



**POLICY**

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**Short Scottish Secure  
Tenancy**

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# Wellhouse - The Place to Be

Policy Created	January 2022
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Date of Next Review	January 2025
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**The policy is available on the Association’s website. Customers will be provided with a copy of this policy on request. We will provide this policy in specific formats as requested, i.e. tape, Braille or another language.**

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## Linked Policies/Procedures

1.	Openness and Confidentiality Policy
2.	Common Allocation Policy
3.	Neighbourhood Management Policy
4.	Anti-Social Behaviour Policy
5.	Assignment, Sub-Letting and Lodgers Policy
6.	Complaints, Compliments and Comments Policy
7.	Data Protection Policy (GDPR)
8.	Tenancy Sustainment Policy

### 1. Vision and values

#### Wellhouse – the Place to Be.

This simple statement is our vision of Wellhouse as an attractive place where people feel happy and safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community.

We believe that our values of **Trust, Honesty, Integrity, Excellence, Accountability and Sustainability** supported by a comprehensive policy framework will help make our vision a reality.

### 2. Governance

Wellhouse HA is a community controlled Registered Social Landlord and is managed by a group of local people who are elected onto the Management Committee. We may co-opt other people onto the Management Committee from time to time where we feel we need specialist support. Their role is to make sure that the Association is well run, meets the needs of the local area and is responsive to what is important to local people.

The Management Committee appoints senior staff, agrees all the Association's policies and takes all the key decisions. The Director and the senior team support the Committee in these responsibilities.

### 3. Policy Aims

The Association's general policy is to offer a full Scottish Secure Tenancy (SST) wherever possible, to maximise the rights which tenants enjoy. However, in very limited circumstances it may be necessary for the Association to issue a Short Scottish Secure Tenancy (SSST) under the terms of the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.

When an SSST is used our aims will be:

- To help us to create safe and sustainable communities by tackling Anti-Social Behaviour
- To help tenants sustain their tenancies with a view to converting the tenancy to a Scottish Secure tenancy (SST) including signposting to support where needed
- To prevent homelessness occurring

#### **4. Equal Opportunities and Human Rights Statement**

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

#### **5. Scottish Housing Charter**

The Scottish Government's Social Housing Charter came into force in April 2012 and was reviewed in 2019. The Charter sets out the standards and outcomes that Registered Social Landlords should achieve.

There are 6 outcomes under the Charter that are especially relevant to our Short Scottish Secure Tenancy Policy, these are:

##### **Outcome 1: 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.

##### **Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes**

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe.

## **Access to housing and support**

### **Outcome 7, 8 and 9: Housing options**

Social landlords work together to ensure that:

- 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 options.

Social landlords ensure that:

people at risk of losing their homes get advice on preventing homelessness.

### **Outcome 11 Tenancy Sustainment**

Social Landlords ensure that:

- Tenants get the information they need on how to obtain support to remain in their homes and ensure suitable support is available, including services provided directly by the landlord and other organisations.

## **6. Legislation**

The following legislation is relevant to this policy:

- The Housing (Scotland) Act 1987
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- The Anti-social Behaviour etc. (Scotland) Act 2004
- Homelessness etc. (Scotland) Act 2003
- Equality Act 2010

## **7. The Policy**

### **7.1 Introduction**

Wellhouse Housing Association will only make use of SSST in accordance with the provisions of Schedule 6 of the 2001 Act.

This specifies that the only grounds on which this can be done are:

- Lets to persons evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a short SST will be offered
- Lets to persons where they or other members of their household are the subject of ASBO granted on or after 30 September 2002 under s 19 of the

Crime and Disorder Act 1998

- Temporary lets to persons moving into the area in order to take up employment
- Temporary lets pending development affecting the house
- Temporary lets to homeless persons for tenancies of 6 months or over
- Temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Act
- Lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

## **7.2 Anti-Social Behaviour Cases**

### New Tenants

Where grounds (1) or (2) above apply, the Association will act (in the case of a new tenant) to give a SSST. In order to cover situations where the Association becomes aware that:

- an applicant who is about to be housed by the Association has been evicted for anti-social behaviour in the previous three years;
- an applicant who is about to be housed by the Association, or any other household member, is the subject of an ASBO

The Association will seek to confirm with applicants and with local authority partners at the time of offer of housing that the declarations made on housing registration forms (including those relating to previous tenancy breaches and ASBOs) are correct.

