all of the required certificates and documentation, before they are awarded a contract. We can ask bidders to submit their evidence at any point in the procurement process, if this is necessary to ensure that the process is carried out properly.

In an open, or one-stage, procedure, we will ask the successful bidder to provide their supporting evidence at the point of contract award but before any contract is entered into, if this has not already been requested with the SPD.

If, following review of supporting evidence submitted by a successful bidder, we find a bidder to have misrepresented itself, we will need to consider the following:

- If we identify that a bidder is actually in one of the situations which is a mandatory ground for exclusion, or if it does not meet one of the minimum selection criteria, then we **must** exclude that bidder from the competition (depending on the nature and stage of the competition, that may mean either that we proceed without that bidder, or that competition should be re-evaluated without that bidder's tender)
- If we identify that a bidder is in one of the situations which is a discretionary ground for exclusion, then we will need to consider whether or not to exclude that bidder (the decision to exclude must be made in line with the general principles of transparency, proportionality, equality of treatment and non-discrimination)
- If the issue is more administrative in nature (for example, mistakes in providing the required documentation), then we will have the option of inviting the bidder to supplement or clarify the documentation provided

Clarification of tenders under the Open Procedure

Under the Open Procedure, we can ask tenderers to clarify aspects of their tenders following submission (SPD, Quality and Price). However, material changes to the terms of tenders are not permitted and we may not negotiate with tenderers after submission of tender responses.

6.3.2 Restricted Procedure

The Restricted Procedure is a two-stage procedure in terms of which all interested parties may submit an expression of interest in response to the contract advertisement.

We then issue an SPD to interested parties and follow a pre-qualification stage – only those candidates which meet our selection criteria (as set out in the SPD) will be short-listed and invited to the tender stage of the process.

We must invite a minimum of five suppliers to tender unless fewer suitable candidates have met the selection criteria and these are sufficient to ensure genuine competition.

Use of the SPD under the Restricted Procedure

The SPD is a standard-form document, which will include a range of mandatory and discretionary grounds for exclusion. Bidders will need to confirm in their completed SPD that none of the mandatory and discretionary grounds for exclusion applies to them and / or their organisation.

The SPD may also include a number of “pass / fail” questions or questions in relation to which a minimum score must be achieved and bidders will be required to achieve a “pass” or the minimum score in relation to these questions in order for their tender to be fully evaluated by us.

The SPD has replaced the requirement for suppliers to provide up-front evidence or certificates by allowing them to self-declare that they meet certain selection and exclusion criteria. We will ask bidders to provide proof that they meet the mandatory minimum criteria at a later stage in the tender process or to provide the evidence at the SPD selection stage.

By law, a winning bidder must submit all of the required certificates and documentation, before they are awarded a contract. We can ask bidders to submit their evidence at any point in the procurement process, if this is necessary to ensure that the process is carried out properly.

In a restricted, or two-stage, procedure, we will ask the successful bidder to provide their supporting evidence at the point of contract award but before any contract is entered into, if this has not already been requested with the evidence in the SPD.

If, following a review of the supporting evidence submitted by a successful bidder, we found that the bidder has misrepresented itself, we will need to consider the following:

- If we identify that a bidder is in one of the situations which is a mandatory ground for exclusion, or if it does not meet one of the minimum selection criteria, then we **must** exclude that bidder from the competition (depending on the nature and stage of the competition, that may mean either that it proceeds without that bidder, or that competition should be re-evaluated without that bidder’s tender)
- If we identify that a bidder is in one of the situations which is a discretionary ground for exclusion, then we will need to consider whether or not to exclude that bidder (the decision to exclude must be made in line with the general principles of transparency, proportionality, equality of treatment and non-discrimination)

- If the issue is more administrative in nature (for example, mistakes in providing the documentation), then we will have the option of inviting the bidder to supplement or clarify the documentation provided

Clarification of tenders under the Restricted Procedure

We can ask tenderers to clarify aspects of their tenders following submission (SPD, Quality and Price) similar to the Open Procedure but we cannot make, material changes to the terms of tenders and we may not negotiate with tenderers after submission of tender responses.

6.3.3 Competitive Dialogue Procedure

The Competitive Dialogue Procedure is suitable for more complex and / or high value procurements. Interested parties can submit an expression of interest in response to the Contract Notice.

We may then carry out a short-listing exercise (using an SPD) and only those meeting our selection criteria will be invited to dialogue.

We must invite a minimum of three suppliers to dialogue unless fewer candidates have met the selection criteria and these are sufficient to ensure genuine competition, that is, at least two.

We then enter into a dialogue with bidders to develop one or more suitable solutions to meet our needs. There is no set format that the dialogue must follow, it will usually consist of a series of meetings with each tenderer with each meeting focusing on different aspects of the procurement, for example: financial, technical and legal.

However, whichever format is used, we should be careful to ensure that all tenderers are treated equally and are given the same opportunities to access relevant information.

During the course of the dialogue we are able to reduce the number of bidders provided that we confirm we intend to do so in the Contract Notice or Invitation to Participate in Dialogue. If we choose to down select, we should ensure that at least two tenderers remain in the dialogue until it concludes.

When an appropriate solution has been identified, we will conclude the dialogue phase and invite final tenders. We may require all final tenders to be based on one solution identified during the course of the dialogue or allow each tenderer to submit a bespoke final tender.

Following receipt of final tenders, we evaluate the tenders and select the best tender based on pre-specified award criteria.

Under the Regulations, Contracting Authorities may carry out further negotiations with the highest-scoring bidder, following an evaluation of the final tenders “to confirm financial commitments or other terms contained in the tender in order to finalise the terms of the contract”, as long as this does not materially change the essential aspects of the procurement or risk distorting competition or causing discrimination.

6.3.4 Competitive with Negotiation Procedure

The Competitive with Negotiation Procedure is suitable for more complex and / or high value procurements.

This procedure is a “hybrid” procedure because, as with the Restricted Procedure, it allows us to award a contract on the basis of an initial tender.

However, like the Competitive Dialogue Procedure, it also enables us to negotiate with tenderers who submitted an initial tender, and any subsequent tenders, until we decide to conclude those negotiations. There is no limit to the number of negotiation and tender stages.

Once we are satisfied that we have completed our negotiation exercise with each bidder, we must formally close the negotiation phase and invite final tender submissions.

Final tenders are then submitted and evaluated, and the contract is awarded.

Unlike the Competitive Dialogue Procedure, the Regulations do not provide for any clarification or negotiation of the final tenders or the winning tender.

7.0 Regulated Procurements under the Procurement Reform (Scotland) Act 2014

7.1 Overview of the Act

We will comply with The Act as it applies to the following types of contract:

- Contracts for goods or services with an estimated value of between £50,000 and £189,330 (excluding VAT)
- Contracts for works with an estimated value of between £2,000,000 and £4,551,403 (excluding VAT)

Such contracts must be advertised on the Public Contracts Scotland website and publicly procured in accordance with the terms of the Act, which imposes general obligations on Contracting Authorities to treat economic operators equally and without discrimination and to act in a transparent and proportionate manner.

Any procurement which is subject to the terms of the Act must comply with general principles of:

- Transparency – contract procedures must be transparent and contract opportunities should generally be publicised
- Equal treatment and non-discrimination – potential suppliers must be treated equally
- Proportionality – procurement procedures and decisions must be proportionate

Requirements under the Act cannot be artificially split (de-aggregation) to avoid the application of the Act (e.g. a single requirement for services with a value of £50,000 cannot be the subject of two separate contracts of £25,000 each).

Where a proposed contract is “mixed”, e.g. if it contains both works and services / supplies or services and supplies, it should be classified according to the main subject

of the contract and then the largest subject value. For example, in the supply and fit of 50 new kitchens, the main subject is the supply then the fit of the kitchens. The estimated value of the kitchen supply is £1,200 and the fit (works) cost is £1,000 then the main subject and higher value is the supply, then the contract is a Supply. This should be followed for all contracts.

7.1.1 Specific Statutory Duties under the Act

There are a number of specific statutory duties under the Act which will apply to the procurement of any contracts which are subject to the terms of the Act or the Regulations.

The principal statutory duties under the Act are as follows:

The Sustainable Procurement Duty

We must consider, before starting a procurement competition, how, by the way in which we conduct the procurement process, we might improve the economic, social and environmental well-being of our area, how we might facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses and to consider how we can promote innovation.

Having considered and identified how these aims might be achieved, the Act requires us to conduct our procurement in a way designed to secure the improvements identified.

Annual Procurement Strategy

The Act requires us to prepare and publish an Annual Procurement Strategy for each year in which we consider our total expenditure on Regulated Procurements will exceed £5,000,000.

If we have to prepare an Annual Procurement Strategy, we must also prepare an Annual Procurement Report.

Contracts Register

We must keep and maintain a Contracts Register which must include details of all contracts entered into by us following a Regulated Procurement under the Act. In relation to each contract, the Contracts Register must contain the following information:

- The date of award
- The name of the successful contractor
- The subject matter of the contract
- The estimated value of the contract
- The start date of the contract
- The end date provided for in the contract (disregarding any option to extend the contract) or, where there is no date specified, a description of the circumstances in which the contract will end

- The duration of any period for which the contract can be extended

We may delete an entry in our Contracts Register only after the contract to which it relates has expired or been terminated.

We must make the information contained in our contracts register publicly available on the internet via PCS and by such other means as we consider appropriate.

We may withhold an entry or part of an entry in the Contracts Register if we consider that making it publicly available would:

- Impede law enforcement or otherwise be contrary to the public interest
- Prejudice the commercial interests of any person
- Prejudice fair competition between economic operators

Community Benefit Requirements

The Act requires that, for any Regulated Procurement with an estimated value equal to or greater than £4,000,000 (excluding VAT), we must consider whether to impose Community Benefit Requirements as part of the contract delivery before carrying out the procurement.

We must include in the Contract Notice relative to the procurement a summary of the Community Benefit Requirements it intends to impose or, if it is not going to include any community benefit requirements, or where applicable, the reasons for not including any such requirements.

7.2 Procurement Procedures under the Act

There are no specific prescribed procurement procedures or timescales under the Act but we may, if appropriate, use any one of the procurement procedures under the Regulations described in Section 5 of this Policy for procuring contracts which are subject to the terms of the Act.

In relation to advertising of contract opportunities which are subject to the terms of the Act, the Contract Notice, Tender Documentation and Contract Documentation must be published on the Public Contracts Scotland website.

Tenderers should be advised to submit any clarifications through the Public Contracts Scotland website, and these clarifications and answers will be available to all bidders to ensure transparency and anonymity.

