



SUSPENSION OF HOUSING APPLICANTS - POLICY

1.0 INTRODUCTION

- 1.1 This policy describes the circumstances under which Almond Housing Association Limited (AHA Ltd.) will suspend applicants who are on our housing list from being offered housing. The policy is supported by detailed procedures.
- 1.2 This policy applies both to new applicants, i.e. applicants who are currently not housed by AHA Ltd., and also to current tenants who have applied for a transfer or a mutual exchange.
- 1.3 This policy complies with current guidance on the implementation of the relevant provisions of the Housing (Scotland) Acts 2001 and 2014 and related legislation.

2.0 DEFINITION

- 2.1 A suspension happens when someone has been assessed for and has been accepted onto a housing list, but they are then advised that they will not be eligible to receive an offer of housing until:
 - a) a certain period has elapsed, and **either**
 - b) their conduct has changed, **or**
 - c) a change in circumstances has occurred.

[CIH in Scotland Guide 2002]

[NOTE: 'Suspension' does not apply to an application for which we are awaiting further information before it can be assessed and added to the system. Such an application is categorised as 'delayed' in accordance with current guidance and good practice.]

3.0 RESPONSIBILITIES

3.1 Board of Management

- To ensure that there is in place a Suspension of Applicants policy which complies with current regulations, guidance and good practice.
- To monitor compliance with the policy.

3.2 Management

- Head of Housing Management: To manage the implementation of the policy and procedures on a day-to-day basis, advising the Board of Management, other Heads of Section and all employees as required on specific matters.

3.3 Employees

- To ensure they have read and understood the policy and procedures, and to implement them as required in the course of their work.

4.0 GENERAL PRINCIPLES

4.1 AHA Ltd. is committed to minimising and preventing homelessness and our aim is that access to our housing is open and as inclusive as possible. We will therefore seek to:

- minimise the use of suspensions and wherever possible use alternatives to suspension;
- avoid imposing any unnecessary or unreasonable restrictions;
- set sensible boundaries and timescales within which suspensions will operate.

4.2 AHA Ltd. will be flexible and not adopt a 'one size fits all' approach that ignores the individual circumstances of applicants.

4.3 In implementing the policy and procedures AHA Ltd. will ensure that:

- the use of suspensions complies with current law and guidance;
- our actions are fair and transparent;
- there is a clear record of the reasons for suspending an applicant;
- all suspensions are authorised by a designated manager.

5.0 GROUNDS FOR SUSPENSION

5.1 AHA Ltd. may suspend an applicant on our housing list on one of the following grounds:

- a) Tenancy related debt;
- b) Anti-social behaviour including harassment;
- c) Conviction for an offence and imprisonment (applicant or household member);
- d) A court had granted an eviction notice against the applicant;
- e) Abandonment of a previous property and the tenancy was terminated;
- f) Provision of false information in an application;
- g) Unreasonably refusing offers of housing, including not attending pre-arranged viewings, tenancy sign-ups etc. without notice;
- h) Where the applicant is assessed as requiring a support or care package before they can maintain a tenancy, and the required support is not yet in place;
- i) Condition of the applicant's existing property is unacceptable (breach of tenancy conditions).

Further information on each of these grounds is given in the following sections.

a) Tenancy-related debt

5.2 A 'tenancy-related debt' is an amount the applicant owes to a current or former landlord arising from their tenancy agreement. This will include arrears of rent, service charges, chargeable repairs (including voids clearing/repairs) and related legal charges.

Where the applicant is an owner-occupier, this term will also cover any outstanding factoring charges.

5.3 AHA Ltd. **will not** suspend an applicant where:

- the tenancy-related debt is equivalent to less than one month's rent (one-twelfth of the annual rent) at the relevant address (see para. 5.4);
- the applicant has an acceptable arrangement to pay off the debt and they have been keeping to that arrangement for at least 3 consecutive months or more (see para. 5.5);
- the debt is older than 5 years and the tenant has not incurred a tenancy-related debt in the intervening period, **except where** the applicant is a former Almond tenant.
- the debt is due to mortgage arrears, council tax arrears or any other unpaid debts that are not directly related to the tenancy, including garage rents.

5.4 Where the applicant has been receiving housing benefit or Universal Credit covering part of their rent etc. but has arrears on the part they are liable for, AHA Ltd. will calculate the 'one-twelfth' on the whole rent and any service charges.

5.5 Where a payment arrangement has been in place but not adhered to for at least 3 months AHA Ltd. will, where possible, consider the reasons and the consequences of suspension before deciding to suspend. We may consider a renegotiation of the payment arrangement to a more realistic level rather than automatically deciding to suspend.

