



Policy on :	Suspensions Policy
--------------------	---------------------------

Compliant with :	Indicator- 3- Tenant Participation Indicator-7 ,8 and 9 Access to Social Housing and Support; Indicator 10- Access to Social Housing. Indicator 11- Tenancy Sustainment.
Compliant with Tenant Participation Strategy:	Yes
Compliant with Equal Opportunities :	Yes
Compliant with Business Plan :	Yes

Date of Approval:	May 2019
Date for Review :	May 2022

Responsible Officer:	Director of Customer Services
-----------------------------	--------------------------------------

--

This policy is available in different formats for example, if you have difficulty with sight or need a translated copy, please contact us.

Contents

Introduction

- 1. Aims and Objectives**
- 2. Legislation, Good Practice and Scottish Social Housing Charter**
- 3. Suspensions Explained**
- 4. Admission to the Housing List**
- 5. Suspensions and Time Limits**
- 6. Suspension Guidance**
- 7. Operating Suspensions**
- 8. Appeals and Complaints**
- 9. Performance Monitoring**
- 10. Equal Opportunities**
- 11. GDPR and Data protection**
- 12. Policy Review**

Introduction

Barrhead Housing Association recognises that it may be appropriate – in limited circumstances – to suspend applications for housing. This Policy, in conjunction with our general Allocation Policy explains the circumstances when suspensions may be considered.

1: Aims and Objectives

Everyone has the right to have their housing application added to our housing waiting list if they are 16 years or over. However, we are able to suspend an application from the list in certain circumstances.

We aim to:

- Keep to a minimum the number of people we suspend from the housing list
- Ensure suspensions are imposed for sound reasons
- Not use suspensions as a punitive measure
- Clearly set out the reasons we will impose a suspension and relevant timescales
- Provide information on how suspensions can be appealed
- Review any suspensions in force on a regular basis.
- Ensure that the policy and practices on the use of suspensions is fair, transparent and accountable.

2. Legislation, Good Practice and Scottish Social Housing Charter

Barrhead Housing Association aims to ensure that its Suspensions Policy satisfies all relevant legal and good practice guidelines.

3.1 Legislation & Good Practice

In developing this Policy, we have referred to and taken into account:

- Housing (Scotland) Act 1987 –
- Statutory Guidance: the Minimum Period for Applications to remain in force – suspensions Under Section 20B of the Housing (Scotland) Act 1987.
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Homelessness etc. (Scotland) Act 2003
- Management of Offenders (Scotland) Act 2005
- Human Rights Act 1998
- Equalities Act 2010
- Adult Support & Protection (Scotland) Act 2007

3.2 Charter Outcomes

Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that:

- *every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.*

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation.

It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these needs.

Outcome 2: Communication

Social landlords manage their businesses so that:

- tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

This outcome covers all aspects of landlords' communication with tenants and other customers. This could include making use of new technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal or commercial information.

Outcome 3: Participation

Social landlords manage their businesses so that:

- tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement – this could include supporting them to scrutinise landlord services.

Outcome 7, 8 and 9: Housing options

Social landlords work together to ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options

available to them

- tenants and people on housing lists can review their housing options.
- people at risk of losing their homes get advice on preventing homelessness.

These outcomes cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless. This could include providing housing 'health checks' for tenants and people on housing lists to help them review their options to move within the social housing sector or to another sector.

Outcome 10: Access to social housing

Social landlords ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

3. Suspensions Explained

A "suspension" is when a landlord decides that it will not make an applicant an offer of housing until certain circumstances have changed, conditions are met or a set period of time has passed. The applicant will remain on our housing list whilst suspended unless the applicant has asked to be removed from the list. In considering suspensions, there are certain legislative requirements which we need to take into account:

Housing (Scotland) Act 1987 Section 20(2)b

This legislation prevents any social landlord from suspending an application for a period of time, from the point the applicant applied for a house, before an offer of housing can be made.

Housing (Scotland) Act 2014

Section 6 of the 2014 Act amends the 1987 Act to introduce a new section 20b and which now gives social landlords the power to impose a suspension, in certain circumstances. However, a minimum period of time cannot be placed on homeless applicants by local authorities with a legal duty to secure accommodation for the applicant.