Tenderers will be advised to only submit their tender submissions through the Public Contracts Scotland website.

The Reform Act process only differs with the UK as there is not requirement to provide a standstill period

Any complaint about, or challenge to, our contract award procedure or any situation which could be reasonably expected to lead to such a complaint or challenge must be notified to the staff member leading the procurement.

8.0 Unregulated Procurements – Contracts which are below threshold value

Contracts with an estimated value below the thresholds set out in the Regulations and the Act do not require to be procured in accordance with the terms of the Regulations or the Act but must be procured in accordance with the requirements of this Section of the Policy.

Contracts with an estimated value below the above prescribed thresholds do not need to be advertised in UK or publicly procured in terms of the Regulations but Contracting Authorities must ensure a degree of advertising and follow a procedure leading to the award of the contract which is sufficient to enable open competition and comply with general principles of equal treatment, non-discrimination, transparency and proportionality.

Estimated value of contract	Procedure to be followed
Below £5,000 works and services / supplies*	Work may be authorised within individual officer limits and contractor / supplier may be directly engaged without any form of public procurement exercise.
Between £5,000 and £25,000 works and services / supplies*	Where possible, a minimum of three competitive quotations to be invited via Quick Quote (QQ).
Between £25,000 and £50,000 works services / supplies*	Where possible, a minimum of three competitive quotations to be invited via Quick Quote (QQ) using standardised documentation and processes (for example, a specification, Quality Document (if appropriate) and return date to be sent to all contractors / suppliers being asked to provide costs). Lowest priced contractor or Most Economically Advantageous Tender (MEAT) can be used and to appoint.
Between £50,000 and £2m works*	Best Practice tender process to be followed with at least three competitive tenders invited via Scottish Contract Notice via PCS tendering procedure. Contractor evaluated as being the (MEAT) to be appointed.
Between £2m and £4,733,252 works and	Formal Scottish tender process to be followed with at least three / five competitive tenders invited via Scottish Regulated Contract Notice via PCS full tendering

Between £50,000 and £189,330 services / supplies*	procedure. Contractor / supplier evaluated as being the (MEAT) to be appointed.
Over £4,733,252 works and Over £189,330 services / supplies*	Formal OJUK tender process to be followed with at least three / five competitive tenders invited via UK Regulated Contract Notice via PCS full tendering procedure. Contractor / supplier evaluated as being the (MEAT) to be appointed.

* out with any existing Measured Term Contracts (MTC) values that are imbedded within a contract

9.0 Framework Agreements

A Framework Agreement is an 'umbrella agreement' that sets out the terms (particularly relating to price, quality and quantity) under which individual contracts ("call-offs") can be made throughout the period of the agreement (which will be a maximum of four years).

Framework Agreements can be set up for one Contracting Authority to use or can be set up for a number of Contracting Authorities to use.

We may set up our own Framework Agreements or we could explore in relation to a particular requirement, whether there is an existing Framework Agreement put in place by another Contracting Authority under which we are entitled to draw down the required supplies, services or works.

Pre-procured frameworks which we may be able to access include Frameworks established by Buying Solutions, Procurement for Housing and the Scottish and UK Governments.

Framework Agreements are either concluded with a single supplier or with multiple suppliers. Often, Framework Agreements are split into lots.

9.1 Do Framework Agreements need to be Advertised in OJUK?

If the value of all the potential call-offs under the Framework Agreement is estimated to exceed the UK thresholds, then the Framework Agreement should be advertised in the OJUK. However, the individual call-offs do not then need to be re-advertised.

Please note that under the Act, Contract Award Notices do require to be published on Public Contracts Scotland in respect of call-off contracts with a value of more than £50,000 for goods or services, or £2 million for works.

9.2 How are call-offs awarded under a Framework Agreement?

If the Framework Agreement is awarded to one provider, then we can simply call-off the requirement from the successful supplier as and when it is needed. Where the Framework is awarded to several suppliers, there are two ways in which call-offs might be made:

- Where the terms laid out in the Framework Agreement are detailed enough for the Purchasing Authority to be able to identify the best supplier for that particular requirement, then the Authority can award the contract without re-opening competition

- If the terms laid out in the Framework Agreement are not specific enough for the Purchasing Authority to be able to identify which supplier could offer them best value for money for that particular requirement, a further mini-competition would be held between all the suppliers on the Framework Agreement who are capable of meeting the need

9.3 Advantages of Framework Agreements

If a Framework Agreement has been properly concluded further to compliant procurement procedure, we do not need to follow the full OJUK procedure in respect of each requirement which is the subject of a call-off, thus reducing costs and timescales. There are also potential benefits of economies of scale.

9.4 Potential Disadvantages of Framework Agreements

Framework Agreements may be relatively unresponsive to change – there may be new suppliers and/or new solutions within the market that were not included when the Framework Agreement was initially set up.

Framework Agreements tend to apply a "one size fits all" approach, which may make it difficult for us to satisfy our own procurement objectives through use of a Framework Agreement which has been procured by a third party and may not have been tailored to our particular requirements.

10.0 Exceptions to the Requirement to Publicly Procure a Contract

There are certain exceptional circumstances in which tenders are not required for the procurement of contracts for supplies, services or works which are above the applicable threshold value under the Regulations or the Act, these are contained both within the PCS Regulations 2015 under Section 33 - *Use of the Negotiated Procedure without Prior Publication* and the for the Reform Act 2014 with the PS Regulations 2016, under Section 6 - *Circumstances in which a contract can be awarded without competition* these section consider the following:

- Where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an Open or a Restricted Procedure, provided that the initial conditions of the contract are not substantially altered
- Where the tender may only be awarded to a particular supplier for technical or artistic reasons or where a particular supplier has exclusive rights, including, but not limited to, intellectual property rights, which mean they are the only supplier capable of meeting our requirements
- Where we have already entered into a contract with a supplier and require additional services or works to be supplied which were not included in the original contract but which, through unforeseen circumstances, have become necessary
- Where we wants a supplier with which we already has a contract to provide new works or services which are a repetition of works or services carried out under the original contract and such new works or services were provided for in the original contract notice

- Where (but only if it is strictly necessary) for reasons of extreme urgency brought about by unforeseeable events, the time limits for one of the standard procurement procedures cannot be complied with.

The above exceptions may only be relied upon in limited circumstances and are subject to a range of specific conditions. Our Management Committee must approve any such approach and we may require legal advice before proceeding with any such exception.

11.0 Renewals, extensions and changes to existing contracts

A proposed extension, renewal or amendment to an existing contract may be considered equivalent to the award of a new contract if it constitutes a material change.

If a change to an existing contract has the effect of creating a new contract, we may need to undertake a new competitive tender process in accordance with the Regulations or the Act.

Material changes to a contract are those which demonstrate the intention of the parties to renegotiate the essential terms of the original contract. Amendments to a contract may be regarded as “material” where they:

- Introduce conditions which, had they been part of the initial award procedure, would have allowed for the admission of tenders other than those initially admitted, or would have allowed for the acceptance of a tender other than the one initially accepted – in other words, the new conditions would have potentially changed the participants in and / or the outcome of the original procurement process – examples include extensions or price increases
- Extend the scope of the contract considerably to encompass services not initially covered
- Change the "economic balance" in favour of the contractor in a manner not provided for in the terms of the original contract – in other words, we make changes which improve the contractor's position or alter the balance of risk under the contract in favour of the contractor – examples include extensions or price increases or agreeing to renegotiate a contract in a way which relieves a contractor of an obligation

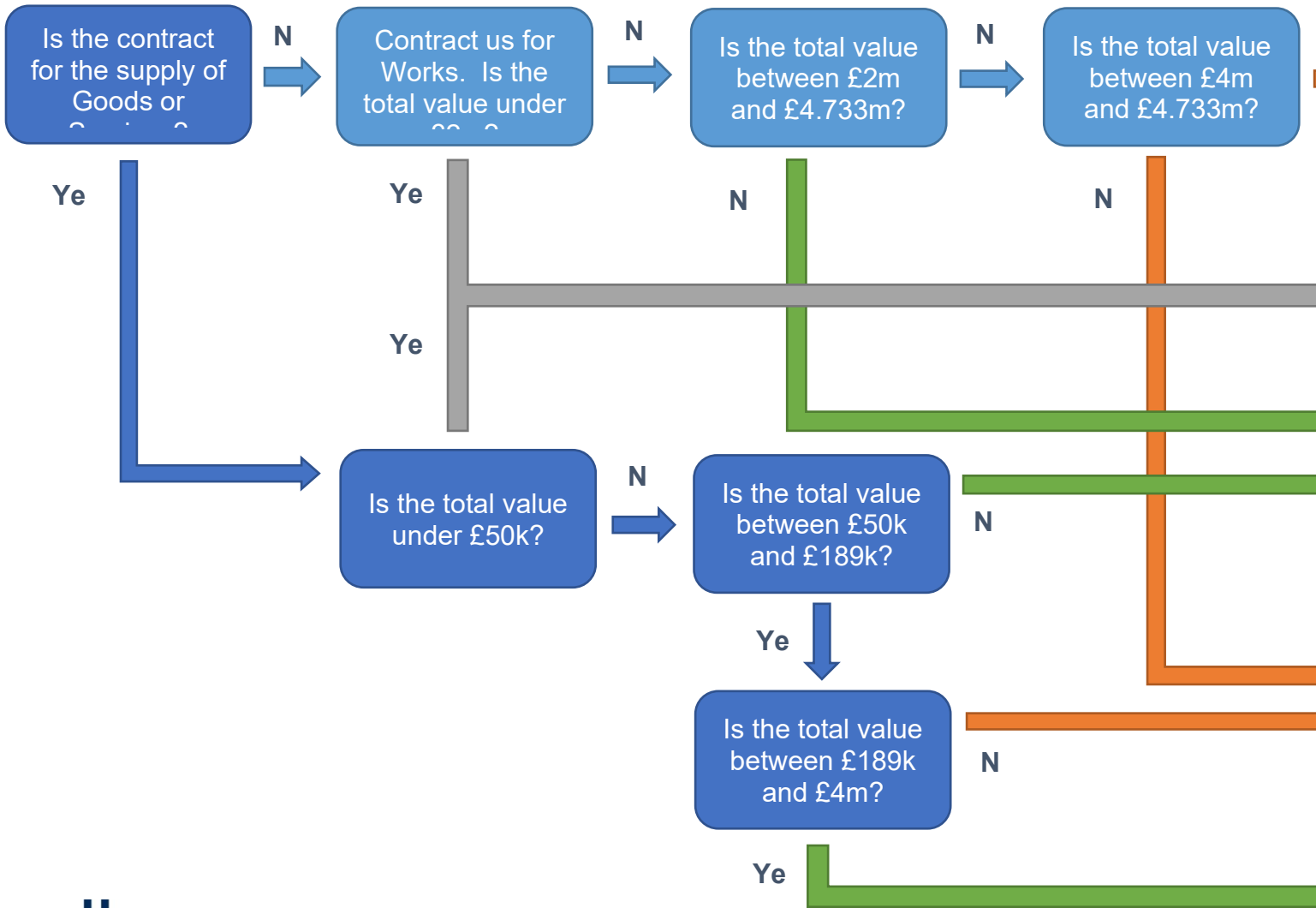
The Regulations restrict our ability to modify publicly procured contracts.

