



Suspension Policy

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Scottish Social Housing Charter	Outcomes
This policy has been developed with reference to The Scottish Social Housing Charter	1 Equalities, 7,8 and 9 Housing Options, 10 Access to Social Housing, 11 Tenancy Sustainment
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Department	Housing Management
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Notes:

Policy drawn up with reference to:

Scottish Social Housing Charter
Housing (Scotland) Act 1987
Housing (Scotland) Act 2001
Housing (Scotland) Act 2014
Social Housing Allocations in Scotland: A Practice Guide February 2019

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ANGUS HOUSING ASSOCIATION LIMITED

SUSPENSION POLICY

1. INTRODUCTION

- 1.1 This policy sets out how the Association will deal with suspensions and the clear reasons that might be used to suspend an applicant from receiving an offer of housing.

2. LEGISLATION

- 2.1 The most relevant pieces of legislation are listed below, however this list is not exhaustive –

- The Housing (Scotland) 1987
- The Housing (Scotland) 2001
- The Housing (Scotland) 2014

Section 6 of the Housing (Scotland) Act 2014 introduces a new statutory suspension provision and provides an additional power to social landlords to suspend an application at the point at which that application is placed on the list. Landlords do not need to use the statutory suspension provision.

- 2.2 The Association can develop its own non-statutory grounds for suspending an applicant as long as they are reasonable and set out clearly within this policy.

3. DEFINITION

- 3.1 Suspensions happen when someone is denied an offer of housing for one or a few reasons. These are described in more detail below.

4. AIMS OF THE POLICY

- 4.1.1 The focus of this policy is to ensure the use of suspensions are kept to a minimum and access to our houses is as open and inclusive as possible. We will therefore avoid imposing any unnecessary or unreasonable restrictions.
- 4.2 We are also accountable to the communities we operate in to minimise the adverse impact that some tenants might have on the well-being of other tenants. We may, therefore, decide, in certain cases, to suspend applicants from our housing lists. We will look to limit this as far as possible and establish sensible boundaries and timescales within which to use suspensions from allocations.
- 4.3 We will be flexible and not take a blanket approach, which ignores the individual circumstances of applicants.
- 4.4 We will also, where it is appropriate and practical, seek alternatives to suspension.
- 4.5 We will apply the same rules on suspensions and access to our lists to both new and transfer applicants as well as mutual exchanges. Our policy does not differ across different parts of our housing stock.

5. GROUNDS FOR STATUTORY SUSPENSION

5.1 Statutory Suspensions

Reasons for suspension may result from individual action(s) or in some cases, by a member of the person's household. The statutory suspensions are detailed below –

- *Anti-Social behaviour*
- *Previous convictions*
- *Order for recovery of possession*

- *Abandoning or neglecting a property*
- *Rent arrears and other tenancy-related debt*
- *Making a false statement in an application for housing*
- *Applicants who have refused an offer of housing*

The Association has also identified their own non-statutory grounds for suspensions –

- *Neglect and Condition of Property*
- *Failure to Provide Identification or Information*
- *Violence or threatening behaviour towards staff*

5.1.1 *Anti Social Behaviour*

Housing (Scotland) Act 2014 Section 20B(6)(a) states that landlords may impose a suspension where:

- (a) The person has –
- (i) Acted in an antisocial 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
 - (ii) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise anti-social conduct in relation to such other person, or
 - (iii) acted in an anti-social manner, or pursued a course of conduct which is anti-social conduct, in relation to an employee of the Association in the course of making the application.

Anti-social behavior is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance with ‘conduct’ including things which a person has said as well as physical actions. A course of conduct must involve anti-social behaviour on at least 2 occasions.

The Association will bear in mind The Housing (Scotland) Act 2001 antisocial behaviour framework, The Anti-Social Behaviour Act 2004

and The Housing (Scotland) Act 2014 when deciding whether to suspend based on antisocial behaviour. The Association should consider:

- the nature, frequency and length of the conduct;
- the extent to which the conduct arises because of acts or omissions of people other than the tenant;
- the effect the conduct is having on other people; and
- any other action taken, or capable of being taken, by the landlord to address the conduct.

Where the Association decides to suspend an application, we must ensure there is robust evidence to support the decision. The Association should consider the following when deciding whether to suspend an applicant based on antisocial behaviour:

- We will withhold an offer of housing where someone on the housing list has previously been evicted for anti-social behaviour or is subject to an Anti-Social Behaviour Order (ASBO) which has been granted against them within the last 2 years. Suspension will only normally take place when there is clear evidence of anti-social behaviour and it is related to the tenancy.
- Where we seek to suspend and there has not been an eviction, decree or ASBO granted we will seek clear evidence on current or recent behaviour over the past 2 years. These could include police reports or fire authority reports and the conduct would have to be directly relevant to the tenancy. We will be open with applicants about the evidence we are using to assess their behaviour.
- Violence or threatening behaviour towards staff, whether in the housing office or elsewhere, will also be used as a ground for suspension. Careful judgement will be made about the level of

seriousness and the circumstances in which the conduct arose.

