



## Suspensions Policy

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For the full version history of this policy, see the back page	

Please avoid referring to printed versions of this policy.

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## 1.0 Introduction and Scope

1.1 This document covers our Suspensions policy and should be read 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 Our core purpose, vision, and priorities

Our core purpose is to provide safe and decent homes for our customers of today and tomorrow.

Our vision is to provide great homes, strong communities, and inspired people for Sunderland.

The safety of our customers and colleagues will always be our number one priority.

We have identified six further priorities which will guide the delivery of our services. We live our values in everything we do from the boardroom to the front room, to deliver our priorities for our customers.

- We know our customers.
- We provide great homes.
- We help communities to thrive.
- We are a great place to work.
- We spend our money wisely.
- We are well governed.

### Our values

Our values are what we stand for and what we want to be known for. They are what makes us, us.

- We care about people.
- We take accountability.
- We shape the future.
- We bring leadership.
- We deliver.

### Consumer Standards

We are guided by the [Consumer Standards](#), which describe ways to improve things for people living in Social Housing.

- [The Safety and Quality Standard](http://www.gov.uk) (www.gov.uk)
- [The Transparency, Influence and Accountability Standard](http://www.gov.uk) (www.gov.uk)
- [The Neighbourhood and Community Standard](http://www.gov.uk) (www.gov.uk)
- [The Tenancy Standard](http://www.gov.uk) (www.gov.uk)

## **Roles and Responsibilities**

As a Registered Provider, we have a statutory responsibility to follow all relevant regulations and legislation. Our Regulator sets out the Tenancy Standard which says that registered providers must allocate and let their homes in a fair and transparent way that meets the needs of tenants. Failure to properly discharge these responsibilities could lead to a serious detriment or other judgement from the Regulator if we breach the Standards in place at the time.

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

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

The Heads of Neighbourhoods are responsible for the day-to-day delivery of this policy.

### **3.0 Definitions**

- 3.1 In this policy, 'customers' 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 customers and leaseholders, but also to all occupants of a customer'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 Customer will ensure this policy has 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 helped by Gentoo, in conjunction with other agencies to seek alternative housing, and/or work towards eligibility 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 works have equal access to the 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 they are unable to express interest in or be offered a Gentoo tenancy through the housing allocation scheme.
- 5.9 The suspension length will vary depending on 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
  - Household members who live with any of the above, or who will be living with the applicant.
  - Applicants of no fixed abode
- 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 show whether the applicant or members of their household are eligible for registration.
- 6.2 These checks will include:
- Former Tenant Arrears and tenancy conduct
  - History of ASB / tenancy breach and gaps in housing history
  - Police checks in line with the Safer Sunderland Partnership Information Sharing Protocol
  - Checks with other landlords
- 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 and Grounds of Suspension**

7.1 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. A suspension may be applied for several reasons. The following circumstances may call for a suspension:

1. Unacceptable behaviour, which would justify possession proceedings. ([Appendix 4](#))
2. A breach of tenancy agreement and covenant.
3. If further information is needed to process an application.
4. An applicant consistently applies for housing through the allocations system and persistently does not attend appointments to view properties they have bid for.
5. Providing false or omitting relevant information that would affect a tenancy.
6. Previously evicted from a Gentoo tenancy or abandoned a Gentoo tenancy.

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

7.3 If an applicant's application is suspended due to Former Tenant Arrears owed, at the point of review (two years following the original suspension) and the debt is still owed, without reducing the amount outstanding, then applicant/s application maybe cancelled. If there is a debt still owed but an agreement is in place, then we will consider extending the suspension rather than cancelling the application.

## **8.0 Policy Outcomes**



8.1 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 helping 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 an applicant's needs, to ensure we can support them in sustaining a tenancy
- Any applicants who are identified as requiring more support are referred through to the Tenancy Sustainment Coordinators, this team will work closely with the applicant through the allocations process to ensure they have the right support in place to be tenancy ready.

## **9.0 Roles and Responsibilities**

9.1 As a Registered Provider, Gentoo has a statutory responsibility to follow all relevant regulations and legislation in relation to suspensions.

9.2 The Regulator for Social Housing sets out within the Tenancy Standard the standards which must be met. ([Appendix 2](#)). Failure to properly discharge these responsibilities could lead to a RSH serious detrimental judgement.

9.3 The Executive 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.

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

9.5 The Heads of Neighbourhoods are responsible for the day-to-day delivery of this policy.

## **10.0 Escalation**

10.1 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 Executive Director of Housing.

10.2 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 Director of Customer.

10.3 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.

## **11.0 Records**

11.1 An electronic suspension file will be kept for each suspension case and each file will include a suspension request form, a copy of the notification letter and any supporting documentation.

11.2 All sensitive information will be stored securely by the Neighbourhood Operations Manager in each area. Information shared by the Police will be securely disposed of after the appeal period has lapsed and will not be stored on the suspension file.

## **12.0 Monitoring and Review**

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

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

### **13.0 Applicant's Right to a Review (appeal)**

- 13.1 A suspended applicant has the right to have the decision to suspend their application reviewed, and they must do so within 21 days of receiving their first notification letter. The review process must be completed within 8 weeks. The review will be carried out by two Heads of Service not involved in the original suspension decision and senior to the staff member who implemented 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 consider the housing needs and aspirations of tenants and potential tenants. They shall show 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:

[Tenancy Standard](http://www.gov.uk) (www.gov.uk)

## 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 mean staff, customers and other stakeholders who are either*

involved in it, in receipt of it or affected by it, either directly or indirectly.

