
GUIDANCE NOTE



To: All LHOs, ABSTs

Guidance Note on Interim Clearance Policy	
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1. Introduction

- 1.1 This guidance note outlines the reasons why GHA are implementing a new interim clearance policy during a period of consultation and sets out some of the key principles of the policy.
- 1.2 The interim clearance policy replaces paragraph 6.6 of the GHA Allocation Policy from July 2004.
- 1.3 The interim policy addresses the difficulties being faced by LHO's at present when planning clearances and fills the gaps in the previous policy, which was silent on access to new-build provision.
- 1.4 These guidance notes are intended to assist LHO staff in the implementation of the interim policy.

2. Key Differences From Previous Policy

- 2.1 The key differences from the previous policy are:
 - re-housing to suitable alternative accommodation replaces re-housing to equivalent accommodation. Suitable accommodation is improved core-stock and new-build housing.
 - phasing of clearances and maximising re-housing opportunities within each phase.
 - development of local re-housing strategies in conjunction with local tenants.
 - access to new-build for clearance cases specified.
 - order of selection for cases competing for the same property changed.
 - date points removed when tenant accepts offer of suitable alternative accommodation.
 - tenants subject to legal action for anti-social behaviour to be offered equivalent accommodation and preserve date points. Equivalent accommodation will be, for example, a house in Housing Futures Assessment or scheduled for a later phase of demolition.
 - owner-occupiers whose houses have been bought back at market value allowed to remain temporarily on Short Scottish Secure Tenancy and offered suitable alternative accommodation on a Scottish Secure Tenancy.
 - owner-occupiers subject to compulsory purchase orders will be offered suitable alternative accommodation, but will not be allowed to remain in the house being cleared.

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3. Some Important Points to Note for Implementation.

3.1 Tenant Involvement

It is essential that the views of tenants involved in clearance are reflected in re-housing strategies. The co-operation of tenants in the clearance process is essential if targets for completion of the clearance are to be met.

Separate guidance on social surveys will be produced. Information from the social surveys should underpin re-housing strategies.

3.2 Identification of Re-housing Provision Locally

The previous limitation of equivalent housing has been removed. Re-housing will now be to suitable alternative accommodation (with the exception of cases subject to legal action for anti-social behaviour – covered separately below). The difference is that equivalent accommodation is usually a property in Housing Futures Assessment or scheduled for a later phase of demolition. Suitable alternative accommodation is core stock or new-build housing.

Re-housing strategies (reflecting the views of tenants) must identify the re-housing opportunities available. Where re-housing to core stock is identified this should be:

- available in sufficient numbers to meet the needs of the clearance.
- sustainable property not threatened with future clearance.
- acceptable to tenants as better than the accommodation they are leaving.
- Improved to at least Warm Homes standard (or is scheduled for improvement in the near future).

3.3 Re-housing Strategies

Re-housing strategies should fit with and be reflected in LHO local letting plans (separate guidance on LLPs will be issued). These have to take account of:

- the re-housing provision including provision by other LHOs and RSLs.
- the impact of the clearance on the wider community e.g. fewer letting opportunities for other applicants.

The re-housing strategies should be developed in conjunction with local tenants and other stakeholders affected e.g. other LHOs and RSLs. LHO's who will be expected to re-house some of the clearance cases should be involved in discussions at this stage. Similarly other RSLs can enter into nomination agreements to assist in re-housing clearance cases.

Re-housing strategies will have to address the issue of locality and access to new-build housing. There may be more than one clearance running within

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the locality of a new-build site. There should also be a clear view developed on the core stock that will provide suitable alternative housing and the level to which it will be improved prior to being offered to clearance cases.

3.4 Clearance Affecting Asylum Seekers and Refugees

Negotiations will have to take place with GASSP and the GCC Homelessness Service regarding the relocation of asylum seekers and refugees in temporary accommodation.

This process will require sensitivity. Asylum seekers may have suffered traumatic experiences in their country of origin. The process of clearance may be disturbing and confusing. Close co-operation between all agencies will be required to ensure that the process is explained carefully (in the appropriate language). There will be particular issues about local educational provision. The NASS contract will also impose some limitations on GCC that will have to be addressed (e.g. restrictions on what possessions will be removed to a new location).

(Further guidance on this will be issued)

3.5 Phasing

Large clearances should be phased to minimise disruption and isolation of tenants in the clearance. For example where several multi-storey flats are to be demolished, they will normally be cleared one at a time. Although absolute consistency of re-housing opportunities cannot be guaranteed between phases, every endeavour should be made to ensure fairness and equity as far as possible. The planning and management of phasing will have to take account of the effect on the re-housing opportunities for tenants, especially for the longer-term tenants in the clearance as a whole.

3.6 New-Build

New-build housing will not be available for every clearance or for every phase of some large clearances. Even where new houses are being built on adjacent sites, the mix of sizes and types being created may reflect projected future requirements rather than the immediate needs of the clearance.

Where new-build housing is available as a re-housing opportunity in a clearance, access to new-build will be for tenants involved in the clearance in the first instance. The order of priority will be:

- particular housing need (e.g. medical).
- length of tenancy in the clearance area.

