

North Ayrshire Housing Register Suspension Policy

North Ayrshire Housing Register Partner Organisations

The partners of the North Ayrshire Housing Register (NAHR) are listed below. These organisations will be referred to as 'we' or 'the NAHR landlords' throughout this policy document. The North Ayrshire Housing Register will be referred to as the NAHR:

- North Ayrshire Council
- Cunninghame Housing Association
- Irvine Housing Association
- ANCHO

1. Introduction

This policy is a sub-policy of the North Ayrshire Housing Allocation Policy. It describes when we will consider suspending offers of housing, how long we will suspend offers for and what an applicant needs to do to have the suspension removed. We are committed to minimising the number of suspensions we make however there will be certain circumstances when it will be necessary. The policy applies to **all** applications on the NAHR including existing tenants who wish to transfer and other applicants who are not currently our tenants.

This policy has been developed in line with NAHR landlords' corporate objectives.

2. Definition of a Suspension

A suspension is where an applicant for housing – whether that is a new applicant, a person on a housing list, or an existing tenant applying to move home – has to wait for a period of time before being considered, or further considered, for an offer of housing. Landlords cannot suspend persons from the housing list but can suspend persons from receiving offers of housing.

Suspensions do not include cases where:

- The applicant has been removed from the housing list (for example following a review of the list);
- There are delays in assessing an application while information is being collected;
- or Where applicants have a low or no housing need.

A suspension is **not** a deferred application.

A deferred application is when the applicant is not currently seeking housing. Eg applicants in tied accommodation, prison, armed forces or supported accommodation. It can also be where the applicant has stated that they do not want to currently be considered for housing for a short period but wish to remain on the register eg due to illness or family crisis. This is known as a 'voluntary deferral'.

3. Legal Framework

Housing (Scotland) Act 1987 (as amended)
The Antisocial Behaviour etc (Scotland) Act 2004.

4. Policy Aim

The aim of the suspension policy is

- To ensure that all the NAHR landlords have a common approach to dealing with suspensions
- To ensure fair and equal treatment for all applicants
- To enable the NAHR landlords to efficiently manage access to housing where applicants have breached the terms of their tenancy agreement
- To minimise suspensions
- To recognise individual circumstances and acute housing need
- To ensure that suspended applications are formally monitored, and we have regular contact with applicants when they are suspended
- To reinstate applicants to the NAHR at the earliest opportunity
- To be accountable through an open and transparent appeals process

5. Policy Objectives

To ensure that applicants for housing are given fair and equal treatment regardless of disability, gender, age, race, culture, sexual orientation, marital status or religion in line with the NAHR landlord's equalities policies.

To ensure that all applications are processed within the legal framework as detailed in the Housing (Scotland) Act 1987 (as amended) and in accordance with current good practice.

6. Policy Content

6.1 Implementation of the Policy

- Homeless legislation takes priority over this suspension policy therefore none of the grounds for suspension will apply to statutory homeless applicants

- Each application will be assessed on an individual basis and all relevant matters will be taken into account
- The use of suspensions will be minimised for our existing tenants through the use of our rent arrears, debt management, anti-social behaviour and estate management policies.

6.2 Reasons for Suspension

Applicants **can be** suspended from receiving an offer of housing for the following reasons;

Conduct Reasons

- Outstanding tenancy debt (social or private)
- Anti-social behaviour
- Other breach of tenancy (social or private)
- Recovery of Possession
- Making a false statement in an application

Eligibility Reason

- High risk offenders being housed through the North Ayrshire protocols

6.3 Applying and Removing a Suspension

The specific criteria for suspension, length of suspension periods, the review process and the circumstances when the suspension will be removed are detailed in Appendix 1.

A suspension can be activated at the point of application or when an applicant is being considered for an offer of housing. Suspensions can be applied and removed during the course of the application

6.4 Notifying Applicants of Suspension

Applicants will be notified in writing if their application for housing is subject to suspension of offers. Applicants will be told why they have been suspended from receiving offers, how long they are suspended for and what they need to do to get the suspension removed. They will also be advised of the appeals procedure and provided with a leaflet explaining the suspensions process.

6.5 Appeal of Suspension

Applicants may appeal decisions concerning this policy. For example, an applicant may appeal if they consider that they have been suspended incorrectly. We have established a common appeals system that applies to all the partners. There are two stages to this appeal process as follows:

Stage 1

Appeal can be made either in writing, or verbally, to a designated officer in the organisation which first dealt with the application form and notified the applicant of the suspension.

Stage 2

If the applicant remains dissatisfied with the decision, a written appeal can then be lodged with another more senior officer within that organisation.

Applicants will be notified of the outcome of the appeal within 14 days from the date of receipt of the appeal letter. Once the individual landlord's appeals process has been exhausted, applicants have further recourse via the that landlord's Complaints Procedures. Details of the complaints policies and procedures are available from individual partners. We also provide information to applicants about the Scottish Public Services Ombudsman; this is the public office that deals with complaints involving maladministration. Maladministration is a general term that concerns inadequate or inappropriate practice. Applicants must generally use our internal complaints system before contacting the Ombudsman.

In addition, housing applicants are entitled to appeal to the sheriff court when we have imposed a minimum period before offers of housing can be made when an application for housing is first received. We advise applicants of this right when informing them of our decision.