If we are considering modifying any terms of a publicly procured contract, then we must first get approval from our Management Committee and we may obtain appropriate legal advice.

12.0 Policy Review

The Chief Executive will review this policy every five years or whenever there is a material change in legislation. Any changes required will be submitted to the Management Committee for approval.

Procurement Flowchart



These Homes (Allocations) Policy Review

Report by Karen Barry, Director of Housing – for approval

1.0 Introduction

The Management Committee approved a final revision of the These Homes (Allocations) Policy at its February 2021 meeting. This Policy contained all the final agreed changes to the previous policy that allowed the new These Homes service to be introduced in March 2021.

However, the changes made over the past year have been substantial, and have added to changes made by various people over the years, so the Policy itself needed a format and Plain English refresh to make it easier to read, understand and use.

2.0 Policy Changes

The Policy has been substantially re-written, therefore there are no changes tracked in the attached **Policy Document**. However, no material changes have been made.

These Homes has been introduced successfully, and no changes are required as a result of operating the new service in practice. However, a review date of May 2022 has been set to check how the new approach settles in, before the Policy returns to the usual five-year review cycle.

Recommendation

The Management Committee is asked to approve revised These Homes (Allocations) Policy.

ELHA POLICY

Date Issued	22 April 2004
Department	Housing Management
Title	These Homes (Allocations) Policy
Responsible	Director of Housing
Last Review Date	May 2021

Next Review Date May 2022

1.0 Introduction

East Lothian Housing Association is a Housing Association registered with the Scottish Housing Regulator and with Charitable Status. We provide quality, affordable, and sustainable housing and associated services for people in East Lothian.

Most of our homes are allocated through our digital lettings service, These Homes. Some are not, and these include:

- Workshop homes
- Houses for sale, whether Shared Ownership or Low Cost Home Ownership
- Allocations that have been agreed under a separate lease with one of our partner agencies or other similar agreement

More information about these types of homes can be found at Section 1.5 and in **Appendix 1**.

1.1 Our Aims

We aim to ensure that:

- People have fair and open access to our Housing Register
- Reasonable preference is given to those in housing need
- Our homes are allocated in a fair, transparent, and consistent manner that does not unfairly discriminate or exclude people
- We recognise the needs of the communities we work in
- We make the best use of our available homes
- Our policy is clear and easily understood
- Applicants are given reasonable choice, and our allocations result in sustainable tenancies

1.2 Legislative / Regulatory Framework

This Policy and the procedures, publications and websites that support it, are based on the principles set out in the Scottish Government's Social Housing Allocations in Scotland: Practice Guide, published in 2019. In addition, we aim to fully comply with the Scottish Housing Regulator's Social Housing Charter Indicators which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

Equalities Social landlords perform all aspects of their housing services so that:

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

Communication	Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides
Participation	Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with
Housing options	Social landlords work together to ensure that: <ul style="list-style-type: none">• People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them• Tenants and people on housing lists can review their housing option• People at risk of losing their homes get advice on preventing homelessness.
Access to social housing	People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed
Tenancy sustainment	Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations
Homeless people	Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary accommodation when this is needed and are offered continuing support to help them get and keep the home they are entitled to

We will comply with all relevant legislation including:

- The Housing (Scotland) Act 1987 (as amended)
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- The Homelessness etc (Scotland) Act 2003
- The Human Rights Act 1998
- The Equalities Act 2010
- The Data Protection Act 2018

1.3 Context

East Lothian is an area of exceptional housing pressure. Situated to the East of Edinburgh, the area is predominately rural, with a coastline characterised by beaches, seaside towns and golf courses.

As well as being a significant destination for tourists and day trippers, East Lothian has good road and rail links to Edinburgh, and therefore attracts large numbers of (predominantly higher income) commuters. It is also an area to which many people often choose to move in older age.

Locally, the economy is dependent on service industries, tourism and farming, and wages are often low. This means that many low and middle-income households in the area are priced out of the local housing market. The area has a significant homelessness problem.

Land supply is severely constrained, both by the local environment, but also as there is usually opposition to new developments in most towns and villages, even where that development is affordable rented housing. As a result, land prices are often exceptionally high.

Our problems are therefore quite different to many other areas. It is unlikely that on any scale East Lothian will suffer from low demand issues in the foreseeable future, any such issues are likely only to relate to specific properties and in exceptional circumstances.

Our housing stock includes:

- General needs housing- flats and houses with between one and six bedrooms
- Care / Supported housing with access to support to enable independent living
- Amenity and sheltered housing for older people
- Housing for wheelchair users, specifically designed to meet the needs of people who use wheelchairs or other mobility aids

In addition, we own several Workshop Homes, Shared Ownership properties, Garages, Garage Sites, and other non-residential properties. Some of these may be advertised on These Homes from time to time but are not allocated in accordance with this Policy.

Our area of operation is from Musselburgh to Innerwick across the Local Authority district of East Lothian. Since we were founded in 1988, we have built around 70% of our homes, and we acquired the remaining 30% from Scottish Homes in 1996 through a large-scale voluntary stock transfer. This means that the age profile of our housing stock varies significantly.

Across Scotland, there are not enough houses for all who need them, and the situation is particularly acute in East Lothian. This Policy is therefore designed to make best use of the very limited housing supply we have, by giving preference to applicants in housing need and prioritising transfers for our own tenants, so that each vacancy has the potential to address the housing needs of more than one applicant.

We also know there is a high demand for one-bedroom homes in East Lothian. We prefer to build homes with a minimum of two bedrooms, though there will be exceptions where we cannot do this, for example, in a restricted town centre site or a conversion of an existing

property. If we build two-bedroom homes in a new development, we will agree to under-occupy a proportion of these, taking account of the demand and property type.

1.4 General Principles

1.4.1 Choice and empowerment

We want to maximise opportunities for access to housing and allow applicants to make informed choices. We operate These Homes, where available homes are advertised, and applicants apply for the ones they want. We aim to keep the service as easy to use as possible, and to provide clear information and advice so that applicants can make informed choices.

1.4.2 Housing Need

We recognise housing need through a system of Priority Passes, which is explained in Section 3 below.

1.4.3 Lettings to Staff and Management Committee Members

Our policy must operate fairly, and Management Committee members, staff or people close to them must not be given any preferential treatment in the allocations process, neither should they be disadvantaged. We have Codes of Conduct in place for both our Management Committee and Staff members, and an Entitlements, Payments and Benefits Policy which they must all follow. These processes are in place to ensure that Management Committee and Staff members do not gain any unfair advantage through their connection to ELHA. If a Management Committee or staff member or someone close to them is allocated a tenancy, we will ensure that:

- The allocation is in accordance with this Policy **and**
- Neither the applicant, nor anyone connected to the applicant, is involved in any way or in any part of the allocation process **and**
- The offer is approved by our Management Committee in advance **and**
- The tenancy is recorded as an interest in our Register of Payments and Benefits within five days of the tenancy commencing

1.4.4 Sustainable Communities

Sustainable communities are places where people want to live and work, now and in the future. We want to create and maintain such communities and will try to achieve this by avoiding over concentrating any particular client group in any particular area. Wherever possible, we will try to identify any imbalance, and any action required to address it, before a home is advertised. We will include information about any criteria to be applied in the advert.

If we need to by-pass an applicant in the interests of maintaining a sustainable community, we will always try to balance the interests of the individual with the interests of the community and will bear in mind the requirement to give reasonable preference to certain categories of applicant. We will record the reasons for the decision and report such allocations to our Audit & Assurance Committee to ensure the decisions we make are fair and consistent.

1.4.5 Lettings Plans

Lettings plans are used to create or promote sustainable communities and are usually time limited. Homes subject to a Lettings Plan may be advertised for a specific client group or household type, and when allocating them, consideration will be given to the requirements of the Lettings Plan. As a result, some applicants may not be made an offer, even if they have more priority than another applicant. See **Appendix 5** for more information.

1.4.6 Sustainable Tenancies

We have a Tenancy Sustainment Policy that seeks to identify and address potential problems at the point of allocation, so that we can ensure appropriate support is provided to enable the applicant to successfully remain in the tenancy. We will carry out an affordability assessment before any new tenancy starts and will address any affordability issues by referring new tenants to our Money Advisor for income maximisation, debt, and budgeting advice.

1.4.7 Partnership Working

We work in partnership with East Lothian Council to ensure that:

- 50% of our available properties are allocated to statutorily homeless households. We have a Nomination / Section 5 Protocol Agreement in place for this purpose
- Access to our joint Mutual Exchange list is available to anyone seeking to swap their home with another tenant
- The National Accommodation Strategy for Sex Offenders (NASSO) operates effectively in East Lothian
- We meet our obligations under the East Lothian Rapid Rehousing Transition Plan which sets out how the Council and its key partners anticipate will develop their approach to rapid rehousing over a five year period from 1 April 2019 to 31 March 2024

We will work with the Council, other Housing Associations, and organisations wherever this will help in addressing housing need in East Lothian, for example by leasing accommodation to partner organisations to help meet particular needs.

We are currently one of several social landlords working throughout Scotland that use These Homes to advertise our available homes. By completing one registration form applicants can choose to be registered with one or all of the landlords offering homes for rent in the areas they wish to be housed in. We encourage feedback from tenants and applicants and use this to improve our service.

1.4.8 Moving to Other Areas

We aim to help people who want to move around the country, and we will consider applicants who need to move to East Lothian for work, family or medical reasons or to escape harassment or abuse. We do not subscribe to any of the home swap schemes that require us to pay to participate, but we will pay for individual ELHA tenants who wish to join such schemes.

We administer an online exchange register open to anyone looking for a Mutual Exchange (where two or more tenants agree to swap their homes), called East Lothian X-Changes

<https://www.elha.com/mutual-exchanges>. We will support our tenants who want to move, by providing details of landlords in their areas of choice. We will actively consider requests from other landlords throughout the UK to house applicants with high levels of housing need.

