



Suspensions Policy

Policy:	Suspensions Policy
Version number:	3.0
Date effective from:	17 June 2021
Policy Owner:	Director of Housing
Policy Author(s):	Head of Operations
Accountable Executive:	Director of Housing
Approved by:	Executive Director Corporate Services and Director of Housing
Equality Assessment:	Yes
Next review of policy due:	2024
Policy Grade:	3
For the full version history of this policy, see the back page	

Please avoid referring to printed versions of this policy.

Contents

1.0	Introduction and Scope.....	3
2.0	Links to Strategy and the Business Plan	4
3.0	Definitions	4
4.0	Regulation and Legislation.....	5
5.0	Policy Statement.....	5
6.0	Suspension Checks	7
7.0	Categories of Suspension.....	7
8.0	Grounds for Suspension.....	7
9.0	Police Checks	8
10.0	Safer Estates Agreement.....	8
11.0	Policy Outcomes	9
12.0	Roles and Responsibilities.....	9
13.0	Escalation	10
14.0	Records.....	10
15.0	Monitoring and Review	10
16.0	Applicant's Right to a Review (appeal)	11
	Appendix 1 – Regulation and Legislation	12
	Appendix 2 – RSH Tenancy Standard.....	13
	Appendix 3 – Equality Assessment	14

1.0 Introduction and Scope

1.1 This document covers our policy on Suspensions and should be read in conjunction with the Allocations Policy. It covers categories of suspensions, how to complete checks, and the duration of suspensions. The document sets out how Gentoo will meet its responsibilities as a landlord for ensuring that the Allocations Policy is inclusive and accessible for all, whilst recognising that there will be times when applicants do not meet the criteria for registering and applying for properties.

1.2 The scope of this policy covers:

Gentoo Group	X
Gentoo Homes	
Gentoo Developments Ltd	

It applies to:

General Needs rented properties	X
Supported Housing	X
Sheltered Housing	X
Leasehold/Shared ownership	
Market rented properties (domestic)	
Temporary Accommodation	X
Stock owned but not managed by the Group	
Communal Areas, including those relating to Leasehold/Shared Ownership properties	
Commercial Property (offices, depots etc)	
Stock managed by Gentoo on behalf of a third party	
Garages and outbuildings	
Remote plant (district heating, electrical pumps etc)	

2.0 Links to Strategy and the Business Plan

2.1 Our vision and values set the direction and shape the culture of our organisation.

2.2 Gentoo's **vision** is:

Great Homes – Strong Communities – Inspired People

2.3 Our vision The Group's **values** are:

- Do the right thing
- Make a difference
- Keep learning
- Work together
- Give all you've got

2.4 The Group's Board and Executive Team have refreshed Gentoo's strategic aims, centred on the following **themes**:

- Place
- People
- Perform
- Partner
- Pride

2.5 These "5P's" have been developed to articulate the delivery of our vision via the following strategic **aims**:

- Provide homes and services that enable our tenants and communities to succeed **(Place)**
- Invest in people and communities to help realise opportunities and release potential **(People)**
- Be well governed and financially resilient, operating efficiently and responsibly, investing wisely to fulfil our social purpose **(Perform)**

2.6 The above aims will be supported by the following **enablers**:

- Work with others to influence and generate sustainable change **(Partner)**
- Harness the collective passion and energy of our people to support the city's plan **(Pride)**

2.7 Gentoo's policies support the delivery of the Group's Vision, Values and Strategy.

3.0 Definitions

3.1 In this policy, 'tenants' are those who have signed the tenancy agreement. They will usually be responsible for the actions of the occupants in their homes.

- 3.2 Where the term 'residents' is used, this refers to not only tenants and leaseholders, but also to all occupants of a tenant's household.
- 3.3 'Applicant' for the purpose of this documents refers to a person(s) applying to live in one of our properties.
- 3.4 'Suspensions' are when an applicant(s) or application has been deferred and as such they are unable to express interest in or be offered a Gentoo tenancy through the housing allocation scheme.

4.0 Regulation and Legislation

- 4.1 The Director of Housing will ensure this policy has regard to all legislation, regulation and best practice. The regulation and legislation applicable to this policy is attached in Appendix 1.

5.0 Policy Statement

- 5.1 Gentoo recognises that the way homes are allocated is important to people and this Suspensions Policy aims to ensure homes are allocated, making the best possible use of housing stock while promoting the development of balanced and sustainable communities.
- 5.2 Gentoo is committed to ensuring that the Allocations Policy is inclusive and accessible for all, however there may be times when applicants do not meet the criteria for registering and applying for properties.
- 5.3 In these instances, each application is assessed on its individual merits against the Suspensions Policy.
- 5.4 If an application is suspended, applicants will be assisted by Gentoo, in conjunction with other agencies to seek alternative housing, and/or work towards eligibility for to join the housing register.
- 5.5 All housing applications will be dealt with sensitively and in line with the Data Protection Act 1998.

