

# OPS042 - Suspension Policy

<b>MONITORING FORM</b>	
Department	Housing
Department Director	Operations
This policy is applicable to	Housing Management
Author	Housing Manager
Date approved by Board	5/6/2019
Date of last review	1/5/2019
Version number	V1
Date of minor modification	1/5/2019
Period of Review	3yrs
Date of next review	1/5/2022
Internal /external consultees (if required.	

## **1. INTRODUCTION (AIM)**

1.1 Weslo Housing Management (we) has established this policy to explain when offers of housing can be withheld and for what periods. In such cases, applicants will, however, remain registered on our waiting list. This policy is based on law and takes account of any relevant guidance, for example, guidance issued by the Scottish Government.

1.2 This policy complies with the Housing (Scotland) Act 2014 and is supported by procedures that reflect legal requirements and good practice.

We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

In line with our commitment to equality and diversity, this policy can be made available in a variety of formats including large print, translated into another language or other media. We will make any reasonable adjustments to assist applicants if they have a disability.

## **2. SCOPE**

2.1 This policy applies to all applications on our waiting list or transfer list for housing with us, who might otherwise receive an offer of housing

## **3. OBJECTIVES**

3.1 The main objectives of this Policy are to ensure that we manage our waiting list effectively and that we

- Understand the difference between by-passing, deferral and suspension
- Be clear about the statutory suspension option
- Set out the reasons why we might suspend an application and how long they may be suspended for
- Know when we cannot suspend an application
- Our approach to suspending an application

## **4. DEFINITIONS**

4.1 Bypass – when an offer is not made where for example, the property does not meet the applicants needs or the applicant has refused a previous offer of a similar property. We will keep a record of why we have bypassed an applicant. If an applicant is bypassed a number of times we may ask the applicant to review their choices.

4.2 Deferral: where an applicant has advised that they wish to remain on the list but do not want to receive an offer at this time. We will review all applications in this category every 6 months.

4.3 Suspension: this is when we will make a decision that we will not make an applicant an offer until certain circumstances have changed, conditions are met or a set period of time has passed. An applicant will remain on the list unless they asked to be removed. We will review suspended applications every 6 months.

4.4 In accordance with legislation applicants who are recognised as homeless under Section 5 of the Housing (Scotland) act 2001 cannot be suspended from receiving offers of housing.

## **5. STATUTORY AND NON-STATUTORY SUSPENSIONS**

5.1 The suspension reasons laid out in Section 6 are not based on legislation but continue to be the way that applicants who are already on the waiting list can be suspended.

5.2 The Housing (Scotland) Act 2014 provides an additional power to social landlords to suspend an application at the time when an applicant is placed on the list. Where we chose to use this option we will tell the applicant(s) of the reasons for suspension and advise that they have the right to appeal this decision to the Sheriff Court.

## **6. MANAGING SUSPENSIONS**

6.1 There are circumstances in which applicants on the Housing List can be suspended from receiving offers of housing for a period of time. Applicants can be suspended for the following reasons:

a. We can suspend applicants for unpaid rent or other money relating to current or previous tenancies. For instance:

- Unpaid rent and factoring charges
- Outstanding rechargeable repairs. For example, if a tenant has lost their keys and we have changed the locks
- The cost of cleaning a house if you leave furniture or rubbish behind when you move out
- Legal costs if we have taken an applicant to court

b. If an applicant owes money, however, we will only suspend if:

- More than one month's rent is owed and there is no mutually agreed arrangement to repay it; or
- The applicant owes more than a month's rent, a mutually agreed arrangement is in place to pay it, but has not been kept for three months

c. We can also suspend applicants due to anti-social behaviour. For instance:

- The applicant has been given a final warning for anti-social behaviour in the last six months
- The applicant has been given a "Notice of Proceedings" for antisocial behaviour in the last six months

- The applicant or someone that lives with them has been given an anti-social behaviour order (ASBO) or an interim ASBO (the ASBO must be removed by the Sheriff Court before we can end a suspension)
  - The applicant has a Short Scottish Secure Tenancy because of anti-social behaviour
  - The applicant has been evicted for anti-social behaviour in the last 12 months
  - The applicant has been violent or aggressive towards staff of the Company or its representatives including committee members and contractors.
- d. We can also suspend applications due to breaches of their tenancy agreement. For instance:
- The applicant has been given a "Notice of Proceedings" for breaking the rules of the tenancy agreement in the last six months (for example, maintaining the property or common part in a reasonable condition, a failure to maintain a garden to an acceptable standard)
  - The applicant has been evicted for a breach of a tenancy in the last twelve months.
- e. We can also suspend an application where a false declaration has been proven to be made by the applicant.
- f. We may also suspend an application where an applicant has been made and refused 2 reasonable offers of housing.