1.4.9 Connection to East Lothian

We will assess the needs of everyone who applies to us for a Priority Pass in the same way, however, when allocating properties applicants with a connection to East Lothian (as defined in Section 20(2)(aa) of the Housing (Scotland) Act 1987) will be prioritised over those with no connection to the area.

1.4.10 Home Ownership

We have the right to take account of whether an applicant owns or has owned property before deciding to allocate them a home unless it is unsafe for them to occupy their home (for example it could be unsafe if there was a threat of abuse or the house itself is structurally unsafe), or if the house doesn't meet their needs (for example, if they have a disability and cannot access facilities).

When offering a tenancy to a person who is a homeowner, we will consider whether the housing needs of that person can be met through the temporary allocation of a home by a Short Scottish Secure Tenancy (SSST), which will be for an initial period of six months, which may be extended.

If we propose to offer a SSST we will advise the applicant of this, and the reasons for our decision at the time of the offer. The applicant may appeal this decision.

1.4.11 Temporary Tenancies

Most of the tenancies that we offer will be Scottish Secure Tenancies that provide long term security of tenure, however, in some limited circumstances, we may offer a Short Scottish Secure Tenancy (SSST) instead. The circumstances where we may offer a SSST are:

- Where an applicant is a homeowner who cannot live in their property because repairs are required to make their home safe or adaptations are necessary to meet the needs of the applicant or a member of their household, or the property is being sold to enable the purchase of an alternative, more suitable property
- Where an applicant who is a homeowner has been given short notice that their tenancy agreement is being ended
- Where an applicant or a member of their household has acted in an antisocial manner within the last three years
- To someone requiring or receiving housing support services as defined in section 91(8) of the Housing (Scotland) Act 2001

If we grant a SSST which we decide not to either extend or convert to a Scottish Secure Tenancy, we will notify the tenant of the reasons for our decision and the tenant has the right to a review of this.

If we grant a SSST for a wheelchair designed property which is then needed by one of our own tenants, we will not normally extend it for a further period or convert it to a SST. Instead,

we will work with the tenant to secure suitable alternative accommodation is found for them, so the wheelchair user can move into the specially adapted property as soon as possible.

If we grant a SSST to a homeowner because of the need for adaptation or essential repairs, or whilst possession of the property is being recovered, we will not normally extend the tenancy or convert it to a SST.

1.4.12 Joint Tenancies

We advise all applicants of their right to apply for a joint tenancy with a person who is either living with them or intending to live with them. A request from an existing tenant to add a joint tenant will only be allowed once the proposed tenant has been living in the house for twelve months or more, and we have been made aware that they were living there at the outset of the twelve month period (tenants can do this by adding new household members to their My Home account at any time).

1.4.13 Kinship Carers, Foster Carers & Those Adopting

We will consider giving priority to those applicants who have been approved for adoption or are approved for fostering or kinship carers.

Though our assessment of housing need is always based upon current circumstances, we will consider giving priority where supporting evidence can be provided. We may work with the Children and Young Peoples Services to decide at what stage it is appropriate to give priority.

1.4.14 Pets

We do not limit the number of domestic pets in our homes but there are exceptions to this rule:

- We do not normally allow dogs in flats within a communal stair, with the exception of Assistance Dogs (when we advertise flats to which this ban applies, we will clearly state this in the advert to ensure that applicants are aware of the ban)
- In some new developments the Deed of Conditions, a legal document which sets out a structure to make sure that the development is maintained in the future for the benefit of all residents, may restrict the number and type of pets allowed; the rules in a Deed of Conditions takes precedent over the clauses in a tenancy agreement

1.4.15 Equal Opportunities

We will not unfairly discriminate against anyone. We will make information available in different formats as required and will provide free access to translation services in our office if they are needed. We will monitor our allocations to ensure that nothing in this Policy leads to unfair discrimination.

1.4.16 Confidentiality

We will treat all personal information as completely confidential and use it only for the purpose of operating this Policy. We will obtain or pass on information only in accordance with the declaration signed by applicants as part of the registration process or with the applicant's consent, or if we are required to do so by law or by our Regulators.

1.4.17 Appeals

Applicants have the right to appeal any decision made in accordance with this Policy. Our Appeals Procedure is described at Section 6.

1.5 Allocations Not Covered by this Policy

There are occasions when we will not advertise some of our available homes and allocate them differently. We will do this in various circumstances including where:

- We cannot identify suitable applicants for a specially adapted property through advertising
- We are seeking to accommodate people coming to the UK under an official Resettlement Programme (any allocations like this will be reported to our Audit & Assurance Committee)
- We have referral arrangements in place with specialist agencies or organisations providing support to people with particular needs (any allocations like this will be reported to our Audit & Assurance Committee)
- Tenants choose to exchange properties with another landlord or ELHA tenant (these are known as Mutual Exchanges and the processes we use to manage these are set out in our Tenancy Management Policy)
- A person succeeds to, or is assigned a tenancy (how we deal with these situations is also set out in our Tenancy Management Policy)
- We may lease properties to other organisations or enter into nominations agreements with agencies providing support to people with particular needs (any allocations like these will be reported to our Audit & Assurance Committee)

1.6 Management Allocations

In exceptional circumstances, we may allocate some of our homes on management grounds (this means we will not normally advertise the property but will allocate it direct to one applicant), for example where there are:

- High level support needs, severe harassment or domestic abuse
- Applicants with exceptional circumstances not otherwise covered by this Policy
- Individuals needing a particular type of property that may not come up for allocation very often so that their health or support needs can be addressed
- A series of possible moves that can meet the housing needs of several applicants, and the first suitable property to facilitate this is available
- Issues relating to an adapted or wheelchair property that means we need to move someone from that house
- Significant antisocial behaviour, harassment or abuse issues and we urgently need to move someone away from that situation

We will avoid re-housing vulnerable applicants in properties where we are aware of an issue that we feel may make it more difficult for them to sustain a tenancy. This happens rarely.

Management allocations will be kept to a minimum, and a full record of the reasons for them will be set out in a report that will be retained with the allocation paperwork and will be reported to our Audit & Assurance Committee.

2.0 Admission to the Housing List

All applicants aged 16 or over are eligible for our housing list. Any priority that we award will depend on their housing and housing related need as defined by our priority system which is explained in Section 3. We will grant applicants living out-with East Lothian priority if they need to move to East Lothian for work, family, or health reasons, or to escape harassment or abuse. We will also assess the housing needs of applicants with no connection to East Lothian, but will prioritise applicants with a connection when allocating properties.

2.1 Registration Process

To register with These Homes, applicants must complete an online registration at <https://www.thesehomes.com/>. Help is available at our office or over the telephone for anyone who needs support doing this. A paper form is available for download from thesehomes.com however it should be noted that this is a substantial form and it is better to complete it online. An applicant can register online or in person at our office and apply for a suitable advertised home on the same day they apply.

Our registration form is kept as simple as possible and collects only information essential to our allocation process, housing need assessment and equalities monitoring.

At the point of registration, applicants are asked to tell us if they are homeless, overcrowded, have health problems or are living in accommodation suffering from disrepair. If they do, they will be asked to provide further information during registration, to allow us to assess if they qualify for priority. Applicants to the housing register are issued with a unique registration number on the day they register. Unless we have to verify any information provided in the registration, the applicant can begin applying for suitable advertised properties as soon as they are registered, except in the following circumstances:

- The applicant has debt relating to a previous or current tenancy and no re-payment arrangement is in place, or they have an arrangement but have not maintained it for 3 months or 13 consecutive weeks; they declare or we become aware of a history of antisocial behaviour or a criminal conviction relating to, or involvement in, the supply and use of illegal drugs or the applicant requires support to maintain a tenancy
- Applicants who will not be assessed as having a housing need until a later date (for example, where the applicant is in tied accommodation, hospital or prison and this situation is not likely to change for at least one month), will be placed on the housing register but will remain suspended until the applicant contacts us to confirm that they are in a position to accept a tenancy
- Applicants leaving the armed forces can choose to have their circumstances assessed up to six months before their date of discharge then have their registration suspended so that they can benefit from an earlier date of registration or Priority Pass award, but

they will remain suspended until they contact us to confirm that they are in a position to accept a tenancy

In all the above cases where an application is suspended, the suspension will last only for as long as it takes to obtain full information or rectify the situation. Further information about suspended applications is provided at Section 4.1 and **Appendix 4**.

We may ask for supporting documentation of relevant personal circumstances, for example, proof of residence or evidence of harassment, at any time during the registration / allocation process. We may also make relevant enquiries to confirm information given to us by the applicant.

We will make it clear to applicants who own their own home that it is a legal requirement that they must occupy a tenancy as their only or principal home. We will assess the priority of homeowners in exactly the same way as others.

3.0 Assessment of Housing Need

3.1 Priority Pass System

Priority is awarded through a system of Priority Passes. All applicants will be encouraged to apply for priority to reflect their housing need.

There are five levels of Priority Pass; Platinum, Gold Plus, Gold, Silver and Bronze.

Applicants can apply for as many Priority Passes as they feel they may be entitled to. Priority can be awarded from one or more of the categories listed below, which are further defined in **Appendix 2**. A Priority Pass will only be awarded once in each category and will be the highest level of pass that the applicants' circumstances merit.

Homelessness

We recognise housing need due to homelessness by the award of Platinum Priority Passes.

Any applicants where East Lothian Council has accepted a legal duty to house them in terms of the current homelessness legislation are awarded a Platinum Priority Pass, our highest level of Priority Pass.

of our allocations to homeless households are made through These Homes. We have a Nomination / Section 5 Protocol Agreement in place with East Lothian Council to ensure that our agreed quota for allocations to statutorily homeless households is met.

Harassment and Abuse

We recognise housing need due to harassment or abuse by the award of Silver and Bronze Priority Passes.

Harassment can be on the grounds of race, sex or sexual orientation, disability (including mental health problems), colour, religion or belief.

We have a separate policy on harassment which applies to our tenants.

Tenants suffering from harassment to the extent that they cannot occupy or have to leave their home will be encouraged to apply to East Lothian Council for assessment under the homelessness legislation, as this could result in the award of a Platinum Priority Pass, our highest level of priority.

Domestic Abuse

We recognise housing need due to domestic abuse by the award of Gold Priority Passes.

We recognise that not all applicants will want to approach their local authority as homeless but know that victims and children are potentially at severe risk and continue to remain in that position whilst they remain in their home.

We have a separate policy on domestic abuse which applies to our tenants and we will seek to support victims who want to remain in their home but may need to move temporarily.