5.6 Gentoo is committed to the principles of diversity and inclusion throughout the organisation and aim to:

- Meet the needs and choice of people from all backgrounds
- Ensure services are relevant, responsive and sensitive to the needs of our existing and future customers
- Ensure that all sections of the community in which Gentoo work have equal access to services provided.

5.7 The Suspension policy will ensure customers are treated as individuals with fairness and respect. An Equality Assessment has been completed on this policy.

5.8 Suspensions are when an applicant(s) or application is deferred, therefore be unable to express interest in or be offered a Gentoo tenancy through the housing allocation scheme.

5.9 The length of the suspension will vary depending upon the reason why the applicant(s) did not meet the criteria. A suspension can apply to any of the following.

- Gentoo tenants
- Other social housing tenants
- Private rented tenants
- Owner occupiers
- Applicants who live in with any of the above
- Applicants of no fixed abode

A suspension may apply in the following circumstances: -

1. Unacceptable behaviour, which would justify possession proceedings
2. A breach of tenancy agreement and covenant
3. If further information is required to process an application
4. An applicant consistently applies for housing through the allocations system and persistently fails to attend appointments to view properties they have bid for.

5.10 If an applicant(s)/ application is suspended, the application will still appear on the register, but it will be made inactive until the deferred period or issue is resolved.

6.0 Suspension Checks

6.1 Gentoo will carry out certain checks on all housing applications to establish whether the applicant or members of their household are eligible for registration.

6.2 These checks will include:

- Former Tenant Arrears
- History of ASB / tenancy breach
- Criminal convictions (a police check can only be requested at this stage if criminality has been disclosed or is known)

6.3 Gentoo reserve the right to suspend an application right up until the offer stage. Any member of staff can apply for a suspension, but the suspension must be approved by a Neighbourhood Operations Manager (and above).

7.0 Categories of Suspension

7.1 A suspension may be applied for a number of reasons. The following circumstances may warrant a suspension:

- Unacceptable behaviour, which would justify possession proceedings
- A breach of tenancy agreement and covenant
- If further information is required to process an application
- An applicant consistently applies for housing through the allocations system and persistently fails to attend appointments to view properties they have bid for.

7.2 Where an applicant is suspended, Gentoo will write to the customer informing them of the suspension, reasons for the decision, and how they may resolve the situation. The customer has the right to request a review of the decision.

8.0 Grounds for Suspension

8.1 There is no single approach as to when applicant(s) can be suspended from the housing register. Each application is assessed on its individual merit. There are a number of grounds that can be used to suspend an applicant and/or members of their household:

- Unacceptable behaviour
- Breach of tenancy or covenant
- Breach of tenancy (specifically housing debt)
- Awaiting further information
- Wasting officer time by consistently applying for properties and failing to turn up for viewings

9.0 Police Checks

9.1 Gentoo reserve the right to carry out police checks where there is reason to believe that an applicant or a member of their household has been involved in criminal activity. Police checks will be carried out where there are gaps in housing history and where a person has admitted criminal convictions.

9.2 Gentoo have information exchange protocols in place with the Police and other agencies. The information exchange protocols set out the system to be used in all cases where information is passed between the Police and housing organisations.

10.0 Safer Estates Agreement

10.1 Gentoo may legally request information and/or Police checks via the

Section 17 Safer Estates meetings. This can be done in extenuating circumstances or in the absence of an authorised declaration.

11.0 Policy Outcomes

11.1 This policy aims to achieve the following outcomes.

- Create sustainable communities by minimising the risk of anti- social behaviour and criminality within communities
- Enhance sustainability of tenancies by assisting existing and prospective customers to reduce housing related debt and maximise their income
- Reduce breaches of tenancies by giving applicants the opportunity to address any unacceptable behaviour from the outset
- Improve understanding of customer needs, to ensure offers are able to support them in sustaining a tenancy

12.0 Roles and Responsibilities

12.1 As a Registered Provider, Gentoo have a statutory responsibility to comply with all relevant regulation and legislation in relation to suspensions.

12.2 The Regulator for Social Housing, sets out within the Tenancy Standard the standards which must be met. (See Appendix 2). Failure to properly discharge these responsibilities could lead to a RSH serious detriment judgement.

12.3 The Director of Housing is accountable for ensuring this policy has regard to all legislation, regulation and best practice and for ensuring implementation of this policy effectively.

12.4 The Director of Housing is accountable for adequate resourcing and having effective processes in place to implement this policy.

