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Policy:	Housing Application Suspension and Cancellation Policy
Legal Requirements:	Housing (Scotland) Act 2001 Housing (Scotland) Act 2010 Housing (Scotland) Act 2014 Homelessness etc. (Scotland) Act 2003 Human Rights Act 1998 Equality Act 2010
Regulatory Standards:	The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management. This policy evidences that the following Regulatory Standards are being met: Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 5. The RSL conducts its affairs with honesty and integrity.
Notifiable Events Guidance	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy. In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.
Human Rights	In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy. In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.



Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of April.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 28th of April 2022.



Statement of Policy Aims / Principles

The purpose of this policy is to define the grounds the Association will use for the suspension of applicants from receiving an offer of housing and the cancellation of applications to the waiting list. Additionally, it will outline the practices the Association should adopt when dealing with these grounds. This policy will comply with current legislation, statutory guidance and good practice guidance, and will constitute an extension of the Letting Policy.

Policy Details

Definition of Suspension

The definition of suspension is when someone has been assessed for and accepted onto a waiting list, but is advised that he or she will not be eligible for an offer of housing until:

- A specified period has elapsed;
- Their conduct has changed; or
- A change in circumstances has occurred.

Suspensions are NOT:

- Exclusions / cancellations from the waiting list altogether;
- Delays in applications while additional information is being collected;
- Deferrals because the applicant's housing need is in the future rather than the present;
- Based on applicants who have a low or no housing need.

Suspensions can be separated into two categories:

Conduct Suspensions that are restrictions resulting from an action by the person, or in some cases by a member of the person's household. Examples include previous rent arrears or other tenancy related debt; previous behaviour such as anti-social conduct; or refusal of previous offers of accommodation.

Eligibility Suspensions are restrictions which are a result of the applicant's current circumstances. A particular example relates to applicants with support needs, where the landlord is reluctant to offer accommodation unless a support package is in place.

Suspension of applicants from an offer of housing

There are two types of suspensions:

- Statutory suspensions that can be applied at the point in which an applicant is placed on the waiting list; and
- Non-statutory suspensions that can be applied at any point during which there is an active housing application.

Statutory Suspensions - The Association will reserve the right to suspend an application for a period of time from the date of application under any of the following grounds:

Anti-Social Behaviour

Applicants with a history of anti-social behaviour may be suspended from receiving an offer of housing. Where there is evidence that the applicant, a member of their household or visitor to their property has acted in an anti-social manner within the vicinity of a house occupied by the person or has pursued a course of conduct amounting to harassment, the applicant can be suspended for a period on twelve months from the date of application.

The Association may impose a suspension where the person 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.
- Pursued a course of conduct amounting to harassment of another person, or course of conduct which is otherwise anti-social conduct in relation to another person, or



Suspension of applicants from an offer of housing (Continued)

- 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 behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance. Conduct in this context includes things which a person has said as well as physical actions. A course of conduct must involve anti-social behaviour on at least two occasions.

The Association may impose a suspension in the following circumstances:

- Drug-dealing from a tenancy;
- Prostitution from a tenancy;
- Fire-raising;
- Causing nuisance and disturbance to neighbours;
- Extensive damage to a landlord's property; or
- Harassment of or threats to neighbours.

The Association will use the following criteria in judging whether or not an applicant should be suspended from receiving an offer of housing:

- The nature, frequency and duration of the conduct;
- When the conduct took place;
- The extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
- The affect which the conduct is having on other people;
- Any alternative action taken by their landlord to address the conduct.

The Association will collect and consider all relevant evidence before judging whether or not an applicant should be suspended from receiving an offer of housing. The Association will consider the following:

- Whether the applicant was suspended from a previous tenancy because of anti-social behaviour;
- Whether a Decree has been granted against the applicant for anti-social behaviour;
- Whether an Anti-social behaviour order (ASBO) has been granted against the applicant;
- Whether the applicant had been served with a Notice of Proceedings for anti-social behaviour;
- Relevant evidence from Police or fire authority reports.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

Previous Convictions

An applicant who has previously been convicted may be suspended from receiving an offer for a period of twelve months from the date of application.

An applicant may be suspended if they or someone living with them has been convicted of:

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

Before deciding whether or not to impose a suspension the Association will consider the nature of the crime and whether the behaviour that led to the conviction has had an impact on the people living in, or in the locality of, the house.

Punishable by imprisonment means that the offence carries imprisonment as a possible penalty. A prison sentence does not need to have been imposed.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.