5.6 In the case of transfer or mutual exchange applicants a clear rent account **will normally** be required before the transfer or exchange can be approved. However, where there are clear mitigating circumstances, such as someone fleeing from extreme harassment or abuse, the Allocations Sub-Committee may consider a proposed allocation that does not comply with this condition.

5.7 The key question AHA Ltd. will seek to consider in deciding whether to suspend for debt reasons will be the extent to which the debt has been the result of deliberate non-payment or other actions by the applicant.

Period of suspension

5.8 There will be **no specific time limit**. The lifting of the suspension will depend on when either the debt is cleared or an acceptable payment arrangement is in place and has been maintained for at least 3 consecutive months.

b) Anti-social behaviour

- 5.9 In the context of this policy the term 'anti-social' covers both general neighbour nuisance behaviour and direct harassment behaviour, especially where the behaviour is directly related to a current or previous tenancy, including:
- drug-dealing from a tenancy;
 - prostitution from a tenancy;
 - fire-raising;
 - extensive damage to a landlord's property;
 - harassment of/threats to, or verbal/physical abuse of, neighbours or employees.
- 5.10 AHA Ltd. will suspend where, within the 2 years before the date we receive their application:
- an applicant has been evicted from a previous tenancy because of anti-social behaviour;
 - an applicant, or a member of their proposed household, has had an eviction decree or anti-social behaviour order (ASBO) granted against them;
 - where a decree or ASBO has not been granted, there is clear evidence of serious current or recent anti-social behaviour – e.g. Police or Fire authority reports;
 - an applicant behaves threateningly or violently towards any employees, either within or outwith the AHA Ltd. office.
- 5.11 In assessing the level of seriousness of any anti-social behaviour AHA Ltd. will use the following criteria, which are similar to the criteria set down in the Housing (Scotland) 2001 Act with regard to evictions:
- the nature, frequency and duration of the conduct;
 - the extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
 - the effect that the conduct is having on other people;
 - any alternative action taken by the landlord to deal with the conduct.
- 5.12 AHA Ltd. will not impose permanent suspensions on people who have previously been evicted for anti-social behaviour as:
- this is not consistent with the possibility of people's behaviour changing;
 - it reduces any incentive for people to change their behaviour;
 - it ignores the possibility that the behaviour was the result of a temporary set of circumstances, e.g. a period of illness, in particular mental illness, or a difficult period in the development of a child in the family.
- 5.13 Where we are considering suspension because of current or recent behaviour AHA Ltd. will be open with the applicant about the evidence we are using in our assessment.

Period of suspension

- 5.14 The suspension will be for **12 months**, to be followed by a review which will result either in the lifting of the suspension or its continuation.

c) Conviction for an offence

- 5.15 We will suspend an applicant where they, or a member of their current or previous household has a conviction, which is not 'spent' under current legislation, for:
- using their home for immoral or any illegal purposes, or
 - any other offence punishable by imprisonment which was committed in, or in the locality of their home.

Period of suspension

- 5.16 The suspension will be for **12 months**, to be followed by a review which will result either in the lifting of the suspension or its continuation. Where the applicant is a former Almond tenant, the suspension will be permanent, given that there are other local housing providers.

d) Eviction decree granted

- 5.17 In addition to any eviction for anti-social behaviour, we will suspend an applicant where, within the 2 years before the date we receive their application, a court has granted a decree for recovery of possession of a property of which they were the tenant, on the grounds set out in paragraph 3 or 4 of Schedule 2 to the Housing (Scotland) Act 2001, i.e. due to the condition of the property and any items provided by the landlord arising from neglect or actual acts of the tenant or a member of their household.

Period of suspension

- 5.18 The suspension will be for **12 months**, to be followed by a review which will result either in the lifting of the suspension or its continuation. Where the applicant is a former Almond tenant, the suspension will be permanent, given that there are other local housing providers.

e) Abandonment of a property

- 5.19 We will suspend an applicant who, within the 2 years before the date we receive their application, has abandoned a property of which they were the sole or a joint tenant, as a result of which the tenancy was terminated.

Period of suspension

- 5.20 The suspension will be for **12 months**, to be followed by a review which will result either in the lifting of the suspension or its continuation.

f) Provision of false information

- 5.21 Where an applicant has deliberately submitted false or incomplete information in an attempt to gain advantage over other applicants, AHA Ltd. will consider suspending them for a fixed period followed by a review.
- 5.22 AHA Ltd. will consider the degree of falsification and the consequences of suspension in each case before deciding to suspend, so that for example a relatively minor error does not result in a family in severe housing need being suspended.