Medical

We recognise housing need due to health problems by the award of Gold and Silver Priority Passes.

We will consider awarding priority for re-housing on health grounds only where a move may result in a significant improvement in the applicants' health or make their health issue much easier to cope with. We do not assess the severity of the medical condition; we only look at the impact a change of accommodation would have on their health or support needs.

In assessing applications on health grounds, we will always consider whether or not the applicant's current accommodation could be adapted to meet their housing needs.

Medical Priority Passes are awarded based upon the information provided in the registration form and we provide guidance to staff to assist them in making these assessments. We will seek further information about the applicant's condition, the impact of re-housing and the type of property required from a health professional at the point of allocation, if this has not already been provided.

Minor ailments or conditions that will not be improved by re-housing will not attract priority on health grounds.

We may place restrictions on the type of property to be offered to an applicant who has been awarded priority on health grounds. For example, someone awarded priority due to difficulties managing stairs in their current accommodation will normally only be able to apply for homes on the ground floor.

We will not normally allocate a home that would require significant adaptations to meet an applicant's needs unless we have no properties available that would meet the applicant's needs without adaptation. In these circumstances we will consider each case

Overcrowding

on an individual basis, in partnership with East Lothian Council's Social Work Department.

We recognise housing need due to overcrowding by the award of Gold, Silver and Bronze Priority Passes. This section also covers the priority given to large families (who need four or more bedrooms) whose principal housing need is likely to arise from overcrowding.

We only assess overcrowding for households that have outgrown their accommodation. If an applicant is living with family or a guardian, we will not take account of overcrowding that may already exist within the family but will only consider the needs of the applicant.

The following occupancy levels are used to assess overcrowding and to allocate housing of an appropriate size:

- All adults (over the age of 16 years) are entitled to a bedroom of their own, unless living with a partner, when they will be expected to share a double bedroom
- Two children of the same sex can share a double bedroom until one of them reaches the age of 16
- Children of the opposite sex can share a double bedroom until one of them reaches the age of 8
- In some cases, an adult / child's medical condition may mean that they need sole use of a bedroom (we will normally ask for proof of this requirement)
- An extra bedroom will be allowed if a carer needs to stay with the applicant for at least three nights per week (we will normally ask for proof of this requirement)
- If an applicant has residential access to a child or children for at least three nights per week, the applicant will be allocated one extra bedroom, if required, to accommodate the child or children (we will normally ask for proof of this requirement)
- If an applicant has access to a child or children for four nights a week or more, the child or children will be treated as permanent members of the household and we will allocate a home of the appropriate size to accommodate them
- In recognition of the fact that overcrowding resulting from access to children is only for part of the week and is therefore not as bad as overcrowding due to children who live there full time, access overcrowding will attract lesser priority

- A living room should not have to be used as a bedroom unless it is to accommodate a child or children on residential access of less than three nights per week (and there are no issues with the heating system that would stop this)
- No more than two people should share a bedroom unless the applicant chooses to share a room with a child or children on residential access of less than three nights a week

r-Occupation

- A box room or a room without natural light is not counted as a bedroom available to the household

We recognise housing need due to changing family circumstances resulting in an applicant now requiring a smaller home by the award of Gold and Silver Priority Passes. As this approach aims to free up larger homes for those who need them, this priority is only awarded to our tenants.

Unsuitable Housing

We recognise housing need resulting from living in a home that is below tolerable standard (BTS), suffering from dis-repair or lacking amenities by the award of Gold and Bronze Priority Passes.

Social/Family Support and Employment

(Need to be in a Community and Need to be in a Rural Community)

We recognise housing need due to the need to be in a particular community within East Lothian by the award of Silver and Bronze Priority Passes.

Priority may be awarded where an applicant needs to move to:

- Take up or keep a permanent job (priority will normally only be awarded where the applicant is the main earner and the job is more than one hour's travel from their current home)
- Be nearer amenities or services (we will consider the reasons why the applicant finds it difficult to access amenities or services, including availability of public transport)
- Maintain contact with children
- Give or receive support (we will consider the nature and frequency of the support provided or received)

Affordable Home

People are often forced to continue living in their family home due to a lack of affordable housing options. We recognise housing need for this reason by the award of a Bronze Priority Pass.

Priority is awarded to anyone living in the family home who has a total income of less than £30,000 a year and who have never held a social housing tenancy.

Living in Flats

We recognise housing need due to living in a flat for more than two years and the applicant wants to move to a house, by the award of a Bronze Priority Pass. This particularly benefits families with young children who would otherwise have no housing need, where there is no suitable play or storage facilities. The added benefit of this is to free up homes for those who need them, therefore this priority is only awarded to our tenants.

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Our tenants are subject to the same conditions of access, assessment and acceptance as external applicants (including the

requirement to have kept a repayment agreement for any arrears or debts amounting to more than one month's rent for at least three months), with the following exceptions:

- We will inspect our tenant's home before a Priority Pass is awarded and will tell our tenant about any work they need to complete to bring the condition of the property up to a satisfactory standard, acceptable to us
- If our tenant needs to complete any work to fulfil the obligations of the Scottish Secure Tenancy Agreement, then their application will be suspended until they notify us that the work is complete, and we have inspected it
- If a transfer applicant has not applied for a Priority Pass then we will carry out a pre-inspection of their home before any conditional offer of housing is confirmed
- Transfers will not be approved unless the property to be vacated is in a condition where it can be immediately re-let
- Transfer applicants may be awarded priority for under-occupying their existing home
- Transfer applicants may be awarded priority for living in a flat for more than two years
- If a transfer applicant and another applicant have the same level of Priority Pass, the transfer applicant will be offered the home first, regardless of the date of registration or date of award of the Priority Pass
- Transfer applicants who have a clear rent account; maintain their home to an acceptable standard and have no history of neighbour problems or anti-social behaviour will be eligible for a Gold Plus Priority Pass (this gives them priority over all but Homeless applicants, or in situations where the property has been medically adapted, and our tenant does not need these adaptations but there are other applicants that do)

3.2 Limitation of Passes

We are committed to offering applicants as much choice as possible, however, in some circumstances awarding priority will result in restrictions on the type of property or area for which the applicant will receive priority.

We will limit Priority Passes awarded for social or family support or employment to a specific area.

We may also limit a Priority Pass to a particular type of property, for example to ground floor accommodation where a pass has been awarded for health related mobility problems, or to wheelchair accommodation where this is required by the applicant.

Applicants who have had their Priority Pass limited by us can still apply for homes that fall out-with the pass limitations, but their Priority Pass will not be recognised for those homes.

3.3 Suspension of Priority Passes

Where we consider that an applicant has intentionally or carelessly worsened their housing circumstances (for example, by moving from a house that was large enough for their

household to one that is too small, causing overcrowding), their entitlement to a Priority Pass will be suspended for an initial period of twelve months with discretion to extend this suspension period to a maximum of two years.

The twelve months suspension will begin on the date the applicant worsened their circumstances. The applicant will still be able to apply for available homes but will have to re-apply for a Priority Pass at the end of the suspension period.

Except for Platinum Priority Passes, if an applicant has used a Priority Pass, to apply for a property and they refuse a reasonable offer, their Priority Pass will be withdrawn for a period of twelve months. It is the applicant's responsibility to re-apply for priority at the end of this period.

If a homeless applicant refuses an offer of a home, we will follow the procedure set out in the Nomination / Section 5 Protocol Agreement and inform East Lothian Council. The application will be suspended until the Council has completed its investigation.

4.0 Administration of the Housing List

4.1 Suspended Applications

We aim to keep suspended applications to a minimum and be clear about when they will apply and for how long. We may suspend applications for an initial twelve months with the discretion to extend the suspension for further periods of six months up to two years in the following circumstances, if an applicant has:

- Provided false or misleading information in connection with an application
- Carelessly or intentionally worsened their current housing circumstances to gain greater priority
- Acted in an antisocial manner in their community
- Acted in an antisocial manner towards a member of our staff or any of our Management Committee members during the application process
- Had an ASBO issued to them or a member of their household within the last two years
- Been convicted of an offence that was committed in, or in the vicinity of, their home
- Been evicted from a previous tenancy
- Turned down one reasonable offer of housing
- Deliberately given us false information or omitting relevant information with the intention of being assessed with greater housing need than is the case
- Housing debt of more than one month and no arrangement is in place to pay off their debt or has not kept to an agreed arrangement for at least three months or 13 consecutive weeks (debts older than five years, which have not previously been pursued by the former landlord will be disregarded)

We may also suspend applications for the following reasons:

- The applicant has a change in circumstances
- We are waiting further information
- There are support issues
- The applicant is unable to take up a tenancy
- The condition of the property is not acceptable (ELHA transfers only)

We will regularly review suspended registrations to minimise the time any applicant is unable to apply for available properties.

Appendix 4 provides more detailed information in relation to suspensions.

4.2 Withdrawal of Registrations

We will withdraw applications only under the following circumstances:

- At the applicants' request
- Where the applicant does not respond to an annual review and reminder letter
- If mail is returned marked "gone away" or not known at this address
- If the applicant does not respond to requests for information
- If the applicant dies

We will re-register applicants on request, taking into account any changes in their circumstances. Their date of registration will normally be the date they re-apply, but applicants can ask to have their registration re-instated with their original registration date if there are exceptional circumstances and can appeal if any initial request is refused.

4.3 Review of Register

We will review applicant registrations annually on the anniversary of the date of registration.

The review form will be short and only ask the applicant if they want to remain on the register and to report any changes in their circumstances. We will give applicants 28 days to respond.

If an applicant doesn't respond to an annual review, we will send a reminder, giving the applicant a further 14 days to respond. If the applicant does not respond to the reminder, we will withdraw their registration.

5.0 The Allocation Process

5.1 Advertising and Applying for a Property

We will normally advertise every second available home stating that Platinum Priority Passes are valid for the property, in line with our commitment to help alleviate homelessness.

Platinum Priority Pass holders can apply for other available homes, but their Priority Pass will not be recognised.

Once we have been notified of a tenancy termination, we will decide if the property will be allocated in line with this section, or if it will be removed from the normal allocation process as outlined in Sections 1.6 (allocations not covered by this policy) and 1.7 (management allocations).

Available homes will be advertised weekly on thesehomes.com and elha.com, in our Head Office window, and on Facebook. We will also provide copies of our adverts to local Council housing offices, in libraries and the Citizen's Advice Bureaux for display. A dedicated phone line is also available giving details of available properties and allowing applicants to apply by phone.