The new power in section 20b is discretionary and Barrhead Housing Association will consider whether or not to use this power. Our approach to suspensions, including the option of imposing a suspension under section 20b, is set out in this policy.

Suspensions need to be distinguished from applications being excluded from a housing list. Exclusions are unlawful.

Within this policy, suspensions can be categorised as being either (a) conduct suspensions or (b) eligibility suspensions.

a) Conduct suspensions are used as a result of action by the applicant or by a member of the applicant's household, to manage applications where the applicant in question is unlikely to meet the conditions of tenancy. For example, providing false or misleading information in the application for rehousing, a proven previous history of serious anti-social behaviour or threatening behaviour towards members of staff.

b) Eligibility suspensions cover those situations where the applicant does not meet the agreed rules for selection. For example, conditions placed on owner occupiers or those with support needs where certain criteria need to be fulfilled before an offer of housing is made

Section 5 of this policy outlines the situations when suspensions may be considered.

Suspensions should also be distinguished from c) delayed or d) deferred applications.

c) Delayed applications cover those applications that have not been processed because the applicant has not provided relevant information. For example, the applicant has not provided information about household members or proof of identify - preventing the application from being assessed and processed.

d) Deferred applications are when an applicant advises us that they wish to remain on our waiting list but do not want to receive an offer at present. This could perhaps be owing to ill health, family, financial or employment circumstances.

We will keep all deferrals under regular review to ensure that applications are not deferred indefinitely. Once an applicant has asked for a deferred application to be lifted, we will arrange this as soon as possible.

4. Admission to the Housing List:

Barrhead Housing Association ensures that anyone aged 16 or over has fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing, such as with other housing associations and local authorities.

5. Suspensions and Time Limits:

Although we will aim to suspend as few applicants as possible, there may be occasions when suspending an application is necessary. Before suspending an application we will consider:

- Whether there are other options available to us, such as offering further information and advice or proactively managing the problem to avoid a suspension;
- Whether suspending an application would be proportionate and if so for how long?
- Whether we have sufficient, robust evidence to justify our decision to suspend an application?
- The consequences of suspending an application for both the applicant and any other members of their household.

At Barrhead Housing Association, we will therefore assess each case individually on its own merits and consider all relevant circumstances before applying a suspension. In cases where we apply suspensions, we will notify applicants of the reasons, and the appeal process

If we do suspend an application, a letter will be issued to the applicant detailing why we have taken that decision, the length of the suspension and the date(s) on which the suspension will be reviewed. The letter will also confirm if the suspension is under the statutory powers to suspend as set out in the Housing (Scotland) Act 2014.

This letter will also set out the appeal process, and any action that an applicant can take to have the suspension removed before the review date. Whilst the Association may reduce the length of suspension, we will never increase the length of suspension.

Where any new housing or transfer applications are made and the Association decides to suspend the application at the point of application, this decision would be undertaken in accordance with the statutory powers as set out in the Housing (Scotland) Act 2014.

In the event of a suspension decision, the application would still be placed on the housing list, but would receive no offers during the suspension.

Barrhead Housing Association will not use the available statutory powers to suspend any new applicants who have been found by the Council to be statutory homeless.

Section 6(6) of the Housing (Scotland) Act 2014

Powers now given to landlords under the above legislation to suspend an application for a period of time are detailed below:

Rent Arrears & Other Tenancy Related Debt

Where there are significant, outstanding and unresolved tenancy related debts and until such debts are either cleared, fall below 1/12th of the annual rent charge or an agreement has been set up and adhered to for a period of at least 3 months.

An applicant has been found to have deliberately **falsified information** in respect of their application – the application may be suspended for a period of 6 months;

Anti-Social Behaviour

The applicant has:

- Acted in an anti-social manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person, or;
- Pursued a course of conduct amounting to harassment or such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person, or;
- Acted in an antisocial manner, or pursued a course of conduct which is antisocial conduct, in relation to an employee of the Association in the course of making the application.