- We will not impose permanent suspensions on people who have previously been evicted for anti-social behaviour. We acknowledge that this is not consistent with the possibility of people's behaviour changing. It can also cut across provisions of incentives for people to change and ignores the possibility that the behaviour itself was the result of a temporary set of circumstances, for example, a period of illness or a difficult period in the development of a child in the family.

Period of Suspension

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 Angus Housing Association tenant, the suspension may be permanent depending on the circumstances.

5.1.2 *Previous Convictions*

The Association will impose a suspension if the applicant, or someone the applicant lives with or has lived with, has been convicted of certain offences and where those offences are associated with a residential property or the surrounding area.

The Association can only use the reasons specified under Section 20B of the Housing (Scotland) Act 1987.

The Association will consider carefully the nature of the offence and whether the behavior that led to a conviction has had an impact on the people living in, or in the locality of, the house before suspending on this basis.

The Association can only use the reasons specified under Section 20B

of the Housing (Scotland) Act 1987 to suspend. These are that the applicant or someone who has lived with the applicant has been convicted of:

- Using a house or allowing it to be used home 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.

Punishable by imprisonment means that the offence carries imprisonment as a possible penalty. A prison sentence does not need to have been imposed for the conviction to be used as a valid ground for suspension. For example, a community payback order may be given by the criminal court as an alternative to a prison sentence.

Period of Suspension

The suspension will be for **12 months**. Followed by a review which will result either in the lifting of the suspension or its continuation. Where the applicant is a former Angus Housing Association tenant, the suspension may be permanent depending on the circumstances.

5.1.3 Order for Recovery of Possession

An applicant can be suspended if an order for recovery of possession has been made against them in proceedings under:

- (i) The Housing (Northern Ireland) Order 1983
- (ii) The Housing Act 1985
- (iii) The Housing (Scotland) 1987
- (iv) The Housing (Scotland) 1988
- (v) The Housing (Scotland) 2001

This means that where a court in Scotland, England, Wales or Northern Ireland has previously granted an order to evict a tenant, a social landlord may suspend that person from receiving an offer of housing. It is not a requirement to do so in every case and the Association will consider each case on its merits so that individual circumstances can be considered.

Period of Suspension

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 Angus Housing Association tenant, the suspension may be extended or permanent depending on the circumstances.

5.1.4 *Abandoning a Property*

The Association will consider suspending an applicant where they have previously Abandoned or neglected a previous tenancy as either a tenant or a joint tenant.

Abandonment

For example, a suspension could be imposed where:

- *An applicant's previous tenancy has been repossessed when abandoned under section 18(2) of the 2001 Housing (Scotland) Act.*

This means that an applicant could be suspended if they had previously had a property repossessed by a social landlord because they had abandoned that property. It would apply whether they were the sole or joint tenant.

Neglect

The Association will also consider suspending and applicant where they have

neglected a property

For example:

- Where the applicant was a tenant or joint tenant of a property for which a court has ordered recovery of possession on the property due to neglect or deterioration of furniture due to ill treatment (paragraph 3 or 4 of schedule 2 of the 2001 Act)

Period of Suspension

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 Angus Housing Association tenant, the suspension may be permanent depending on the circumstances.

5.1.5 Rent arrears and other tenancy related debt

The Association will suspended an applicant for rent arrears and tenancy related debt which may include the following –

- Rent Arrears
- Service Charge Debt
- Rechargeable Repairs
- Legal Charges
- Clearing an Abandonment
- Storing Furniture
- Property Management Charges

Any suspension should be compliant with the outstanding liabilities set out in Section 20(2)(a) of the 1987 Act (as amended).

The Association may also impose a suspension on an applicant if they previously had significant unpaid rent arrears or service charges which are no longer outstanding because the Association has written off the debt.

However, the Association cannot suspend an applicant when either or both of the following apply:

- The debt equates to no more than one twelfth of the annual rent (ie one month's rent)
- The applicant has made an arrangement to pay off the outstanding liability and has made payment in accordance with that arrangement for at least three months and is continuing to make such payments.

We will consider carefully the individual circumstances of the household involved and how much the rent arrears and tenancy related debt accumulated by the applicant were a result of genuine hardship and financial difficulty. We will ensure that no one is denied access to our housing simply because they are poor.

We will also take into account the age of the debt. Depending on the circumstances, we may disregard outstanding debts which are older than five years, except where the applicant is a former tenant of Angus Housing Association.

The Association will not suspend applicants -

- Where housing benefit should have been available to cover rent and service charges. In coming to a decision about this we will look at what lies behind the problem. Furthermore, suspensions will not apply where overpayments were clearly a result of errors made by the housing benefit administration.
- Where the applicant's debt is for mortgage arrears, council tax

arrears or other unpaid debts not directly related to the tenancy.

Period of Suspension

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.

Nevertheless, we will review suspensions every ***12 months***.