We will assess properties individually and decide what constitutes "Best Use". For example:

- Adverts will include the number of bedrooms (a household makes "Best Use" of a property if it needs all of the bedrooms)
- We may take into consideration the mix of family sizes within the building or immediate area to maintain a balanced and sustainable community
- An advert for sheltered housing will specify that normally only applicants aged over 60 will be considered
- An advert for amenity housing will state that normally only applicants aged over 50 will be considered
- An advert for a property with significant adaptations will specify that we will give priority to applicants whose medical needs mean that they need the adaptations regardless of whether or not they need all of the bedrooms

We will specify any best use criteria and a closing date for applications in the advert.

We will maintain a list of support providers and others such as Social Workers and Occupational Therapists who may be helping clients to find a new home and will send weekly lists of our available homes to them by e-mail.

Registered applicants may apply for as many advertised properties as they wish at any one time. They will be able to note their interest on thesehomes.com, by telephone, letter, or in person at our office.

When a registered applicant applies for more than one advertised home, we will assume that the order in which they apply is their order of preference.

No applications will be accepted after the advertised closing date and time.

5.2 How Properties are Allocated

An overview of the allocation process is attached at **Appendix 3**. Applicants with a connection to East Lothian will be prioritised over those with no connection. We will allocate

advertised properties after the closing date for applications using our selection criteria as follows:

5.2.1 Best use

The applicants who will make best use of the home by using all of the bedrooms or by using other features such as ground floor access, other adaptations, or suitability for wheelchair use, and who meet any age limitations.

5.2.2 Priority Homeless

If the home has been advertised stating that Platinum Priority Passes are valid, only applicants with Priority Passes at that level will be considered in the first instance. If there are no applicants with a Platinum Priority Pass, we will revert to the procedure outlined in the Nomination / Section 5 Protocol Agreement with East Lothian Council. Only if no applicants are identified through this route, will we continue to work through the applications list.

5.2.3 Priority Pass Level

If more than one applicant makes best use of an advertised home, then the applicants are placed in order according to the level of Priority Pass that they hold. If more than one applicant has the same highest level of Priority Pass we will consider the applicant who has held this highest level of Priority Pass the longest, unless one of these applicants is an ELHA transfer applicant, in which case the home will be allocated to the transfer applicant first, regardless of the date of Priority Pass award.

5.2.4 Date Priority Pass Awarded

Where there is more than one applicant with the same level of Priority Pass the home will be allocated to the applicant whose Priority Pass was awarded earliest.

5.2.5 Date of Registration

The date of registration is the date the applicant was accepted onto These Homes. We consider the date of registration only if there are no applicants with a Priority Pass. The property is allocated to the applicant with the earliest date of registration unless one of the applicants is a transfer applicant, in which case the property will be allocated to the transfer applicant first.

5.2.6 Same Date of Registration or Priority Pass Award

If the date of registration or award of Priority Pass is the same for two or more applicants, we will allocate the property to the applicant with the lower registration or Priority Pass number, since this means that they applied before the other applicant, but on the same day.

Our Management Committee delegates responsibility for the day-to-day operation of this Policy to our staff. Our staff will check the accuracy of the list produced by the These Homes software and confirm the allocation. All allocations will involve two members of staff.

5.3 Offers and Refusals

We will contact the successful applicant by telephone on the closing date for applications wherever possible. Applicants who applied for homes on thesehomes.com will receive an email informing them that they were unsuccessful. Applicants applying by other means that have not been contacted within two days of the closing date should assume that they have been unsuccessful.

Any offer we make will be conditional upon the applicant's housing circumstances being confirmed, the applicant providing proof of residency, any evidence relating to the award of a Priority Pass being provided and, if appropriate, previous tenancy references being received. We will enclose a copy of our Scottish Secure Tenancy Agreement with our offer to the applicant being considered for the property.

We will give the successful applicant three working days from the date of our conditional offer to confirm the date and time for a home visit or office interview if one is to be carried out (see home visits below). If the applicant does not contact us within three working days, and they have not previously indicated that they would not be available, for example telling us that they are on holiday or in hospital, then we will withdraw our conditional offer and move on to the next applicant.

5.3.1 Home Visits

We will normally carry out home visits to all successful applicants living within a reasonable distance of our office when they will be asked to provide proof of residency and their housing history (so that we can take up references). If they cannot supply us with this information, we will move on to the next applicant.

For those who have used a Priority Pass to secure their conditional offer, we will also check the information provided at registration. If the applicant has declared tenancy debt equivalent to more than one month's rent charge, we will also check that their re-payment arrangement is still being maintained.

If the applicant lives too far away for a home visit, we will telephone them to check the details provided, at registration or ask a housing provider in their area to carry out the home visit on our behalf. If a telephone interview is carried out the pre allocation interview form will be sent out to check and agree before an offer is made.

5.3.2 Offer

We will send out an offer only after we have completed our required checks such as residency and, if appropriate, Priority Pass information and tenancy references. If the home is ready to let, our offer letter will suggest dates for the applicant to view the property and to sign their tenancy agreement. If the property is not ready, these dates will be arranged over the telephone when it is. The letter will also provide information and advice about rent and Housing Benefit / Universal Credit and inform the applicant what will happen if they refuse the offer. Again, the applicant must respond within three working days or the offer will normally be withdrawn.

If we withdraw an offer, or if the successful applicant refuses the offer, then we will contact the second qualifying applicant and follow the steps outlined above until the property is successfully allocated.

Where a successful applicant has used a Platinum Priority Pass and refuses an offer, we will notify East Lothian Council's Homeless Department and follow the process set out in the Nomination / Section 5 Protocol Agreement.

If an applicant has used a Priority Pass to apply for a property and they refuse an offer, then unless there are exceptional circumstances, we will withdraw the Priority Pass for a period as detailed in Section 3.13 above. If a Priority Pass has not been used, there is no penalty for refusing an offer.

6.0 Appeal and Complaints Process

All applicants have the right to appeal against any decision made concerning their registration, the assessment of their housing need, the decision to suspend an application or Priority Pass the withdrawal of a Priority Pass or the withdrawal of their registration or an offer of housing. Appeals and Complaints will be dealt with by staff at an appropriate level. Staff members who made the original decision or were involved at a previous stage of the process will not be involved in appeals and complaints.

6.1 Stage 1

Appeals should be made in the first instance within two weeks of the disputed decision. We aim to acknowledge receipt of the appeal within two working days and to provide a full response within ten working days.

6.2 Stage 2

If the applicant is not satisfied with the Stage 1 decision, or has additional information, they can appeal again. Stage 2 appeals should be submitted within two weeks of the Stage 1 decision. We will acknowledge receipt of the appeal within three working days and aim to provide a full response within 20 working days.

6.3 Stage 3

If the applicant is not satisfied with the Stage 2 decision, their final appeal will be dealt with at Stage 2 of our Complaints Handling Procedure.

If the appeal or complaint is against a decision not to make an offer of housing, the property will **not** be held until the conclusion of the appeal and/or Complaints process. If the appeal or complaint is successful and the decision not to make the offer was due to an error or misunderstanding by us, the applicant will be offered the first available suitable property, and the allocation will be treated as a Management Allocation (see Section 5.0). If the appeal or complaint is successful because the applicant has provided information not previously available to us, this will be explained, and any penalties applied will be withdrawn.

We will tell applicants about their right to appeal or the next stage in the process in all decision letters.

7.0 Information and Advice

We meet the Scottish National Standards for Housing Information and Advice, developed by the Scottish Government. We will make sure that all our These Homes information is written in Plain English. We have a procedure for providing information in alternative formats for those who need it.

All the information about how These Homes works is available on both elha.com and thesehomes.com. It will also be made available to applicants applying by other means. If requested, we will provide tailored advice to an applicant about their housing prospects and other housing options. Where appropriate, we will seek and make referrals to other sources of housing support and advice.

Whilst the numbers of people applying for each property advertised on These Homes will be available to applicants, more detailed information about our allocations will be available on elha.com.

8.0 Monitoring and Review

Our Audit & Assurance Committee is responsible for monitoring the operation of this policy, and for bringing any concerns about its operation to the attention of our Management Committee.

Quarterly and annual performance reports are considered by our Audit & Assurance Committee, as well as reports on any allocations made in accordance with Section 1.6 or 1.7 of this policy. Our performance is also published on our Performance 365 microsite at elha.com.

The Director of Housing will ensure that this policy is reviewed by the Management Committee at least every five years.

Appendix 1

1.0 Non-Standard Allocations

We own several Shared Ownership, Workshop Homes, Garages, Garage Sites and other non-residential properties which are not allocated through These Homes. We also allocate some Low Cost Home Ownership properties on behalf of East Lothian Council:

1.1 Shared Ownership

We have a small stock (less than 50) of Shared Ownership properties developed between 1990 and 1997.

If a Sharing Owner decides they want to sell their share in a property, they are responsible for ensuring the property is marketed. Unless we agree to join with the Sharing Owner in a sale on the open market, we will offer to advertise their home on These Homes but will simply provide a Shared Ownership application form to any applicants and refer them direct to the Sharing Owner to arrange viewing. Our Shared Ownership Policy gives more information about this.

1.2 Workshop Homes

We own three workshop homes in Athelstaneford and Stenton. The allocation of these workshop homes is led by the business needs of the applicant and is carried out in partnership with the Economic Development Unit at East Lothian Council.

1.3 Garages and Garage Sites

We have a small number of Garages and Garage Sites available for rent close to our housing in various locations throughout East Lothian.

When a garage becomes available, we will advertise it on elha.com, Facebook and in our Head Office window. Applications will be accepted on elha.com, in writing, or by phone.

Applications will be prioritised using the following criteria:

- First priority will be given to our tenants
- If no tenants apply, priority will be given to applicants living close to the garage
- Disabled applicants will be prioritised within the above two groups
- If there is more than one applicant with equal priority, the garage will be allocated to the person who applied first

Before confirming the offer of a garage, we will ask for appropriate information from the applicant to confirm their ability to pay. Garage sites will also be advertised and allocated in a similar way.

1.4 Low Cost Home Ownership

We allocate Low Cost Home Ownership properties in East Saltoun and Ormiston on behalf of East Lothian Council. The way we allocate these homes is governed by a separate agreement between us and East Lothian Council.

Our responsibility is to advertise a property that an owner wishes to sell and find an eligible purchaser, according to the set criteria, and we will normally advertise these properties for sale in the local press.