Anti-social behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance.

We may consider antisocial behaviour from up to 3 years previously. Suspensions under this category will be for a maximum period of 6 months.

Previous Convictions

The applicant has been, or has resided with a person who has been convicted of:

- Using a house or allowing it to be used for immoral or illegal purposes, or
- An offence punishable by imprisonment which was committed in, or in the locality of a house occupied by the person

We may consider convictions from up to 3 years previously. Suspensions under this category will be for a maximum period of 6 months. Timescales will be reviewed in the event of a change of circumstances

Order for Recovery of Possession

An order for recovery of possession has been made against the applicant by a court. This could apply to orders within the previous 3 years and made under Scottish Housing legislation or housing legislation for other parts of the UK. Suspensions will be to a maximum of 6 months.

Abandoning a Tenancy or neglecting a tenancy

Where the applicant has previously had a property repossessed by a social landlord because the property had been abandoned, or where a court has ordered a recovery of possession due to the deterioration of the condition of the property or furniture provided for the tenant's use.

We may consider repossession from up to 3 previous years. Suspensions under this category will be to a maximum of 6 months.

The Scottish Government has the power to set out in law the maximum length of time the above suspensions can last and may do so in future if it becomes evident that social landlords are not having

appropriate regard to statutory guidance. The above suspension periods have therefore been developed taking account of the statutory guidance - Minimum Period for Applications To Remain In Force – Suspensions Under Section 20b of the Housing (Scotland) Act 1987.

Other Conditions

Where an applicant declares (or faces allegations) that they are a sex offender, the application will be suspended until relevant local authority or health colleagues have carried out a risk assessment;

Where an applicant is found guilty of theft or vandalism against an Association property, the application will be suspended for a period of 12 months from the latest incident.

6. Suspensions Guidance:

As part of being transparent and accountable, the following general guidance will be followed when assessing an application for suspension:

- Outstanding debts over 5 years will be disregarded
- Barrhead Housing Association will attempt to enter into an agreement to pay off debt with the applicant before assessing if an application should be suspended. There will be no suspensions where reasonable agreements to pay are being adhered to for 3 months.
- Where a tenant has rent arrears arising from Government imposed benefit changes, the Association will not normally suspend their housing application, but will encourage them to make a repayment arrangement.
- Where a tenant with high levels of debt is identified as being vulnerable, we will encourage the tenant to work with a support provider e.g. Social Work or HSCP to ensure that an appropriate repayment arrangement is put in place and maintained for three consecutive months to allow him/her to be considered for re-housing.
- Suspensions should not be made where overpayments are as a result of an error made by housing benefit administration.
- Suspensions should not be made where the applicant has council tax arrears or other unpaid debts not directly relating to a tenancy.
- The Association will not suspend homeless applicants for debts left in temporary accommodation.
- Suspensions for anti-social behaviour will only apply where there is clear evidence of anti-social behaviour and where it is related to the tenancy and must involve anti-social behaviour on at least two separate occasions.

- In accordance with the Housing (Scotland) Act 2014, the Association may only offer a Short Scottish Secure Tenancy (SSST) to an applicant who has been guilty of anti-social behaviour or harassment in the preceding 3 years.
- Where suspensions are applied due to previous convictions, we will carefully consider the nature of the crime and whether the behaviour that led to conviction has had an impact on the people living in, or in the locality of, the house before suspending an applicant.
- *Punishable by imprisonment means that the offence carries imprisonment as a possible penalty, but that that sentences does not need to have been imposed. For example and Community Payback Order*
- Where an applicant has had an order for recovery of possession made against them, we will look at each case individually.
- The Association will inform applicants how to appeal against a decision to suspend them from an allocation of housing. See section 8 below
- We will outline clearly the steps that an applicant needs to take to have a suspension lifted.
- We will not suspend applicants who do not have a local connection.
- We will ensure that if a decision is made to suspend an applicant on the grounds of violence or harassment, that there is clear evidence to confirm this.
- The Association will not suspend unintentionally homeless people in priority need from an offer of permanent accommodation.
- Time limited suspensions are defined as the maximum period of suspension, this will be balanced against the need of the applicant.
- Where an application may be suspended because of the age of the applicant, we will contact the applicant and discuss alternative housing options before assessing the need for a suspension.