Length of tenancy may include previous tenancy from outwith the clearance area in the special circumstance where the tenant's move into the clearance area was not voluntary (e.g. fleeing violence, previous clearance) and the tenancy was deemed in those circumstances to be continuous.

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It is suggested that priority of access to new-build should be for tenants with more than 5 years tenancy in the clearance area. It is important to understand that this does not mean tenants with more than 5 years tenancy are guaranteed access to a new-build house.

3.7 Order of Selection

Clearance cases have priority for re-housing within the Allocation Policy. When selecting for suitable alternative accommodation, and where clearance cases are competing for the same property, account should be taken of (in order):

- Avoidance of isolation in the clearance area.
- Length of tenancy in the clearance area.
- Points.

3.8 Date Points Removed

Date points do not remain after the tenant accepts re-housing except in the instance of a tenant subject to legal action for anti-social behaviour and re-housed in equivalent accommodation. The reason for this distinction is that clearance cases moving to suitable alternative accommodation are improving their housing situation. Cases subject to legal action re-housed into equivalent accommodation are not.

3.9 Interim Moves

Interim moves will be required in some circumstances, e.g. new-build accommodation is being pre-allocated and tenants require to move out before the new-build is available for occupation. Interim moves should, where possible, be to alternative accommodation suitable to the tenant's needs as the period of temporary occupation may in some cases be quite lengthy. In some clearances, interim moves to later phases of the clearance may be required. Tenants who are moved to interim accommodation will be signed up on Scottish Secure Tenancy Agreements (a Short SST may also be an option for tenants relocated temporarily to accommodation which is also scheduled for demolition in a later phase).

Home Loss payments will be available for tenants who are given interim moves. The second move to the new-build house should be voluntary, and therefore not eligible for a second Home Loss payment. (There may be exceptions where for example the interim accommodation has to be cleared and the second move is not voluntary. Separate guidelines on Home Loss will be issued.) The voluntary nature of the second move will also mean that Right to Buy will not be preserved for the new-build house. Tenants will need to be advised of this implication.

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3.10 **Owner Occupiers**

Owners who co-operate in the buy back process are allowed to stay in the property being cleared on a Short SST basis pending offers. Owners subject to CPO are not. Owners are not denied access to new-build houses, but the length of tenancy criterion will mean that access will be in circumstances where the needs of the longer-term tenants have been met. In addition low-cost home ownership as an alternative to re-housing by GHA is something that should be explored with RSLs. (The CPO process is complex and further guidelines on this will be issued.)

3.11 **Anti-Social Behaviour**

Every endeavour should be made to resolve problems of anti-social behaviour before the clearance begins. Problem cases need to be identified early and the appropriate support from the Neighbour Relations Team requested. The availability of ASBOs and Short SSTs should provide a means of dealing with anti-social tenants so as to avoid having to re-house them in new-build properties before the anti-social behaviour has been addressed.

Tenants who are subject to legal action for anti-social behaviour should be offered equivalent accommodation and preserve their date points. Equivalent accommodation will be, for example, a house in the Housing Futures Assessment or scheduled for a later phase of demolition.

3.12 **Arrears**

The Housing (Scotland) Act 2001 limits opportunities to stop transfers for reasons of arrears to where the tenant owes more than one months rent and has failed to keep to an agreement for at least three months. Tenants should also not be penalised for delays in Housing Benefit payments that are outwith their control. Tenants in clearances do not require to give 28 days notice of termination and should not be charged rent for this period.

Home Loss payments are regularly used to offset outstanding arrears. (Further guidance on Home Loss will be issued.)

3.13 **Preserved Right to Buy**

Tenants moving to other GHA houses through clearance will have their right to buy preserved on pre-2001 Act terms. Legislation is not clear on what happens where a tenant is re-housed by another RSL. GHA is discussing this issue with Communities Scotland and the Scottish Executive, and further guidance will be issued. At the moment tenants should be advised that they may not have preserved RTB if they move to another RSL. Note also the implications for RTB in situations where interim moves are required prior to the allocation of GHA new-build (Para 3.9 above).

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3.14 Use of the Discretionary Points in Clearances

The discretionary points referred to in the policy are social points, which can be awarded at two levels: 50 points and 100 points. In the allocation policy these points are awarded to housing applicants whose social problems are recognised as being a factor of their housing need.

In clearances tenants with long tenancies may qualify for a new-build house or a transfer to a re-let in a higher demand area. Tenants with less than 5 years tenancy will probably be limited to the option of re-housing in improved core stock. There will be tenants between these two extremes whose re-housing opportunities may be improved by the award of 50 or 100 social points. It is legitimate to use discretion to award social points at an appropriate level to tenants involved in clearances in order to improve re-housing opportunities, where a transfer on points to a suitable house becomes possible. We are facilitating the move now to avoid the requirement of a second move at a later date.

4. Updating

4.1 The Interim Clearance Policy is subject to a consultation period which ends on xxx. This may result in changes to the policy. This Guidance note will then be revised.

5. Further information

Further information on this guidance note can be obtained from:

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