

OPS034 - Recovery of Possession of Adapted Properties

MONITORING FORM	
Department	Housing
Department Director	Operation
This policy is applicable to	Housing
Author	Housing Manager
Date approved by Board	5/6/2019
Date of last review	1/5/2019
Version number	V1
Date of minor modification	1/5/2019
Period of Review	3yrs
Date of next review	1/5/2022
Internal /external consultees (if required).	

1. INTRODUCTION

1.1 Weslo Housing Management (Weslo aims to make best use of its stock and this policy sets out when we will take steps to recover a property where:

- The adapted property is no longer required by the person(s) occupying the property or;
- The occupier did not need the adapted property in the first place and refuse to move voluntarily.

1.2 This policy complies with the Housing (Scotland) Act 2014 and is supported by procedures that reflect legal requirements and good practice.

We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

In line with our commitment to equality and diversity, this policy can be made available in a variety of formats including large print, translated into another language or other media. We will make any reasonable adjustments to assist applicants if they have a disability.

2. SCOPE

2.1 This policy applies to adapted properties or properties specially designed for those with housing needs that require those adaptations or design.

3. OBJECTIVES

3.1 The main objectives of this Policy are to ensure that we manage and make best use of our stock.

4. ALLOCATION OF DESIGNED OR ADAPTED PROPERTIES

4.1 Weslo will endeavour to allocate properties where adaptations have been made or the property has been designed for persons with the need for those adaptations or design.

4.2 In some circumstances we may allocate a property with adaptations to an applicant who has no need for those adaptations.

4.3 Where we make such an allocation, we may consider offering a Short Scottish Secure Tenancy.

4.4 We will set out the reasons for the allocation and the steps we can take to recover the property should we require it for an applicant who has the need for that property.

5. REPOSSESSION OF ADAPTED PROPERTIES

5.1 Section 15 of The Housing (Scotland) Act 2014 allows the landlord to ask the sheriff to grant an order to end the tenancy of an adapted property that is not being occupied by anyone who needs the adaptations. This only applies where the landlord needs the property for someone who does need the adaptations.

5.2 We will offer suitable alternative accommodation to the tenant we are asking to move.

5.3 We will consider the following when making an offer of suitable alternative accommodation:

- Proximity to a place of work;
- The accommodation required
- Type of accommodation offered (in comparison to current accommodation)
- Type of tenancy to be offered
- Any special needs of the tenant or tenant's family

6. EQUALITY & DIVERSITY

6.1 We will accept applications from anyone over the age of 16 years regardless of gender, marital status, age, ethnic origin, nationality, colour, religion or belief, sexual orientation, disability or health problem, financial circumstances or any local connections.

6.2 Applications will be assessed, and our homes allocated, in accordance with the system we have adopted to measure housing need. These systems are designed to eliminate any potential discrimination on any of the grounds listed above.

6.3 On request we will provide versions of this policy in other languages, large print, Braille or in audio format, and will also arrange for interpretation services when necessary.

7. PUBLICISING AND AVAILABILITY

This policy is available on the Weslo website, to Board and staff members and any other key stakeholders. Copies are available free of charge. A summary of this policy can be made available in other formats and languages.

8. MONITORING AND PERFORMANCE

Weslo has performance measures in place which are reviewed on a monthly basis to ensure the aims of this policy are being achieved.

9. COMPLAINTS

Anyone wishing to make a formal complaint about the services provided by the organisation should do so as per our complaint's procedure. The Complaints Policy and information about how to complain are available on the website and from our office.

10. DATA PROTECTION AND GENERAL DATA PROTECTION REGULATION (GDPR)

10.1 Weslo applies data protection principles throughout our allocation process so that information gathered is processed in accordance with the law. For example, information that is gathered is only shared with the explicit consent of applicants, or as otherwise permitted or required in law.

10.2 We take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 1998 and the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25th May 2018, together with any domestic laws subsequently enacted.

10.3 We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z4942312 and we are the data controller of any personal data that you provide to us.

10.4 Any questions relating to our privacy practices should be sent to our Corporate Services Department: corporate.services@weslohm.co.uk or call 01506 634286.

11. OTHER RELEVANT POLICIES AND PROCEDURES

This policy relates to:

- Allocations Policy
- Short Scottish Secure Tenancy Policy
- Complaints procedure
- Data Protection policy
- Equality and Diversity policy

12. LEGAL AND GOOD PRACTICE REQUIREMENTS

This policy is compliant with the following legislation and good practice guidance:

- Data Protection Act 2018 (DPA 2018)
- General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)
- Equality Act 2010
- Housing (Scotland) Act 2014
- Housing (Scotland) Act 1987
- Human Rights Act 1998
- Scottish Social Housing Charter

13. POLICY REVIEW

This policy will be reviewed every 3 years to ensure compliance with applicable legislative changes, changes within the organisation and best practice