



ASSIGNATION POLICY

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CASSILTOUN HOUSING ASSOCIATION LIMITED
59 Machrie Road, Castlemilk, Glasgow G45 0AZ

**CASSILTOUN HOUSING ASSOCIATION IS A REGISTERED SOCIAL LANDLORD (84)
AND A REGISTERED SCOTTISH CHARITY (SC035544) & Property Factor Registration
No. PF000154**

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ASSIGNATION POLICY

1. BACKGROUND

Cassiltoun Housing Association Limited is a Registered Social Landlord (RSL) with the Housing Regulator, and was registered with its forerunner, Communities Scotland and the Housing Corporation in Scotland, in 1985.

The Association is committed to providing high quality, affordable and accessible social rented housing to those in greatest housing need, contributing to the physical, social and economic regeneration of the area, the provision of housing for people with specialised needs and to provide a safe environment for our residents to enjoy. To facilitate this and to give guidance and clarification to both staff and members of the public, the Association has a suite of policies including the Allocation Policy, which incorporates Succession to Tenancy, Joint Tenancy, **Assignment**, sub-letting and mutual exchange and have been approved by the Board of Management.

2. DEFINITION

Assignment describes the process that takes place when a tenant (the principal tenant) transfers the rights and responsibilities of their tenancy to another person (assignee). It is not the formation of a new tenancy, as the assignee will take over all matters relating to the tenancy, including arrears. It is, however, a permanent arrangement whereby the assignee has all the statutory and contractual rights and obligations of the tenancy adopted.

This Policy outlines Cassiltoun's requirement to accept and consider any application for the assignation of a tenancy as set out in the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

3. GENERAL PRINCIPLES

Tenants who have a Scottish Secure Tenancy (SST) or Short Scottish Secure Tenancy (SSST) have the right to assign their tenancy provided the eligibility criteria outlined in this policy are met.

Consent to assign a tenancy will only be given by the Association after consideration of the circumstances of the tenant and the proposed assignee.

It is the responsibility of the principal tenant to advise the statutory authorities, including Council Tax, Housing Benefit, Department of Works and Pensions (Universal Credit), gas, electricity and telephone suppliers, of the assignation.

4. ELIGIBILITY CRITERIA

The house must have been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to assign their tenancy **and**

The person that the tenant wishes to assign their tenancy to must have lived at the property as their only or principal home for the 12 months immediately preceding the application for assignation **and**

The tenant, joint tenant or person that they wish to assign their tenancy to must have notified the Association that the person they wish to assign the tenancy to is living in the house. The 12-month period does not start until the Association has been informed **in writing** that the person is living in the property as their only or principal home and permission to reside should have been applied for and granted.

Prior to a tenant allowing another person to live in their home, they must apply for 'Permission to Reside' for that person. The Association will consider whether it is appropriate to grant permission for the person to move into the property taking into account the current household circumstances. For example if the person moving into the property would lead to the property being overcrowded this would not normally be granted.

The Association will accept notification in writing or by e-mail. We will not accept verbal notification. In the case of children in the household reaching the age of 16, who were part of the household when the property was allocated and it is their long term and principal home, no further notification is required.

5. ASSESSING AN APPLICATION TO ASSIGN A TENANCY

The assessment of applications for permission to assign a tenancy will take account of both the tenant's and the proposed assignee's circumstances and in all cases **must** satisfy the criteria set down in Section 32 and Part 2 of Schedule 5 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

The Association will not withhold consent unreasonably, but may refuse consent to assign the tenancy on grounds which include: -

- Where the existing tenant has not used the property as their only or principal home for the preceding 12-month period.
- Where the person that the tenant wishes to assign the tenancy to has not used the property as their only or principal home for the preceding 12-month period and/or the Association has not been informed in writing of their residency.
- A Notice of Proceedings for Recovery of Possession has been served on the tenant specifying one of the 'conduct' grounds set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act e.g. rent arrears, anti-social behaviour.
- A Court Order for Recovery of Possession has been granted against the tenant.
- The Association has reason to believe that the tenant has received a payment in cash or in kind to affect the assignation.
- There is substantial damage to the property caused by the tenant, a member of the household or a visitor to the property.

- The Assignment would lead to overcrowding or under-occupation of the property in line with the Association's Allocation Policy.
- The Association intends to carry out substantial work on the property.
- The property was designed or substantially adapted for a person with additional needs (e.g. for wheelchair use) or additional services (e.g. sheltered housing) which are not required by the assignee.
- The proposed assignee has been involved in the perpetration of anti-social behaviour as confirmed by another agency e.g. Police Scotland or has had an ASBO granted against them or a member of their household within the last 3 years.
- The house is unsuitable for the prospective assignees needs.
- Either party has given false or incomplete information about the application.
- The Association would not give the prospective assignee reasonable preference under our Allocation Policy.
- There are current outstanding rent arrears or rechargeable repairs charges owed to the Association.

This list, while comprehensive is not exhaustive and each application will be fully assessed by a member of the Operations Team before granting or refusing consent.

6. TIMESCALES

On receipt of the form, the Association will make a written response within one month, indicating whether permission to Assign the Tenancy has been granted or refused. If the Assignment request is refused, the Association will provide the reason(s) for refusal.

7. APPEALS PROCEDURE

Any applicant unhappy about a decision relating to an assignment request must submit a written appeal to the Housing Manager within 28 days of receiving the decision.

The Housing Manager will review the appeal and provide the applicant with the result of their decision in writing.

If the applicant is still dissatisfied, recourse can be sought through the Association's Complaints Policy and Procedure copies of which are available on the Association's Website or on request for the Association's offices.

8. EQUAL OPPORTUNITIES AND HUMAN RIGHTS STATEMENT

We recognise our pro-active role in valuing and promoting human rights, diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We will check this policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address

inequalities likely to result or resulting from implementation of the policy and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability. This policy takes into consideration the rights under Article 8 of the ECHR.

9. PROCESSING INFORMATION – GENERAL DATA PROTECTION REGULATIONS

Cassiltoun Housing Association will process information and data contained within the Housing Applications in accordance with its Policies and Procedures relating to the General Data Protection Regulations and all applicants will be issued with a Fair Processing Notice.

All staff members will be made aware of their responsibilities in relation to the General Data Protection Regulations and will be trained in the process that the Association has introduced to ensure compliance with GDPR.

10. POLICY REVIEW

This Policy will be reviewed on a 3 yearly basis or earlier if legislation changes to ensure that its aims are being met.