Appendix 2

Definition of Priority Passes

Need	Priority Level	You qualify if:
Homelessness and Harassment	Platinum	East Lothian Council have accepted a duty to rehouse you under homeless legislation
	Silver	You need to leave your home due to persistent serious harassment*
	Bronze	You are suffering from intermittent harassment, but do not need to leave your home*
Domestic Abuse	Gold	You or a family member are a victim of domestic abuse and you have to leave your home but do not wish to approach the local authority as homeless
Need to be in a Community	Bronze	You need to move to: <ul style="list-style-type: none"> • Take up or sustain permanent employment in East Lothian and your accommodation is more than one hour travel from your place of work • To be closer to your children in East Lothian who you have access arrangements for, but access is very difficult or impossible due to location • To be closer to shops and amenities which you currently have difficulty accessing • Provide or receive support to/from a family member living in East Lothian
	Silver	As above, but with the added requirement of moving to a rural location only**
Overcrowding / Under-Occupancy	Gold	You need two or more extra bedrooms (overcrowding within the host family is disregarded), or
	Silver	You are an ELHA tenant and your home has two or more spare bedrooms You need one extra bedroom or you are a couple or have two children and sharing a single sized room (overcrowding within the host family is disregarded), or
	Bronze	You are an ELHA tenant and your home has one spare bedroom You need an extra bedroom to allow residential access to children for at least 3 nights a week*
Unsuitable Housing	Gold	Your current accommodation has severe disrepair or defects, for example, severe dampness, rainwater penetration or structural defects*** or it lacks one of the following: <ul style="list-style-type: none"> • A flushing toilet • An adequate water supply

			<ul style="list-style-type: none"> • A fixed bath or shower <p>If you live in a caravan we will take into consideration how you came to be there (we will check whether you have intentionally worsened your circumstances - see Section 3.13) and where the caravan is situated</p> <p>Bronze Your current accommodation lacks one of more of the following basic amenities:</p> <ul style="list-style-type: none"> • A hot water supply • A whole house heating system • A kitchen area
Medical		Gold	<p>You (or household member) have a severe medical condition which is made worse by your current accommodation and would be markedly improved by re-housing, or</p> <p>Re-housing is essential to allow discharge from hospital or to prevent admission to a nursing or residential home, and it is not practical to adapt your home to meet your needs, or</p> <p>Without re-housing the essential activities of daily life such as bathing, cooking and going out etc. are not possible, or</p>
		Silver	<p>You are an ELHA tenant (or household member) who requires a medical adaptation and we have not agreed to this work</p> <p>You (or household member) have a medical condition which would be markedly improved by re-housing, or</p> <p>Re-housing would substantially reduce the risk of physical injury, or</p> <p>Your present home makes essential activities of daily living difficult, and it is not practical to adapt your home ****</p> <p>Limits may be set by us for these Priority Passes, e.g. if a Pass is awarded due to difficulty managing stairs the Pass will be limited to ground floor accommodation</p>
First Home	Affordable	Bronze	<p>You (and your partner) have a total annual income of under £30,000 and have little or no access to the local housing market. You have not held a social housing tenancy before, and you are living with your parents</p>
Transfer		Gold Plus	<p>You are an ELHA tenant, you qualify for any form of Priority Pass and</p> <ul style="list-style-type: none"> • Have a clear rent account

Bronze	<ul style="list-style-type: none">• Maintain your home to a good standard• Have no history of neighbour problems or antisocial behaviour <p>You are an ELHA tenant and have been living in a flat for more than two years</p>
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* The level of pass awarded to applicants depends on the evidence provided during the pass application process.

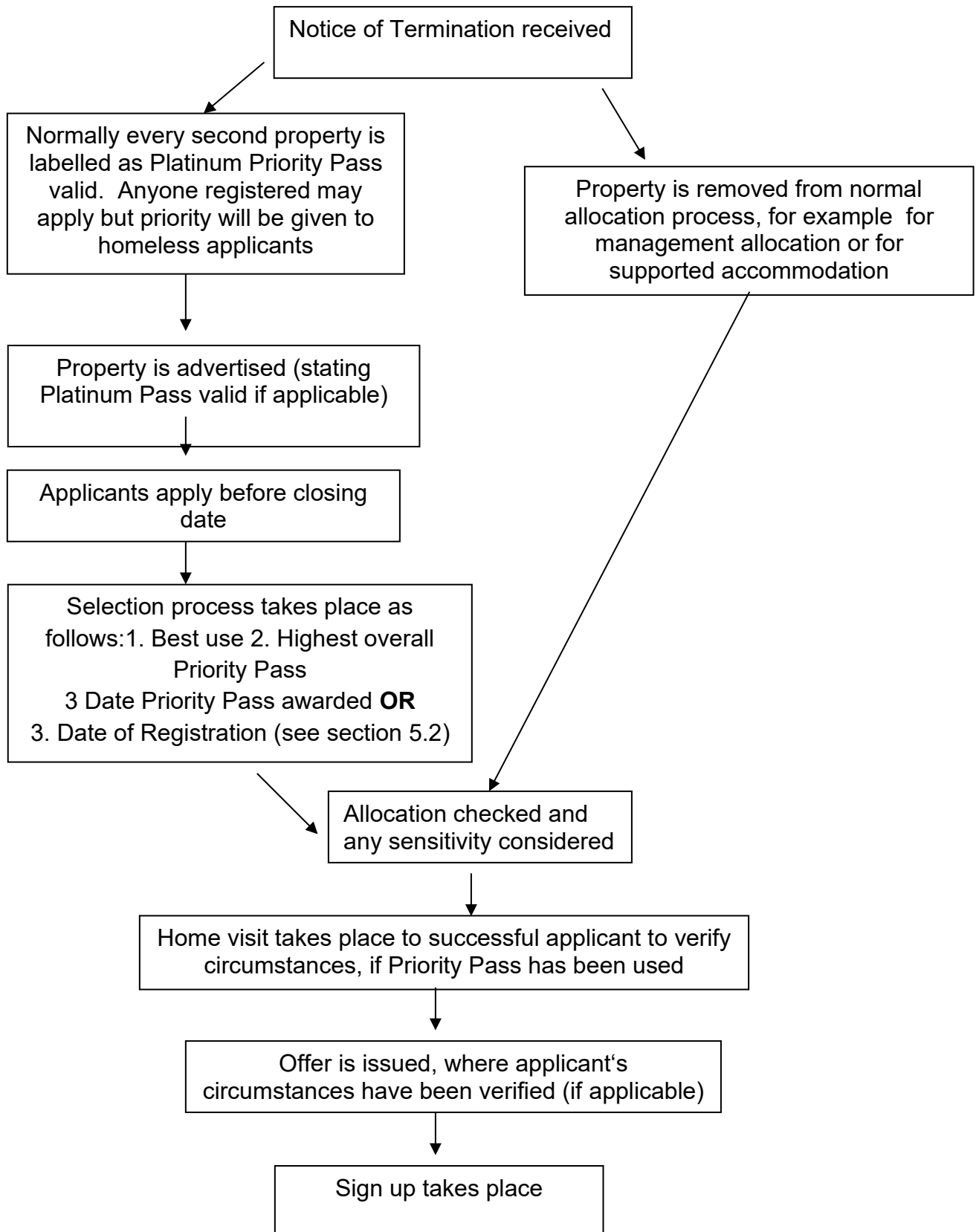
** Rural locations: Athelstaneford, Dirleton, East Linton, East Saltoun, Elphinstone, Garvald, Gifford, Innerwick, Ormiston, Pencaitland and Stenton

***We may contact the landlord or carry out a house inspection

**** Verification from a health professional will be required

Appendix 3

OVERVIEW OF THE ALLOCATION PROCESS



Appendix 4

1.0 Suspended Applications

When we suspend an application, we will tell the applicant that they have been put on hold and explain why. We will also tell the applicant what, if anything, they need to do to have the hold status removed.

Where we need to take action, such as make further enquiries, we will make sure that this is done as quickly as possible and that, if required, follow up action is taken immediately.

We will regularly review held registrations in order to minimise the time any applicant is unable to apply for available properties.

We may suspend applications in the following circumstances:

1.1 Change of Circumstances

If the applicant buys a property or moves to a secure tenancy, we will suspend the application until we establish whether they wish to remain on the Housing Register.

1.2 Awaiting Information

If we need more information to assess an application, we will suspend the application until we receive the information. We will make sure that requests for information are regularly followed up so that the time the application is suspended is kept to a minimum.

1.3 Rental, Service Charge or Chargeable Repairs Debts

Where the applicant has current or previous rental, service charge, chargeable repairs, legal expenses or any other tenancy debt amounting to more than one month's rent, they must have made an arrangement for re-payment and maintained payments for at least three months.

If no arrangement has been made, we will tell the applicant that their registration will be suspended until this requirement has been met.

It is the applicant's responsibility to ensure that the re-payment arrangement is kept, to inform us when the arrangement has been kept for three months and to let us know if the arrangement is broken. We will check that any re-payment arrangement continues to be maintained before confirming any offer of housing.

Debts older than five years, which have not previously been pursued by the former landlord, or where the debt was not the responsibility of the applicant as a tenant, will be disregarded.

1.4 Anti-social behaviour

Where there is clear evidence of anti-social behaviour in a current or previous tenancy, we will suspend the application until we have fully investigated the circumstances. If we are satisfied that an applicant's circumstances or conduct has significantly changed, the suspension will be lifted.

In considering whether to suspend an application for antisocial behaviour, we will take account of the nature of the behaviour (for example, threats or harassment, fire raising, relevant criminal convictions) and:

- The nature, frequency and duration of the behaviour
- The extent to which the behaviour was the responsibility of people other than the applicant
- The effect the conduct had/is having on other people
- What the applicant has done to address the situation
- The applicant's ability to maintain a tenancy, either with or without support

1.5 Providing False Information or Omitting Relevant Information

Where we consider that an applicant has knowingly or carelessly given false information or withheld information that would have a bearing on their application, we will suspend the application for a period of twelve months.

1.6 Support Issues

If an applicant states that they need support to maintain a tenancy or appears unlikely to be able to maintain an independent tenancy without support, the application will be suspended for as long as it takes us to confirm that an appropriate support package has been identified and confirmed to be available to the applicant.

1.7 Applicant not able to Take up a Tenancy

If an applicant is unable to take up a tenancy, for example, because they are in hospital, prison or haven't yet left the armed forces, we will suspend their application until they are able to move.

1.8 Aggressive or threatening behaviour

If an applicant is aggressive or threatening towards a member of our staff or Management Committee, we will suspend their application for a minimum of twelve months. In all such cases we will work with the applicant, by letter if necessary, towards a mutual understanding of their expected behaviour and attitude.

