



## GROUP RIGHT TO BUY POLICY

POLICY IMPLEMENTATION CHECKLIST	
Policy Guardian:	Operations Director
Author:	Operations Director
Version number:	1.0
Approved by Chief Executive on:	
Approved by Caledonia Management Board on:	19 June 2015
Effective from (Caledonia):	June 2015
Approved by Cordale Committee of Management on:	9 June 2015
Effective from (Cordale):	June 2015
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Diversity compliant:	Yes
Equality Impact Assessment required:	No
Data Protection compliant:	Yes
Health & Safety compliant:	Yes
Procedure implemented:	In place
QL system changes made:	N/A
KPIs / reporting arrangements implemented:	In place
Training Completed:	N/A
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# CALEDONIA HOUSING ASSOCIATION GROUP

## RIGHT TO BUY POLICY

### 1 INTRODUCTION

- 1.1 Right to Buy sales are covered by the Housing (Scotland) Act 2001, revised in the Housing (Scotland) Act 2010 and subsequently abolished by the Housing (Scotland) Act 2014 and associated Guidance. This policy sets out the Caledonia Housing Association Group's (the Group) approach to Right to Buy.
- 1.2 The Right to Buy applies only to former Scottish Homes tenants that transferred to the Group as part of the stock transfer agreements. The transfer to the Group preserved the statutory right to buy as long as the tenant remains in their current home or another property within the Group.
- 1.3 Tenants with arrears of rent or council tax cannot exercise their Right to Buy until the issue is resolved. This exemption also applies to any tenant where a Notice of Proceedings for Possession for breach of tenancy has been served by the Group.
- 1.4 All prospective new residents of the Group will be advised on the general exemption from the right to buy scheme at the pre-allocation and tenancy sign up stages.

### 2 SERVICE AIMS

- 2.1 In delivering its services to qualifying residents under Right to Buy legislation, the Group will ensure:-
  - (a) The fulfilment of all statutory obligations.
  - (b) Adherence to all current and future Scottish Government requirements.
  - (c) The production of information for residents, on changes to legislation introduced through the Housing (Scotland) Act 2001, 2010 and 2014.

### 3 RIGHT TO BUY APPLICATIONS

- 3.1 The treatment of applications for the Right to Buy is governed by strict legislative procedures and guidelines that can be summarised as follows:
  - (a) Definition of tenants who have their right to buy, including criteria relating to length of tenancy.
  - (b) Sale prices of houses and flats, including discount regulations.
  - (c) Conditions which landlords can place on the sale.
  - (d) Procedures to be followed, including prescribed timescales for specified stages of the processing of the application.
  - (d) Tenant's rights to remedy if the house is defective.

- (e) The Group will follow the Scottish Government Guidance leaflet ‘Your Right to Buy Your Home’
- (f) Following the Housing (Scotland) Act 2014, the last date a Right to Buy application can be accepted is 31 July 2016, with the Right to Buy being abolished on 1 August 2016.

3.2 The cost floor rules introduced by the Scottish Government in 2002 give some protection to major investment within the last ten years by allowing applications to be subject to these rules, where discounted sale prices would be lower than the value of such investment. The Group will apply the cost floor rules where appropriate.

3.3.1 There are statutory timescales for processing applications. The Groups performance targets to be applied to this service are as follows:-

<u>Activity</u>	<u>Performance Target</u>
Making offers or refusals to sell within two months of date of application	100% of all applications
Processing of applications through to sale of house within statutory timescale of 39 weeks	100% of all applications
Proceeds from Right to Buy sales	In accordance with Scottish Government requirements

3.4 In processing applications, the Group will be required to buy in valuation and legal services. Work for these services will be commissioned in line with the Groups’ policies on approved consultants and contractors.

#### **4 RISK MANAGEMENT**

4.1 Risk arises from this policy in a number of respects:

- failure to meet statutory timescales for processing applications
- incorrect processing of applications

4.2 The management of these risks is based on appropriate training opportunities being made available to members of staff to ensure high standards of service are maintained. The Groups policy and procedure documents are also reviewed on a regular basis to ensure that they meet all legislative and regulatory requirements in relation to Right to Buy requests.

#### **5 EQUAL OPPORTUNITIES**

5.1 The Group will act to process all Right to Buy request made in line with this policy in a manner that encourages equal opportunities and complies will all relevant equal opportunities requirements. The Groups Equalities Policy provides further information on these and the Groups approach to equalities issues.

## **6 COMPLAINTS PROCEDURE**

- 6.1 Any tenant may submit a complaint, using the Groups Complaints Procedure if it is felt the Group has failed to comply with its Right to Buy Policy.

## **7 POLICY REVIEW**

- 7.1 The Group will review its Right to Buy Policy in August 2016 to coincide with the abolition of the Right to Buy.