5.1.6 False and misleading information

- We will apply a time-limited suspension of 12 months where an applicant has deliberately sought to distort information provided in support of an application to gain advantage over other applicants in housing need.
- The falsification would have to be deliberate rather than a simple omission.
- We will take into consideration the degree of falsification and weigh this against the consequences of the application being suspended. For example, a relative minor indiscretion will not result in a family in severe housing need being suspended.

Period of Suspension

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.

5.1.7 Applicants Who Have Refused an Offer of Housing

The Association operates a Choice Based Letting (CBL) Allocations Policy which requires the applicants to express a note of interest (bid). If an applicant

qualifies they can make as many bids as they choose, however if a reasonable offer of accommodation is refused more than 2 times the applicant will be suspended.

Period of Suspension

The suspension will be for **6 months**.

6. GROUNDS FOR NON STATUTORY SUSPENSION

6.1 Neglect and Condition of Property

The Association will also consider impose a suspension where a property has been neglected:

- Prior to an offer being made applicants and transfers are subject to a home visit and house inspection to check the property for damage, vandalism, unauthorised alteration, control over pets, condition of garden area, accumulation of rubbish which has not been disposed of in the proper manner or very poor decoration.
- Should the property fail to meet an appropriate standard in accordance with the Association's Void Policy and Procedures the Applicant will be advised in writing of the reason/s for the property failing and their application will be suspended pending completion of the necessary works.

Period of Suspension

There will be no specific time limit. The lifting of the suspension will depend on when the necessary works have been completed. Nevertheless, we will review suspensions for the condition of property every **12 months**.

6.2 *Failure to Provide Identification or Information*

Applicants are asked to upload identification and proof of address during the registration process and again when they note interest on a property. Where an applicant fails to upload the appropriate identification, the Association will impose a suspension.

Period of Suspension

There will be no specific time limit. The lifting of the suspension will be dependent on when the necessary identification documents are uploaded to These Homes. Nevertheless, we will review suspensions for failure to provide identification every **3 months**.

6.3 *Violence or threatening behaviour towards staff*

The Association will also impose a suspension where an applicant is aggressive towards staff and the Association is required to use the Unacceptable Action's Policy.

Period of Suspension

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

7. PERIODS OF SUSPENSION

7.1 The periods of suspension are detailed at the end of each section. Any extensions to the suspension's periods must be discussed with the Director of Housing Services or Housing Manager.

8. INFORMATION FOR THE APPLICANT

- 8.1 It is central to the operation of this policy that applicants are fully informed about how it works.
- 8.2 Our decision letters giving clear and precise information to applicants about the reasons for and the implications of suspensions.
- 8.3 When a decision is made that offers of accommodation should be withheld, we will inform the applicant in writing, stating why the applicant has been suspended, for how long and the action they need to take in order for the suspension to be lifted.

9. CONFIDENTIALITY

- 9.1 Staff will respect the confidentiality of personal information at all times. We will only discuss details of the application with third parties having obtained the applicant's prior written consent.

10. APPEALS

- 10.1 We have a policy on reviewing circumstances and allowing applicants to appeal against our decision to suspend. We will inform applicants of the process by which they can appeal against a decision to suspend them and the process by which they would apply to have the suspension lifted.
- 10.2 Applicants who are dissatisfied with our decision to suspend can make an appeal in writing to the Housing Manager. An applicant may wish to appeal either the suspension or the length of time they have been suspended. The Association will acknowledge appeals within 5 working days and inform the tenant in writing of its decision within 28 days.
- 10.2 We will consider evidence by someone who is in contact with the person or family probation worker, social worker or landlord, with whom

the applicant has had accommodation since the incident or occurrence of behaviour to which the suspension applies.

11. EQUAL OPPORTUNITIES

In developing and implementing policies covering all aspects of our work, Angus Housing Association will ensure that our strong principles and commitment to equality of opportunity are evident. In line with the Housing (Scotland) Act 2001 the Association operates in a manner which encourages equal opportunities and observes the equal opportunity requirements described in Section 106 of the Act. The Association also takes account of all applicable legislation, including the Equality Act 2010 and relevant Codes of Practice issued by the Equality and Human Rights Commission –

Our Policy recognises the protected characteristics as defined by the Equalities Act

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation

In line with this commitment to equal opportunities, this policy and any summary or information leaflet can be made available free of charge in a variety of formats including large print, translated into another language or on audio tape.

12. MONITORING

12.1 We will publish our Suspension policy.

- 12.2 Quarterly reports will be submitted to the Service Delivery Sub –
- The number of applications suspended, and for what reason
- 12.3 The Director of Housing Services is responsible for ensuring that this policy and the procedures which support it are implemented by all relevant staff.
- 12.4 The Director of Housing Services will ensure that this policy is reviewed by the Service Deliver Sub Committee at least every 4 years.

13. Policy Review

The Association will review the Suspensions Policy in August 2028, or as required following a substantive legislative or regulatory change.