Suspension of applicants from an offer of housing (Continued)

Order for Recovery of Possession

An applicant may be suspended from receiving an offer for a period of twelve months from the date of application where an order for recovery of possession has been made against them in proceedings under the following acts:

- The Housing (Northern Ireland) Order 1983
- The Housing Act 1985
- The Housing (Scotland) Act 1987
- The Housing (Scotland) Act 1988
- The Housing (Scotland) Act 2001

The Association will consider each case on its merits so that individual circumstances can be taken into account when deciding on whether or not to impose a suspension. When considering whether or not to impose a suspension the Association will give consideration to when the order for recovery of possession was granted and the reason why the order was granted.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

Abandoning or Neglecting a Property

An applicant may be suspended from receiving an offer for a period of twelve months from the date of application where:

- Their previous tenancy has been terminated by their landlord under section 18(2) of the Housing (Scotland) Act 2001.
- The persons interest in a tenancy has been terminated by the landlord under section 20(3) of the Housing (Scotland) Act 2001 (abandonment by a joint tenant).
- The applicant was a tenant and a court has granted an order for recovery of possession on the ground set out in paragraph 3 or 4 of schedule 2 of the Housing (Scotland) Act 2001 (deterioration of the property due to neglect, or deterioration of furniture due to ill-treatment).

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

Rent Arrears and Tenancy Charges

Applicants with rent arrears of one month or more, or other tenancy related debt equivalent to one month's rent or more, may be suspended from receiving an offer of housing unless the Association is satisfied that a repayment arrangement has been established and has been adhered to for a period of three months, and the applicant is continuing to make payment in accordance with the agreement.

The Association will always be prepared to offer the applicant an opportunity to enter into a formal agreement to pay off tenancy debt.

Tenancy related debts include:

- Service charges;
- Rechargeable repairs;
- Costs of clearing an abandoned house;
- Costs of cleaning a house (a tenant is required to leave a house clean and tidy and in good decorative order and is liable for costs of doing this where the property has been left in poor condition).
- Heating charges;
- Factoring or property management charges relating to Yoker Housing Association properties.
- Tenancy debt that has previously been written-off.

The Association will not suspend an applicant from receiving an offer where:

- An applicant had rent arrears or other tenancy debt but that amount has been paid off;
- There was rent arrears or tenancy debt, but it is equivalent to or less than a month's rent;
- There was rent arrears or tenancy debt, but an arrangement has been made to pay it off and that agreement has been kept to for at least three months and is continuing to be kept to;



Suspension of applicants from an offer of housing (Continued)

- The debt is not directly linked to the tenancy of the house (e.g. mortgage arrears or council tax arrears);
- Where the debt was not the responsibility of the applicant as a tenant or joint tenant;
- Where arrears were generated from overpayments that were clearly a result of errors made by Housing Benefit administration;
- The debts are for homeless people from temporary accommodation.

In seeking evidence of any outstanding tenancy debts and repayment schedules the Association will contact other landlords with whom the applicant has or has had a tenancy.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

False or Misleading Information

The Association will suspend any applicant from receiving an offer of housing for a period of twelve months from the date of application if they have been found to have deliberately provided false or misleading information.

Examples of information deliberately withheld by an applicant may include previous or outstanding debts, poor tenancy conduct or not declaring an additional tenancy held by a member of the applicant's family seeking re-housing.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

Offers of Housing

An applicant who has failed to respond to or has refused two offers without good reason may be suspended from receiving a further offer of housing for a period of twelve months from the date of application.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

Non-statutory Suspensions - The Association will reserve the right to suspend an application under any of the following grounds:

Anti-Social Behaviour

Applicants with a history of anti-social behaviour may be suspended from receiving an offer of housing. Where there is evidence that the applicant, a member of their household or visitor to their property has acted in an anti-social manner within the vicinity of a house occupied by the person or has pursued a course of conduct amounting to harassment, the applicant can be suspended for a period on twelve months.

The Association may impose a suspension where the person 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.
- Pursued a course of conduct amounting to harassment of another person, or course of conduct which is otherwise anti-social conduct in relation to another person, or
- 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 behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance. Conduct in this context includes things which a person has said as well as physical actions. A course of conduct must involve anti-social behaviour on at least two occasions.



Suspension of applicants from an offer of housing (Continued)

The Association may impose a suspension in the following circumstances:

- 5 • Drug-dealing from a tenancy;
- Prostitution from a tenancy;
- Fire-raising;
- Causing nuisance and disturbance to neighbours;
- 10 • Extensive damage to a landlord's property; or
- Harassment of or threats to neighbours.

The Association will use the following criteria in judging whether or not an applicant should be suspended from receiving an offer of housing:

- 15 • The nature, frequency and duration of the conduct;
- When the conduct took place;
- The extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
- The affect which the conduct is having on other people;
- 20 • Any alternative action taken by the landlord to address the conduct.

The Association will collect and consider all relevant evidence before judging whether or not an applicant should be suspended from receiving an offer of housing. The Association will consider the following:

- 25 • Whether the applicant was suspended from a previous tenancy because of anti-social behaviour;
- Whether a Decree has been granted against the applicant for anti-social behaviour;
- Whether an Anti-social behaviour order (ASBO) has been granted against the applicant;
- Whether the applicant had been served with a Notice of Proceedings for anti-social behaviour;
- Relevant evidence from Police or fire authority reports.