7. Operating Suspensions

The most effective way to for the association to operate, manage and monitor suspensions is for us to establish an identified Status Code within our housing management system which will allow the application to be re-assessed at the appropriate date.

The reasons for the suspension will also be recorded on our system.

All suspension may only be authorised by the Director of Customer Services. Suspensions will be kept to a minimum period and due care will be taken to ensure that all circumstances, including the consequences of the suspension, will be taken into account before a decision is reached.

8. Appeals & Complaints

If the Association impose a requirement that an application must be in force for a minimum period before a housing offer can be made (as per Section 20b of the Housing (Scotland) Act 2014, we will advise the applicant of their right to appeal this decision to the sheriff court.

There is no equivalent right of appeal for suspension within this policy where a minimum period is not in force.

For appeals under Section 20(B), an appeal must be made by Summary Application. Applicants currently have 21 calendar days to lodge an appeal from the date of being informed of their suspension, and this will be confirmed in any suspension letters which we issue.

An applicant who wishes to appeal against our decision should seek legal advice, or assistance from organisations such as Shelter Scotland or Citizens Advice Scotland.

For more advice, see the link below:

[Link to Summary Application Rules](#)

For General Appeals, our appeals process has two stages.

Stage 1:

Under Stage 1, the applicant should write to the Association requesting a Stage 1 appeal, and detailing the grounds for appeal. Upon receipt, the Association will arrange a Stage 1 meeting, either held in our offices, or at a place such as their home, as mutually agreed with the applicant.

This meeting will be held within 5 working days from the date of receipt of the appeal letter. Where applicants confirm they want to appeal but fail to contact the Association to arrange or attend a meeting, a reminder letter will be sent.

The Association's Customer Services Manager will be responsible for meeting with the applicant and considering the Stage 1 appeal

Applicants will be advised that they may bring a representative along to either meeting. For example, they may want to bring a legal representative, social worker or friend.

Applicants will be advised of the outcome of the appeal, in writing, within 5 working days of the meeting. In the event of an unsuccessful appeal, the letter will inform them of their right to escalate this to Stage 2.

Stage 2:

Under Stage 2, applicants should write seeking a Stage 2 appeal to the Director of Customer Services - if they remain dissatisfied with the outcome of their stage 1 appeal.

The outcome of the Stage 2 appeal will be notified in writing within 20 working days. This appeal process may also will involve a meeting with the Director of Customer Services.

Should the customer be unhappy with the outcome of Stages 1 and 2 ,they will be referred to the Scottish Public Service Ombudsman in accordance with the Association's our Complaints Handling Policy which is available here <https://www.barrheadha.org/make-complaint/>

Complaints

Barrhead Housing Association operates a Complaints Handling Policy that is open and transparent, should any customer or service user feel the need to make a complaint against an individual or the organisation, the Complaints Handling Policy and procedure will be implemented.

This is covered by a separate policy and available here <https://www.barrheadha.org/make-complaint>

9. Performance Monitoring

Performance will be measured against targets using information on outcomes from:

- Number of suspensions
- Reasons for suspensions
- Number of appeals and outcomes
- Number of reviews carried out

This information will be reported to the relevant Governing Board meeting every six months where suspensions are in place.

10. Equality & Diversity

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful). These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

We will offer customers a range of options for communicating with us to support people where, for example – people with poor literacy skills, visual impairment, or where their first language is not English.

11. GENERAL DATA PROTECTION REGULATIONS

The Association will treat all personal data in line with our obligations under the current General Data Protection Regulations and our own Data Protection Policy Statement, Privacy Policy and Data

Retention Policy.

Information regarding how your data will be used and the basis for processing your data is provided within the Association's Fair Processing Notices.

12. Policy Review

This Suspensions Policy will be reviewed at least every three years. In addition, it may also be reviewed in light of:

- New or revised legislation
- Changes in good practice
- Views of tenants and other service users
- Auditing practices
- Resource requirements