12.5 The Heads of Operations are responsible for the day to day delivery of this policy.

13.0 Escalation

13.1 Where the Board or a Committee has concerns about significant issues in any area of compliance with suspensions they must escalate these concerns to the Director of Housing.

13.2 Where a member of staff has concerns about significant issues in any area of compliance with suspensions, they must escalate these concerns through their line management structure, ultimately to the Executive Team.

13.3 Where a member of staff continues to have concerns about significant issues in any area of compliance with suspensions, they should refer to the Group Whistleblowing Policy and Toolkit for further guidance.

14.0 Records

14.1 A suspension file will be kept for each suspension case and each file will include a suspension request form, suspension checklist, a copy of the notification letter and any supporting documentation.

14.2 All sensitive information will be stored securely by the Neighbourhood Operations Manager and will not be stored on the suspension file.

14.3 Due to Data Protection Legislation, detailed information about the reasons for suspension will not be included on any ICT system.

15.0 Monitoring and Review

15.1 This policy will be reviewed every 3 years or in line with business needs.

15.2 This policy may be subject to an audit in line with the audit plan.

16.0 Applicant's Right to a Review (appeal)

- 16.1 A suspended applicant has the right to have the decision to suspend reviewed and they must do so within 21 days of receiving their initial notification letter. The review process must be completed within 8 weeks. The review will be carried out by a panel of managers who were not involved in the original suspension decision and will be senior to the member of staff who granted the suspension.

Appendix 1 – Regulation and Legislation

This Policy takes into consideration the following pieces of legislation:

- Housing Act 1985, 1988, 1996 and 2004
- Human Rights Act 2004
- Data Protection Act 1988
- Homelessness Act 2002
- The Prevention of Social Housing Fraud Act 2013
- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021

Appendix 2 – RSH Tenancy Standard

Tenancy Standard 1 Required outcomes

1.1 Allocations and mutual exchange

1.1.1 Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings: (a) make the best use of available housing (b) are compatible with the purpose of the housing (c) contribute to local authorities' strategic housing function and sustainable communities There should be clear application, decision-making and appeals processes.

A full copy of the tenancy standard can be found here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419209/Tenancy_Standard_2015.pdf

Appendix 3 – Equality Assessment

1. What is this Equality Assessment being completed on?

Specify a clearly defined service area – too big becomes too hard to complete.

Suspensions Policy

This document relates to our policy on Suspensions and explains how and why we will suspend people from our housing register. The policy highlights our approach to providing an efficient service which reflects legislation, regulation, our Charitable Status and good practice.

2. Does the policy/service/project/process/function outlined above have an impact on people? Please tick relevant box

People means staff, customers and other stakeholders who are either involved in it, in receipt of it or affected by it, either directly or indirectly.

<input checked="" type="checkbox"/>	Yes – High impact (<i>reasonable or significant level of direct impact/ contact, requiring a reasonable or significant level of knowledge and understanding of diverse groups</i>)
<input type="checkbox"/>	Yes – Low impact - (<i>infrequent contact which involves minimal interaction at a level which requires only basic awareness</i>)
<input type="checkbox"/>	No - <i>If you select “no”, add an explanation below to justify your assessment.</i>

.....
.....If you have selected “no”, then subject to your justification above being validated, there will be no need to complete this Equality Assessment further.

If you have selected “yes”, please continue....

3. Which groups of people* (“protected characteristics”) is it impacting? Please tick relevant box (See notes)

<input checked="" type="checkbox"/>	All groups
-------------------------------------	-------------------

<input type="checkbox"/>	Only specific groups
--------------------------	-----------------------------

**The “protected characteristics” are specified by equality legislation. They are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. If you are selecting “All”, you still need to think about whether the “service” may be of greater relevance/ have greater impact for any one or more of those groups, and include details.*

Please detail which groups and why

<p>The suspensions policy and whether it needs to be applied is considered on every housing/rehousing application with Gentoo and as a result could impact on all of the protected groups. However, the nature of the grounds for suspension mean that there is potential for the policy to possibly have a disproportionate impact in respect of the characteristics of race and disability. Our justification and/or mitigation for continuing with the policy is included in Q4 & Q5 below.</p>

4. Please justify how you can be confident that this policy/service/project/ process/function it’s tailored and sensitive to individual needs, that it doesn’t discriminate, and that it promotes equality of opportunity / levels the playing field? (See notes.)

Remember within every group there will be individual and different needs. See attached guidance/things to think about. Please list the measures you have in place to give you confidence.

<p>The policy is tailored and sensitive to individual needs and the staff who are responsible for its implementation have received the appropriate training and guidance.</p>

Application Form:

- The application process collects key diversity data related to protected characteristics, and identifies a range of individual needs and vulnerabilities to which we will respond and offer support accordingly in order to promote equality of opportunity and eliminate discrimination. For example, we have access to interpretation services to ensure that we can discuss and clarify information with applicants whose first language is not English, and letters to customers promote its availability. Letters also include sentence offering our assistance to read and understand the content which supports learning disabilities or low literacy levels.

