

SUSPENSION OF HOUSING APPLICANTS - POLICY

1.0 INTRODUCTION

- 1.1 This policy describes our arrangements for suspending applicants 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 Almond, and also to current tenants who have applied for a transfer or a mutual exchange.
- 1.3 This policy complies with the Chartered Institute of Housing in Scotland guide 'Suspending Applicants on Housing Registers' (2002) which interprets the provisions of the Housing (Scotland) Act 2001 with regard to suspensions.

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 the Association's 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 other Heads of Section and all staff as required on specific matters.

3.3 Staff

- 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 We are 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 We 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 we will ensure that:
- the use of suspensions complies with current law;
 - 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 member of staff, with monitoring by an appropriate manager.

5.0 GROUNDS FOR SUSPENSION

- 5.1 We may suspend an applicant on our housing list on one of the following grounds:
- a) Tenancy related debt
 - b) Anti-social behaviour
 - c) Condition of the property (breach of tenancy conditions)
 - d) Not attending an arranged pre-allocation visit or interview
 - e) Not attending a pre-arranged viewing
 - f) Not attending a pre-arranged signing-up for a new tenancy
 - g) Refusing a second offer of housing
 - h) Provision of false information
 - i) Where the applicant, by agreement, is 'not ready' to accept an offer of housing

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 We will **not** suspend an applicant where:
- the tenancy-related debt is equivalent to less than one month's 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.
 - housing benefit should have been available to cover rent and service charges, or where overpayments of housing benefit were clearly a result of errors made by housing benefit staff (see para. 5.6);
 - 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 covering part of their rent etc. but has arrears on the part they are liable for, we 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 we will, where possible, consider the reasons and the consequences of suspension before deciding to suspend. In some cases we will consider a renegotiation of the payment arrangement to a more realistic level rather than automatically deciding to suspend.

However, in the case of transfer or mutual exchange applicants a clear rent account **will** be required before the transfer or exchange can be approved.

5.6 In the case of applicants who should have been in receipt of housing benefit we will consider the reasons for benefit not being available, e.g. did the applicant fail to respond to requests for information from benefit staff?

5.7 The key question we 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.

The period of suspension will be for as long as it takes either to clear the debt or to maintain an acceptable payment arrangement (see also Section 5).

b) Anti-social behaviour

5.8 In the context of this policy the term 'anti-social' covers both general neighbour nuisance behaviour and direct harassment behaviour, where the behaviour is directly related to a current or previous tenancy.

5.9 Anti-social behaviour in this context will include:

- relevant criminal convictions (i.e. relevant to a tenancy or to community safety);
- drug-dealing from a tenancy;
- prostitution from a tenancy;
- fire-raising;
- extensive damage to a landlord's property;
- harassment of or threats to neighbours.

- 5.10 We 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 (see paras. 5.11 & 5.12);
 - an applicant behaves threateningly or violently towards staff, either within or outwith our office.
- 5.11 In assessing the level of seriousness of any anti-social behaviour we will use the following criteria, which are similar to the criteria set down in the 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 We 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 we will be open with the applicant about the evidence we are using in our assessment.
- 5.14 The suspension will be for an initial fixed period followed by a review.

c) Condition of the property (breach of tenancy)

- 5.15 We will consider suspending an applicant where there is a clear breach of a tenancy condition relating to the 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 deciding whether or not to suspend we 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.

- 5.16 The suspension will either be for a fixed period followed by a review, or until the specific issue has been resolved satisfactorily.

d) Not attending an arranged pre-allocation visit or interview

- 5.17 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,

we will suspend the applicant for a fixed period, following which they will be re-instated.

e) Not attending a pre-arranged viewing

- 5.18 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,

we will suspend the applicant for a fixed period, following which they will be re-instated.

f) Not attending a pre-arranged signing-up for a new tenancy

- 5.19 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,

we will suspend the applicant for a fixed period, following which they will be re-instated.

g) Refusing a second offer of housing

- 5.20 Where an applicant refuses a second offer of housing we will, unless this has already been done, discuss their housing needs with them and aim to clarify their range of choices so that a suitable offer may in future be made.
- 5.21 Where we cannot achieve agreement within 1 month of the second refusal we will suspend the applicant for a fixed period followed by a review.

h) Provision of false information

- 5.22 Where an applicant has deliberately submitted false or incomplete information in an attempt to gain advantage over other applicants we will consider suspending them for a fixed period followed by a review. This ground will only be used if another, e.g. debt or anti-social behaviour, does not apply.
- 5.23 We will take into account 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.

i) The applicant is 'not ready' to accept an offer of housing

- 5.24 Where an applicant keeps coming to the top of the list and is eligible for an offer of housing, but they are clearly not able to accept an offer for some time we will, normally following agreement with the applicant, suspend the applicant for a specified period.
- 5.25 Examples of situations where this may apply are:
- member of HM Forces who has applied for housing following their discharge, where the discharge will not be effective for several months;
 - person currently in prison, where the date of their release will not occur for several months;
 - student or other young person who does not have the finance required for the rent;
 - applicant whose spouse or partner has recently died and who still wishes their application to proceed, but is not currently ready to make a decision about a move.
- 5.26 Where there is a specific date from which the applicant will be able to accept an offer, we will ensure that the suspension period ends at least one month before that date.

Where there is no specific date, we will seek to agree a suitable period of suspension and ensure that this is reviewed regularly with the applicant so that we can make an offer of housing when appropriate, subject to the availability of a suitable property.

5.0 PERIODS OF SUSPENSION

- 5.1 Suspensions from the housing list will be for the following initial periods:
- a) Tenancy-related debt: **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 – eviction, ASBO or clear evidence of serious current or recent behaviour: **minimum of 12 months** – to be followed by a review which may lead either to the lifting or the continuation of the suspension.

Verbal abuse or threatening behaviour towards staff: **up to 12 months** followed by a review.
 - c) Condition of the property: either **6 months** or **until the specific problem is resolved** (whichever is the earlier) followed by a review.
 - d) Not attending a pre-allocation visit or interview: **3 months**
 - e) Not attending a pre-arranged viewing: **3 months**

- f) Not attending a pre-arranged new tenancy sign-up: **3 months**
- g) Refusing a second offer of housing and no agreement on choices: **6 months**
- h) Provision of false information: **from 6 to 12 months** depending on the seriousness of the falsification, followed by a review.
- i) Applicant not ready to accept an offer: up to **1 month before** the date they will be able to accept an offer or up to **3 months at a time** if a specific date is not known.

6.0 NOTIFYING THE APPLICANT

- 6.1 When we decide to suspend an applicant we will write to them 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 we 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.
- 8.2 The Head of Housing Management will acknowledge receipt of the appeal within 3 working days and aim to reply within 20 working days.
- 8.3 Should the applicant remain dissatisfied following the reply from the Head of Housing Management they will be advised that they may appeal to an Allocations Panel of Board Members.

Should the applicant still be dissatisfied following receipt of the Panel's response, they will be advised that they may contact the Scottish Public Services Ombudsman.

9.0 IMPLEMENTATION AND REVIEW

- 9.1 The Head of Housing Management is responsible for ensuring that this policy and the procedures that support it are implemented by the relevant staff.
- 9.2 The Head of Housing Management will ensure that this policy is reviewed by the Board at least every three years.

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