Period of suspension

- 5.23 The suspension will be for **6 months**, to be followed by a review which will result either in the lifting of the suspension or its continuation.

g) Refusing offers of housing

- 5.24 Where an applicant refuses a second offer of housing which matches their choices, AHA Ltd. will discuss their housing needs with them and aim to clarify their range of choices so that a suitable offer may in future be made. We will aim to reach agreement within 1 month, failing which the applicant will be suspended.
- 5.25 Under this heading we will also suspend an applicant for the following:
- i) Not attending an arranged pre-allocation visit or interview, i.e. where we have agreed with an applicant either to carry out a pre-allocation visit to their current home or hold a pre-allocation interview at our office, **and**
 - the applicant has either not been at home or has not attended the interview, **and**
 - the applicant has not responded to a follow-up letter within 7 days of the date of the visit or interview.
 - ii) Not attending a pre-arranged viewing, i.e. where we have arranged to view a vacant property but the applicant has not attended, **and**
 - the applicant has not made any contact before the arranged date to advise they would not be able to attend, **and**
 - Housing staff have made one unsuccessful attempt to contact the applicant to find out the reason for non-attendance and arrange an alternative date and time.
 - iii) Not attending a pre-arranged sign-up for a new tenancy, i.e. where we have arranged to sign-up an applicant to a new tenancy but the applicant has not attended, **and**
 - the applicant has not made any contact before the arranged date to advise they would not be able to attend, **and**
 - Housing staff have made one unsuccessful attempt to contact the applicant to find out the reason for non-attendance and arrange an alternative date and time.

Period of suspension

- 5.26 The suspension will be for **3 months**, following which the applicant will be re-instated, unless there is any other reason for the suspension to continue.

h) Applicant requires a support or care package

- 5.27 Where an applicant who is currently homeless has been assessed as requiring support to maintain their tenancy (under the Housing Support Service (Homelessness) (Scotland) Regulations 2012) but the required support or care package has not yet been put in place by West Lothian Council, AHA Ltd. will suspend the applicant and liaise with WLC regarding the support required.

Period of suspension

- 5.28 There will be no fixed period of suspension, though the aim will be that it is as short as possible. The lifting of the suspension will be dependent on the provision of the required support or care package.

i) Condition of the existing property is unacceptable (breach of tenancy)

- 5.29 AHA Ltd. will consider suspending an applicant where there is a clear breach of a tenancy condition relating to the applicant's existing property, including:
- the state of the garden or any common areas for which the applicant has direct responsibility;
 - control over pets;
 - accumulation of rubbish in e.g. bin stores;
 - vandalism;
 - repairs that are the applicant's responsibility that have not been undertaken;
 - unauthorised fixtures being added or work undertaken to the property.

Some of the above examples may also be covered by the provisions regarding debt or anti-social behaviour.

In making a decision AHA Ltd. will take into account the seriousness and frequency of the breach of tenancy conditions. We will not consider the general internal tidiness or untidiness of the property where this is unrelated to a breach of tenancy conditions.

Period of suspension

- 5.30 The suspension will be for **3 months**, following which the applicant will be re-instated, unless there is any other reason for the suspension to continue.

6.0 NOTIFYING THE APPLICANT

- 6.1 Following a decision to suspend, the applicant will be written within 5 working days of the decision with full details of:
- the reasons for the suspension and the length of time it will last;
 - how they may appeal against the decision.
- 6.2 Where the suspension is for a fixed period AHA Ltd. will ensure that a review is carried out at the end of that period and that the applicant is advised in writing of the results.

7.0 RECORDING SUSPENSIONS

- 7.1 The details of applicants who are currently suspended will be recorded on a database. The details will include the name and address, date suspended, reason, length of suspension, date and outcome of each review.
- 7.2 When a suspension is lifted, or the application is cancelled, the details will be removed from the database.

8.0 APPEALS AGAINST SUSPENSION

- 8.1 If an applicant wishes to appeal either against the suspension itself, or against the length of time they have been suspended, or against the results of a review, they will be advised to write to the Head of Housing Management, who will acknowledge receipt of the appeal within 3 working days and aim to reply within 20 working days.

- 8.2 Should the applicant remain dissatisfied following the reply from the Head of Housing Management they will be advised that they may appeal to the Scottish Public Services Ombudsman, but only if their complaint concerns the way AHA Ltd. has dealt with their suspension and appeal, not regarding its length.

9.0 REVIEW

- 9.1 The Head of Housing Management will ensure that this policy is reviewed by the Senior Management Team at least every three years.

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