1.9 Condition of Property (Transfers only)

Where a transfer applicant must bring the condition of the property up to a satisfactory standard (where it relates to a breach of their tenancy agreement) they will be suspended until the work has been completed to our satisfaction (see section 3.11).

Appendix 5

1.0 Lettings Plans

We assess all applications in accordance with this Policy but, sometimes, we will adopt a Lettings Plan for a specific geographical area or neighbourhood or type of property. Where we do this, this will be clearly stated in the advert. Lettings Plans will always be intended to create or promote sustainable, stable, and balanced communities. We may adopt a Lettings Plan in situations such as:

- Where we need to prioritise applications for an area that is in high demand
- Where we are trying to promote demand in an area where there are empty properties
- Where we are seeking to stabilise a community that has been affected by incidents of antisocial behaviour
- Where we are trying to promote local employment by providing accommodation for incoming or key workers
- Where we want to ensure a mix of family size, e.g. in new developments or areas with limited children's play areas
- In accordance with East Lothian Council's Housing Strategy

All Lettings Plans will be time limited, and their effectiveness will be regularly monitored. However, given the nature and location of several of our developments, the Management Committee approved the decision to make the following Lettings Plans permanent:

- Sheltered Housing - Osborne Court, Cockenzie

Osborne Court is a sheltered housing scheme with 16 properties, including eight upper flats. Given the age of the tenants who are housed in this development (over 60s) their needs can change, and some find it increasingly difficult to climb the stairs. This generally means that an upper flat can become unsuitable and the tenant needs a transfer to ground floor accommodation.

If a ground floor property in this development becomes available, we will offer it to any first-floor residents at Osborne Court who require ground floor accommodation, without advertising the actual vacancy. If such a transfer is accepted, the resulting first floor vacancy is advertised as normal. It is possible that the need for such a transfer is not known about before a ground floor flat is advertised and that this only comes to light once the property has been made available through These Homes.

If this happens then we will offer the ground floor flat to our tenant and the resulting vacant upper flat to the first suitable applicant on the list. Managing stock this way ultimately meets the needs of two applicants and potentially reduces the needs for medical adaptations

- The Granary & Hardgate Court – Haddington,

These flats are situated adjacent to a main road and a communal car park. Given the number of health and safety concerns arising from a lack of storage space, children playing in the

carpark and the location of the main road, it was agreed that a sensitive approach to allocations should be taken to letting all future vacancies in these blocks with priority being given to families with children aged 12 years or older.

Tenant Participation Annual Report

Report by Claire McMillan, Housing Manager – for information

1.0 Introduction and Assurance Statement

The responsibility for monitoring Tenant Participation throughout the year is delegated to the Audit & Assurance Committee; however, involving tenants in the Association's work is both a legal and regulatory requirement, as well as a corporate responsibility. This Annual Report highlights the work the Association has carried out in relation to Tenant Participation during the year 2020/21.

2.0 Tenant Participation Strategy

Progress on the Tenant Participation Action Plans (parts of the Tenant Participation Strategy that are reviewed three yearly and annually) was overseen by the TIG Panel. Action Plans for 2021/21 have been agreed, including plans for a sixth TIG-Scrutiny project.

3.0 Tenant Involvement Group (TIG)

The TIG Panel completed their fifth TIG-Scrutiny project, after choosing to carry out an "Investigation into Out of Target Routine Repairs".

The TIG reported on their findings to the Senior Management Team and as a result ELHA has:

- Updated the Asset Management Strategy and published this on elha.com
- Changed how repair performance is reported and published this on Performance 365
- Improved communications with its tenants if a repair goes out of target

The TIG Panel's work over the year also involved:

- Adapting to meeting digitally through 'Teams'
- Meeting the consultant responsible for the large Tenant Satisfaction Survey to discuss the outcomes
- Reviewing the quarterly complaints report
- Assisting with the planning of the Allocations Policy Review consultation
- Working to review the process of the annual rent increase consultation and significantly altering how this is carried out

- Reviewing a number of satisfaction surveys and consultation exercises, including the rent increase consultation
- Judging the summer garden photo competition

Membership of the TIG Panel currently stands at six, with one additional member interested in becoming involved again once meetings return to face to face.

4.0 Information & Consultation

The Association produced a range of information for tenants during the year including:

- 14 e-news
- Six newsflashes
- Three printed newsletters
- A Tenant Satisfaction Survey summary leaflet

Over the year, the average open rate for e-Talk newsletters and newsflash editions was 51%, however this does not mean that only 51% are engaging with all newsletters. All bulk e-mails are monitored, and Open Notices used to track how effective each mailing has been. While many people do open all editions, a significant number will 'skip' an edition or two, particularly newsflashes, which may only contain one topic which an individual tenant may not have an interest in. When comparing all the recipients who have opened at least one e-Talk or newsflash, around 83% open at least one mailing per quarter.

The following consultations were carried out during the year:

- A large scale consultation on proposals to make changes to the Allocations Policy
- The annual Rent Increase, for the first time designed and built as an elha.com based micro-site consultation

The substantially re-designed Rent Increase Consultation achieved record breaking results with 29% of tenants responding to the consultation. The new format will now be adopted for all future consultations; that is to develop a microsite on elha.com, designed for use on mobile phones or other digital devices, and information thereafter printed out for the minority of printed tenants.

Satisfaction surveys were also carried out over the year for the following service areas, the results of which were reported to the Audit & Assurance Committee:

- Reactive Maintenance Service
- Financial Inclusion Service
- Garden Care Service
- Stair Cleaning Service

5.0 elha.com / Social Media

Work to improve the Association's social media presence has been carried out over the year and dedicated campaigns on different topics, including using hashtags to highlight issues are being used.

ELHA's Facebook page had a following of 1,250 people at the of March 2021.

Use of Live Help more than doubled over 2020/21 and the extended opening hours for the service, introduced early in the first Lockdown, remain in place to meet demand.

6.0 Working with Tenants / Tenant Groups

Opportunities to work with tenant groups have been severely limited during the past year. Informal opportunities also often arise through estate management work, which has been significantly reduced.

During the course of the year, the Association has:

- Met with a community representative in Dunbar to carry out an estate inspection
- Worked with residents at Goose Green Court to make some estate improvements
- Awarded prizes to well maintained gardens

7.0 Working with Partners

The East Lothian Tenant Participation Liaison Group has not met since December 2019 due to the restrictions in place during the pandemic, however it is hoped these will resume during 2021. The aim of the Group is to work with partners to maximise opportunities for joint working, pooling resources and sharing areas of good practice.

The Association has regularly taken part in information sharing with landlords throughout Scotland in the Tenant Participation Advisory Service, including providing details of ELHA's digital activities and sharing good practice on work undertaken during the Lockdown periods.

Housing First Pilot Project

Report by Karen Barry, Director of Housing – for information

1.0 Background

The Homelessness and Rough Sleeping Action Group (HARSAG) was established by the Scottish Government in 2017 to consider solutions for ending homelessness and a wide range of legal and policy recommendations were proposed. 'Rapid Rehousing' and 'Housing First' comprise the cornerstone of these proposals with Local Authorities being asked to prepare and submit a five-year Rapid Rehousing Transition Plan (RRTP) to the Scottish Government by December 2018.

The East Lothian RRTP sets out how East Lothian Council (ELC) and key partners anticipate making the transition in respect of homelessness to a Rapid Rehousing approach over a five-year period to 31 March 2024. It sets out proposals to rebalance the local housing system to support improved outcomes for homeless and potentially homeless people, with a focus on increasing prevention and early intervention, and reducing length of stay in temporary accommodation and temporary accommodation stock in favour of providing permanent accommodation.

During 2019, the Association met with ELC to explore how the Association could support them in the delivery of the RRTP. The Council accepted that ELHA would not increase the percentage of homeless allocations but was willing to explore other options such as starter flats and tenancies for vulnerable people with intensive housing support needs.

When the Protocol for Leasing Property for Use as Temporary Accommodation for Homeless Households expired on 30 November 2019, it was agreed with ELC that rather than continue to provide 20 units for temporary accommodation over a five year period, this would be reduced to eight temporary units, with four lets to Women's Aid and four starter flats, to assist ELC in meeting their strategic objectives.

2.0 Housing First

Housing First refers to a specific model within a Rapid Rehousing approach placing vulnerable homeless people in permanent tenancies from the outset, with a comprehensive package of support opposed to homeless people starting in temporary accommodation and gradually progressing through services towards independent living. Housing First:

- Comprises the first response for people with complex needs and facing multiple disadvantages
- Recognises a safe and secure home as the best base for recovery and offers personalised, open ended support for people to end their experiences of homelessness and address wider needs
- Separates the provision of housing and support, offers choice and control to the tenant, and works on the principles of harm reduction

3.0 Housing First for Women Experiencing Domestic Abuse with Co-occurring Mental Health and/or Substance Misuse

Working in partnership, the Association, Women's Aid East and Midlothian (WAEML) and East Lothian Council have been successful in securing £200k funding from the Cora Foundation to set up a two year pilot project, providing housing for women experiencing domestic abuse with co-occurring mental health and or substance abuse, using a Housing First approach.

This will be the first Housing First initiative in East Lothian, representing a significant shift in the Council's response to homelessness that could lead to transformational change across services. The approach will involve placing the needs of women and children experiencing domestic abuse above the needs of services and institutions, recognising that system change is integral to the project.

The project involves the Association providing four permanent tenancies to victims of domestic abuse and enable WAEML to employ two full time Housing First Officers to ensure the Housing First support required. The tenancies will be fully furnished and an 'Enable Fund' of up to £500 per household provided to help tenants fully integrate back into the community.

The project will also allow for up to eight ELC or ELHA households, already in permanent tenancies, to receive Housing First support where there is a risk of homelessness, as a preventative measure. By converting eight tenancies to Housing First, WAEML, ELC and ELHA are adopting a new and greater focus on prevention thus recognising that intensive support will reduce the human and public purse costs of homelessness, reducing adverse experiences, trauma and allowing women to maintain stability.

The tenancies will be managed by ELHA and ELC, and an Operational Team will be created to oversee the project. This will ensure that key officers from ELHA, ELC Housing and Safer Communities Teams, Police Scotland and Social Work are all represented and working together towards one common goal.

To date, Housing First has never been used as a preventative solution in Scotland. This pilot will provide wider learning and evidence to the Rapid Rehousing and Housing First agenda across Scotland and Europe. It will form part of the wider Equally Safe Housing Policy for all tenures, currently under development by East Lothian Council. It will put the safety of victims and survivors of domestic abuse at the centre of all policies and practices, and should contribute to systems and culture change within East Lothian.