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

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 affecting? Please tick √ relevant box (See notes)**

	<b>All Groups</b>
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	<b>Specific Groups</b>
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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:**

The suspensions policy and whether it needs to be applied is considered on every housing/rehousing application with Gentoo and as a result could effect on all the protected groups. However, the nature of the grounds for suspension means 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.

**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.*

The policy is tailored and sensitive to individual needs, and the staff responsible for its implementation have received the right training and guidance.

**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 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 sentences offering our help 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 – the 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 consider 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 an 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 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 must 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 for you to feel confident, please detail this in section 8 below.*

Staff Training Records, Annual Review Suspensions List by area, Housing Application needs assessment at point of application. The policy also allows customers 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.

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

**6. The duty to foster good relations is to tackle prejudice and promote 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)**

✓	<b>No</b> - This duty is <b>not</b> relevant to this "service".
	<b>Yes</b> - This duty <b>is</b> relevant to this service.*

\*If this duty is relevant, please detail below how the "service" is fostering good relations. *If you identify further work needed to follow 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.**

<b>Level of confidence that checks and balances mitigate risks in respect of being fair, transparent, and equal.</b>	<b>Very confident</b>	<b>Confident but more work needed*</b>	<b>Not confident</b>
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 take in place following this EA and the timescales for your next review.*

<b>Action</b>	<b>Responsibility</b>	<b>Timescale</b>
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.	Head of Service	September 2024

**Completed by:** Christopher Roberts, Director of Customer

**Date:** 22/04/2024

## Appendix 4: Rehabilitation Periods table

Sentence or disposal	Rehabilitation period if aged 18 or over when convicted or disposal administered	Rehabilitation period if aged under 18 when convicted or disposal administered	
<ul style="list-style-type: none"> <li>• <b>Sentence of imprisonment for life</b></li> <li>• <b>Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years for <a href="#">a schedule 18</a> offence</b></li> <li>• <b>Sentence of preventive detention</b></li> <li>• <b>Sentence of detention at His Majesty's pleasure</b></li> <li>• <b>Sentence of custody for life</b></li> <li>• <b>Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)</b></li> </ul> <p>*A public protection sentence (the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the</p>	<p>These sentences are excluded from rehabilitation and so will always be disclosed</p>	<p>These sentences are excluded from rehabilitation and so will always be disclosed</p>	

<p><b>Armed Forces Act 2006 means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences.</b></p>			
<p><b>A custodial sentence of more than 4 years (not for a schedule 18 offence)</b></p>	<p>The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed</p>	<p>The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed</p>	
<p><b>A custodial sentence* of more than 1 year and up to, or consisting of, 4 years</b></p>	<p>The end of the period of 4 years beginning with the day on which the sentence (including any licence period) is completed</p>	<p>The end of the period of 2 years beginning with the day on which the sentence (including any licence period) is completed</p>	
<p><b>A custodial sentence of 1 year or less</b></p>	<p>The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed</p>	<p>The end of the period of 6 months beginning with the day on which the sentence (including any licence period) is completed</p>	
<p><b>Removal from His Majesty's service</b></p>	<p>The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed</p>	<p>The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed</p>	

<b>A sentence of service detention</b>	The end of the period of 12 months beginning with the day on which the sentence is completed	The end of the period of 6 months beginning with the day on which the sentence is completed	
<b>A severe reprimand or reprimand under the Armed Forces Act 2006</b>	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed	
<b>Driving endorsements</b>	5 years from the date of conviction	2 years 6 months from the date of conviction	
<b>Driving disqualification</b>	When the period of the disqualification has passed	When the period of the disqualification has passed	
<b>Simple caution, youth caution**</b>	Spent immediately	Spent immediately	
<b>Conditional caution, youth conditional caution, diversionary caution**</b>	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier	

<b>A fine</b>	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed	
<b>A compensation order</b>	The date on which the payment is made in full	The date on which the payment is made in full	
<b>Absolute discharge</b>	Spent immediately	Spent immediately	
<b>Relevant orders*** (orders that impose a disqualification, disability, prohibition or other penalty)</b>	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent

Suspended custodial sentences are treated the same as custodial sentences for this purpose. It will be the length of the sentence imposed by the court, not the period it is suspended for that dictates when it will become spent.

Diversionary cautions and community cautions were introduced under the PCSC Act 2022 and are due to come into force in 2024.

Relevant orders include:

1. community and youth rehabilitation orders,
2. conditional discharge orders,
3. hospital orders,
4. bind overs,

5. referral orders,
6. care orders, and
7. earlier statutory orders and
8. any order imposing a disqualification, disability, prohibition, penalty, requirement or restriction, or is otherwise intended to regulate the behaviour of the person convicted.

## Version Control

Version	Reason	Issuer	Date
2.0	Amended format	Sarah Treadwell	22/03/2018
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
3.1	Update core purpose and vision and priorities	Catherine Loftus	31/08/2023
3.1	Full policy review.	Christopher Roberts	29/04/2024
4.0	Approved by the Executive Director of Regulatory and Business Services on behalf of the Executive Director of Housing.	Chloe Appleby	05/06/24