Policy

- It will be reviewed every three years and at this time a full assessment of equality impact will take place.
 - It will also be audited in line with the Gentoo audit plan – audit will cover E&D impact.
- People suspended will not be suspended indefinitely and regular reviews of the suspension's lists will be carried out.
- The policy is aligned/cross referenced to the Group's Equality and Diversity policy.
- Links to our vulnerability policy and highlights that we take into account the needs of those households who are vulnerable.
- User Defined Characteristics (UDCs) hold information about individual customer requirements, for example communication needs, disabilities etc. This information is accessible on the Orchard IT system.
- All applications are subject to eligibility checks which consider immigration status. Suspensions applied where there is a delay in customer providing required information to verify this status will inevitably have disproportionate impact in respect of race. However, we consider this is a justifiable means of achieving a legitimate aim, namely our compliance with applicable statute and regulations regarding eligibility for housing assistance.

- Suspension on grounds of unacceptable behaviour or breach of tenancy has potential to have particular impact for those with certain disabilities, e.g. those which affect behaviour and/or ability to comprehend the impact of behaviour or actions on others. This is mitigated by elements within the policy: e.g. clear statement that a blanket policy will not be applied, commitment to individual assessment of each case based only on factual information and objective evidence, and the specific requirement to consider any vulnerability issues and support needs which may be a contributing factor before reaching a decision.

Staff Training

- All Gentoo staff are required to attend mandatory equality and diversity training.
- Staff have access to relevant guidance and information to increase awareness and understanding of E&D in relation to delivering services, via E&D staff handbooks, newsletter articles and E&D intranet section.
- Allocations training sessions have been conducted with staff from Housing and these sessions have included refresher training on suspensions policy and process which stressed the need for no blanket approach and consideration of any possibly vulnerability etc.

5. Please detail the checks and balances that you have in place which give you confidence that the above measures are in place and being implemented effectively. (See notes)

If you are unsure about effectiveness, or if as part of completing this assessment you have identified further work that is required in order for you to feel confident, please detail this in section 8 below.

Staff Training Records, Annual Review Suspensions List by areas, Housing Application needs assessment at point of application. The policy also allows customer to request a review of the decision to suspend an application. Such reviews are carried out by an independent panel of managers not involved in the original assessment. This overview gives increased potential for recognition

and scrutiny of any recurring themes of E&D relevance which may feature.

The following check will be put in place: On an annual basis, suspensions will be analysed by key protected characteristics to identify any disparity. Any such issue will be investigated further and training or processes revised accordingly.

6. The duty to foster good relations is about tackling prejudice and promoting awareness and understanding between those who share a protected characteristic and those who don't share it. Is this duty relevant to this "service"? Please tick relevant box. (See guidance notes)

This question will not be relevant to all assessments. See notes.

<input type="checkbox"/>	No - This duty is not relevant to this "service".
<input type="checkbox"/>	Yes - This duty is relevant to this service. *

*If this duty is relevant, please detail below how the "service" is fostering good relations.

If you identify further work that is required to comply with this duty, add actions in section 8 below.

7. Are you confident that the checks and balances that you have in place, effectively mitigate the equality and diversity risk to the Group? Please tick relevant box.

Level of confidence that checks and balances mitigate risks in respect of.....	Very confident	Confident but more work required*	Not confident

Legislation/legal action in relation to equality & diversity (e.g. harassment or discrimination, or failure to give due regard to all elements of the Public Sector Equality Duty)		✓	
RSH Regulation in relation to E&D	✓		
Reputation in relation to E&D		✓	

(* Use Q.8 to specify your proposed actions to remedy your lack of confidence)

8. Actions to be completed following this EA:

Please detail the actions you will put in place following this EA and the timescales for your next review.

Action	Responsibility	Timescale
On an annual basis a review / comparative piece of work will be carried out to look at those who have been suspended versus those on the register in comparison with local population data – any inequality will be investigated further.	Housing Michael Donachie Head of Operations	September 2021

Completed by:

Susie Thompson,
Director of Housing

Date:

26/05/2021

Version Control

Version	Reason	Issuer	Date
2.0	Amended format	Sarah Treadwell	22/3/2018
2.1	Removed 'housing application form' from list of suspension appeal docs as electronic access is available	Sam Humble	04/04/2019
2.2	Amended names to job titles and added accountable exec director to front page	Sarah Treadwell	07/10/2019
3.0	Updated 5 P's section. Included new suspension criteria for applicants who fail to turn up to viewings on a regular basis.	Susie Thompson	26/05/2021