### Conversion of Existing Tenants SST to a SSST

Section 7(2) of the Housing (Scotland) Act 2014 extends the circumstances under which the Association can serve a notice converting a SST to a SSST.

The circumstances now include any situation where a tenant or someone living with them has acted in an anti-social manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the property occupied by the tenant and it must also have happened in the 3 years before the notice is served. There is no need for there to be an ASBO in place.

The Association will seek to convert to an SSST in such circumstance, in accordance with our Anti-Social Behaviour Policy

## **7.3 Decant Situations**

Where a Scottish Secure Tenant moves for a temporary period into an alternative property prior to moving back into their original home their SST continues. However, in circumstances where the tenant will not be moving back into their original home, for example, because it is being demolished, and the move to alternative housing is temporary prior to finding suitable permanent accommodation, the Association will give the tenant a SSST in their temporary home.

#### **7.4 People with Support Needs**

Where the let is intended to be the tenant's permanent home the Association will grant an SST, even where any support is intended to be only temporary.

However, where a let is to be made to someone requiring or in receipt of housing support services, and the accommodation is NOT to be the tenant's permanent home, for example, where it is designated supported accommodation where individuals are expected to stay for around 6-12 months before moving to completely independent housing the Association will give the tenant a SSST.

#### **7.5 Interim Lets to People Under S5 of the Housing (Scotland) Act 2001**

Occasionally a local authority making a Section 5 referral or other referral under the homeless regulations on "interim accommodation" may ask the Association to give a SSST.

The Council's duty to offer permanent accommodation will remain until a full SST has been given.

It should be noted that it may not necessarily be Wellhouse Housing Association which is asked to provide the permanent accommodation.

#### **7.6 Notices**

Prior to the issuing of any SSST or conversion of a SST to a SSST, the Association will issue the appropriate prescribed notice and will do likewise where a SSST is to be ended.

#### **7.7 The Rights of a Short SST**

Prior to the signing of any SSST the Association will also go through the SSST agreement with the tenant.

The rights under a SSST are identical to the full SST except that:

- there is no provision for succession; and
- security of tenure is limited

In addition, the rights to assign, sublet and/or add a joint tenant under a SSST are limited to the period of the SSST.

#### **7.8 Appeal Procedure**

If an applicant is unhappy with their treatment under the SSST policy they should use the Association's formal complaints procedure – see Section 10 below for details.

The Association will confirm its decision in writing and advise applicants, within the letter, that a provision also exists within Section 38 of the Housing (Scotland) Act

2001 that gives tenants a right of appeal to the Courts if they are not satisfied with the type of tenancy or occupancy offered by the landlord, for example where the tenant has been offered a SSST and thinks they should be entitled to an SST.

## **8. Monitoring and performance**

We will report on the use of Short Scottish Secure Tenancies annually to the Management Committee but we will not name our customers in our reports.

## **9. Consultation**

We aim to deliver excellent services, which respond to local needs and reflect what is most important to our customers.

To do that we need our customers to tell us how well our policy is working and help us to make the changes which will improve it. In line with our Customer Engagement and Participation Policy:

- We make it easy for customers to give us their comments and views - face to face, by telephone, e-mail, on line or in a letter.
- We commission formal independent tenant satisfaction surveys on a continuous monitoring basis carried out every three months.
- We consult our Customer Opinion Panel
- We publish the targets we set
- We publish how we have performed against those targets

We use customer feedback to review our policies and talk to customers about the changes we are making.

## **10. Complaints**

We have a separate complaints policy and procedure. Leaflets and copies of the complaints procedure are available from the Association's office and on our website. We also provide information on how our customers can make a complaint to the Scottish Public Services Ombudsman (4 Melville Street, Edinburgh EH3 7NS, telephone, 0800 377 7300) and how to contact the Scottish Housing Regulator.

The Ombudsman will not normally deal with complaints unless customers have followed the Association's complaints' procedure

## **11. Review timeframe**

The policy will be reviewed every three years, or sooner, in response to a change in legislation or circumstance.

## **12. General Data Protection Regulations**

The organisation will treat personal data in line with our obligations under the current data protection regulations and our own GDPR Policy. Information regarding how data



will be used and the basis for processing data is provided in Wellhouse HA's privacy notice.