Rent Arrears and Tenancy Charges

35 Applicants with rent arrears of one month or more, or other tenancy related debt equivalent to one month's rent or more, may be suspended from receiving an offer of housing unless the Association is satisfied that a repayment arrangement has been established and has been adhered to for a period of three months, and the applicant is continuing to make payment in accordance with the agreement.

The Association will always be prepared to offer the applicant an opportunity to enter into a formal agreement to pay off tenancy debt.

Tenancy related debts include:

- 40 • Service charges;
- Rechargeable repairs;
- Costs of cleaning a house (a tenant is required to leave a house clean and tidy and in good decorative order and is liable for costs of doing this where the property has been left in poor condition).
- 45 • Costs of clearing an abandoned house;
- Heating charges;
- Factoring or property management charges relating to Yoker Housing Association properties.
- Tenancy debt that has previously been written-off.

50 The Association will not suspend an applicant from offer where:

- An applicant had rent arrears or other tenancy debt but that amount has been paid off;
- There was rent arrears or tenancy debt, but it is equivalent to or less than a month's rent;
- 55 • There was rent arrears or tenancy debt, but an arrangement has been made to pay it off and that agreement has been kept to for at least three months and is continuing to be kept to;
- The debt is not directly linked to the tenancy of the house (e.g. mortgage arrears or council tax arrears);



Suspension of applicants from an offer of housing (Continued)

- Where the debt was not the responsibility of the applicant as a tenant or joint tenant;
- Where arrears were generated from overpayments that were clearly a result of errors made by Housing Benefit administration;
- The debts are for homeless people from temporary accommodation.

In seeking evidence of any outstanding tenancy debts and repayment schedules the Association will contact other landlords with whom the applicant has or has had a tenancy.

Aggression / Violence / Threats of Violence

The Association reserves the right to suspend an applicant from receiving an offer of housing and re-evaluate applications where the applicant verbally or physically abuses any staff or Committee members.

Each case will be assessed on its own individual merits but the following grounds will be considered:

- The level and seriousness and the circumstances in which the conduct arose (i.e. threatening behaviour may be an applicant's symptoms of mental ill health or even momentary expression of frustration from someone under extreme stress);
- Whether or not police action should be pursued against the applicant.

False or Misleading Information

The Association will suspend any applicant from receiving an offer of housing for a period of one year, if they have been found to have deliberately provided false or misleading information. Any applicant found to have deliberately withheld information relevant to their housing circumstances will also be suspended from receiving an offer of housing for a period of one year.

Examples of information deliberately withheld by an applicant may include previous or outstanding debts, poor tenancy conduct or not declaring an additional tenancy held by a member of the applicant's family seeking re-housing.

Offers of Housing

In order to restrict the number of offers being refused by applicants the Association promotes choice within the allocation process. However, any applicant who either fails to respond to or refuses two offers of housing without good reason will be suspended from receiving a further offer of housing for a period of one year from the date the second offer was refused.

Housing Needs

Due to the Association's low turnover of stock together with restrictions on the size and types of houses available, there are obvious restrictions to household sizes that the Association can accommodate. The Association may therefore be unable to meet the housing needs of applicants within its present or proposed housing stock profile. In such cases where housing need cannot be met an applicant may be suspended from receiving an offer of housing.

Housing Support

The Association will accept applications from vulnerable groups that may require housing support to allow them to maintain a tenancy within the community. The Association would therefore expect support packages to be in place from relevant agencies. If the Association feels that no support package or an unsuitable support package is in place then it reserves the right to suspend that applicant from receiving an offer of housing until it is judged that the housing support needs of the applicant can be met.

Deferral

An applicant may request that they remain on the waiting list but are suspended from receiving an offer of accommodation at a particular point in time. An applicant can request that their application is deferred for a set period of time or until further notice.

Applicants in Low or No Housing Need

Applicants with little or no housing need and who can be described as adequately housed are still entitled to apply and be included on the housing register. However, to reduce frustration and unrealistic expectations, they should also be advised of the full range of housing options available and be given a realistic view of the possibility of being housed.



Suspension of Applications (Continued)

Grounds for Cancelling an Application

5 Under the Housing (Scotland) Act 2001 the Association will cancel and remove applicants from the waiting list only in very specific circumstances. These include:

- The applicant is under sixteen years of age;
- The applicant has requested removal from the waiting list;
- 10 • The death of the applicant;
- The applicant fails to respond to a review by two requests within a period of four weeks. In this case the second request will detail the consequences for the applicant if they fail to respond to the second request.

15 Appeals and Complaints

The aim of the appeals procedure is to provide a review mechanism for those applicants that feel that their application for housing has been unfairly assessed.

20 Applicants wishing to appeal against a suspension or cancellation should write to the Association's Housing Management Department within fourteen days giving their reasons for appeal. The application will then be reassessed by the Housing Manager. A written response will be provided within five working days outlining a new decision. If the applicant is still dissatisfied then he / she should write to the Association's Director who will investigate all circumstances and will respond to the applicant in writing within five working days. If the applicant is still dissatisfied then the complaints handling procedure will apply.

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