7. Deferred Applications

As stated above A deferred application is when the applicant is not currently seeking housing. E.g. applicants in tied accommodation, prison, armed forces or supported accommodation. It can also be where the applicant has stated that they do not want to currently be considered for housing for a short period but wish to remain on the register e.g. due to illness or family crisis.

When an applicant first applies or during the course of their application, they may choose to defer their application so that they are not considered for offers in the immediate future. Applicants can ask to have their application placed on hold until a future date. This means that no offers of housing will be made during the period stated by the applicant.

Responsibility for removing any deferment lies with the applicant but the partner landlords will check whether an applicant wishes to remain deferred when we carry out our annual review of housing applications.

8. Responsibility and Implementation

The overall responsibility for this policy lies with the Head of Service (Physical Environment) of North Ayrshire Council, the Managing Director

of Irvine Housing Association, the Director of Customer Services of ANCHO and the Chief Executive of Cunninghame Housing Association

The effective implementation and management of this policy is the responsibility of the NAHR landlord's senior management teams.

9. Staff Training and Development

We provide detailed training for staff of the NAHR landlords who implement this policy and procedures. This ensures that we meet our legal duties and follow good practice guidance.

10. Consultation

When developing this policy, consultation has taken place with tenants, applicants as well as statutory and voluntary sector partners.

11. Monitoring and Reporting

Monitoring is essential to evaluate how effectively we meet our legal requirements and the policy and procedural guideline. We will monitor all indicators.

We will monitor

- No of suspensions and a breakdown of the reasons
- The average length of time applicants are suspended by reason
- The number of suspended applicants as a percentage of the total number of applicants on the NAHR
- The number of appeals of suspension by reason
- The number of appeals upheld and rejected by reason
- The length of time between receipt of the appeal letter and notification of the appeal outcome

The monitoring reports will be available to

- Staff, committees and boards of the NAHR landlords
- The tenants of the NAHR landlords
- Applicants on the NAHR

12. Review

We will review this policy every three years, or earlier if required in light of changes in the law or good practice guidance.

13. Associated documents

The following documents are associated with this policy

North Ayrshire Housing Allocation Policy
NAHR landlords' Debt Management/Rent Arrears policies
North Ayrshire Anti-social Behaviour Strategy

NAHR landlords' Anti-Social Behaviour Policies
NAC Homelessness Policy and Procedures

North Ayrshire Housing Register Suspension Policy Appendix 1

Suspension Reason	Period of suspension and review criteria	Requirements to have suspension removed
<p>Tenancy Debt</p> <p>The applicant has tenancy debt currently owed to any landlord (social or privately rented) over the value of one month's rent which is less than 3 years old at the point of application including: -</p> <ul style="list-style-type: none"> • current and former tenant arrears (excluding outstanding Housing Benefit) • rechargeable repairs • missing or wilfully damaged furniture and equipment • house clearance charges • factoring charges • services charges • fuel charges • legal fees for court action <p>Suspension can only take place where there is no repayment arrangement in place or the arrangement has been maintained for less than 3 months. Where there is more than one debt owed, debts cannot be added together to cumulatively make up the value one month's rent. One debt must be at least one month's rent.</p>	<p>No maximum suspension period. Suspension will be reviewed every three months.</p>	<p>Where a repayment arrangement is maintained for 3 months consecutively suspension will be removed. Once suspension is removed it will be reapplied if the arrangement breaks down. Repayment arrangement will be monitored, and debt pursued by the landlord. Court action may be taken for non-payment of debt in accordance with the landlord's own policy.</p>

Suspension Reason	Period of suspension and review criteria	Requirements to have suspension removed
<p>Anti-Social Behaviour The applicant has been evicted from any property (social or privately rented) for anti social behaviour.</p> <p>The applicant or a member of their household is subject to an ASBO or an Interim ASBO</p> <p>The applicant has been issued with a Notice of Proceedings for anti social behaviour</p> <p>The applicant has been issued with a final warning for anti social behaviour</p> <p>The applicant has a Short Scottish Secure Tenancy for anti social behaviour</p>	<p>12 month suspension from the date of eviction</p> <p>Suspension for the duration of the ASBO being in place</p> <p>6 month suspension from the effective date of the NOP</p> <p>6 months from the date of the final warning</p> <p>6 or 12 months</p>	<p>Suspension removed after 12 months</p> <p>ASBO revoked by the Sheriff Court</p> <p>Suspension removed when NOP is no longer in place.</p> <p>No further action taken after 6 months</p> <p>SSST reverts back to SST</p>
<p>Failure to adhere to terms of the tenancy agreement Applicants who have been evicted from any property (social or privately rented) for a breach of tenancy such as failing to maintain their garden to an acceptable standard</p> <p>There is a Notice of Proceedings in place for breach of tenancy</p>	<p>12 month suspension from the date of the eviction</p> <p>6 month suspension from the effective date of the NOP</p>	<p>Suspension removed after 12 months</p> <p>Suspension removed when NOP is no longer in place</p>

Suspension Reason	Period of suspension and review criteria	Requirements to have suspension removed
High Risk Offenders Applicants who are required to register with the Police are suspended from the Common Housing Register whilst Sex Offender Liaison Officer (SOLO) liaises with Multi Agency Public Protection Arrangements (MAPPA) to ensure appropriate risk assessment is carried out.	As directed by SOLO in conjunction with MAPPA	N/a
Making a false statement in an application Where the applicant knowingly or recklessly made a false statement in their application form.	6 month suspension from the date the false statement is confirmed as false.	Suspension removed after 6 months