6.2 When we suspend an application, we will write and explain why, how long the suspension is for and what needs to be done to remove the suspension. Details will also be given confirming their right of appeal and information on the Company' complaints procedure will also be included. We will also write to the applicant when we have removed the suspension.

### 6.3 Reasons for suspension and likely period of suspension

Reason for suspension	Period of suspension
Anti-social behaviour, evidence of convictions in surrounding area,	3 years maximum, or less where the applicant has demonstrated for a reasonable period of time the behaviour has changed
Where information available that applicant abandoned a previous social rented tenancy	12 months
Where an Order for Recovery of Possession has been made against an applicant in the last 12 months	Up to 3 years
Rent arrears and other tenancy related debt	Up to 3 years or where that debt is no longer outstanding
Where 2 offers of suitable housing	3 months

have been made and refused by the applicant	
Where an applicant has knowingly made a false statement	The applicant will remain suspended until information confirmed is correct up to 3 years
Where an applicant has held a tenancy for less than a year and that the property occupied still meets their needs	No more than one year from date of entry to current property.

## **7. APPEALS**

7.1 All applicants have the right to appeal against any decision made concerning their application, the assessment of their housing need, suspension or cancellation of their application. In the first instance, they should refer to the relevant Local Authority who is responsible for dealing with the application and will be dealt with by their own individual appeal procedures.

7.2 Any appeals that relate to Weslo should initially be made in writing to the Housing Manager and thereafter using our Complaints Procedure.

## **8. EQUALITY & DIVERSITY**

8.1 We will accept applications from anyone over the age of 16 years regardless of gender, marital status, age, ethnic origin, nationality, colour, religion or belief, sexual orientation, disability or health problem, financial circumstances or any local connections.

8.2 Applications will be assessed, and our homes allocated, in accordance with the system we have adopted to measure housing need. These systems are designed to eliminate any potential discrimination on any of the grounds listed above.

8.3 We will monitor the implementation of suspensions and our procedures to ensure that each application is treated equally and fairly.

## **9. PUBLICISING AND AVAILABILITY**

9.1 This policy is available on the Weslo website, to Board and staff members and any other key stakeholders. Copies are available free of charge. A summary of this policy can be made available in other formats and languages.

## **10. MONITORING & REPORTING**

10.1 Weslo has performance measures in place which are reviewed on a monthly basis to ensure the aims of this policy are being achieved.

## **11. COMPLAINTS**

10.1 Anyone wishing to make a formal complaint about the services provided by the organisation should do so as per our complaints procedure. The Complaints

Policy and information about how to complain are available on the website and from our office.

## **12. DATA PROTECTION AND GENERAL DATA PROTECTION REGULATION (GDPR)**

11.1 Weslo applies data protection principles throughout our allocation process so that information gathered is processed in accordance with the law. For example, information that is gathered is only shared with the explicit consent of applicants, or as otherwise permitted or required in law.

11.2 We take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 1998 and the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25th May 2018, together with any domestic laws subsequently enacted.

11.3 We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z4942312 and we are the data controller of any personal data that you provide to us.

11.4 Any questions relating to our privacy practices should be sent to our Corporate Services Department: [corporate.services@weslohm.co.uk](mailto:corporate.services@weslohm.co.uk) or call 01506 634286.

## **14. OTHER RELEVANT POLICIES AND PROCEDURES**

This policy relates to:

- Allocations Policy
- Anti-social behaviour Policy
- Rent Management Policy
- Complaints procedure
- Data Protection policy
- Equality and Diversity policy

## **15. LEGAL AND GOOD PRACTICE REQUIREMENTS**

This policy is compliant with the following legislation and good practice guidance:

- [Data Protection Act 2018](#) (DPA 2018)
- [General Data Protection Regulation](#) (GDPR) (Regulation (EU) 2016/679)
- Equality Act 2010
- Homelessness etc. (Scotland) Act 2003
- Housing (Scotland) Act 2014
- Housing (Scotland) Act 1987
- Human Rights Act 1998
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Scottish Social Housing Charter

## **16. POLICY REVIEW**

16.1 This policy will be reviewed every 3 years to ensure compliance with applicable legislative changes, changes within the organisation and best practice