

# Exclusion from West Kent homes

## A question and answer guide

### What is exclusion?

Exclusion means West Kent will not be able to offer you a home.

### Why might West Kent exclude me from their homes?

West Kent has the right to exclude people from its homes if they have:

- Threatened someone.
- Owe money to West Kent or another landlord and have done nothing about it.
- Been evicted.
- Been excluded from a local authority housing register – we will exclude applicants where the provisions of the nominating local authority would exclude and will deal with such exclusions through our tenancy panel.

If you are assessed as having support needs that are too high for our Emerald<sup>1</sup> homes with our highest level of support, or for our supported homes, we will not be able to house you.

The full list of reasons why we might exclude you starts on page 7 of this document.

### How do West Kent decide who will be excluded?

#### 1. In the Sevenoaks district:

If you owe West Kent or any other social or private landlord money from a current or previous tenancy, we may exclude you until the arrears are paid, because we need you to show that you take responsibility for rent payment as a serious aspect of keeping a home.

If you are a former tenant of West Kent we will not re-house you for at least two years if:

- You were evicted, or a member of your household has contributed or caused your eviction, for any reason.
- You were a member of a household that was evicted by West Kent and your actions contributed to the reasons for eviction.

If you can show that you have taken action to sort out the issue that led to eviction, for example, by paying any arrears, your application can be considered. If you take no action to tackle the issue then you will remain excluded.

We will discuss with the police, social services or the probation service if we have concerns that you may pose a risk to the community or, having been a risk previously, are likely to re-offend.

<sup>1</sup> Emerald is West Kent Housing Association's accommodation and support service for older people age 55 plus

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For our Emerald homes we may need to carry out an assessment to identify your level of care and support needs. If you are assessed as having a need that's too high for our extra care schemes we will not have any suitable homes so may not be able to help you.

Before excluding you we will contact you about your circumstances and explain why we are considering it and to give you the opportunity to tell us why we should not exclude you.

### **Sevenoaks District Council (SDC) have referred me to you for a temporary home, can I be excluded?**

SDC will share your information with us wherever possible and you will have to have already applied online to join the Sevenoaks District Housing Register. We will use all this information to assess whether you meet our exclusion criteria.

If you do, West Kent and SDC will work with you to see if we can accept the referral. If you agree to actively address any exclusion reasons that might apply while you are living in our temporary home, (such as by making agreed payments to clear any outstanding arrears), we will consider whether we can accept the referral. West Kent and SDC will work with you during this time to help you be successful. If you don't keep to the terms of your agreement, West Kent may serve you with a notice to leave the home and take your case through to a tenancy panel<sup>2</sup>.

## **2. In areas other than Sevenoaks district**

You must be on the local authority housing register. If your 'interest bid' through Kent Homechoice for one of our advertised homes is successful, the local authority may nominate you to West Kent. When we receive a nomination, we will ask you to complete a declaration form telling us:

- Where you are living now
- Where you have lived in the past
- Whether you have any rent arrears from any of your tenancies
- Whether you have had any convictions
- Whether you have been served a notice of seeking possession or notice to quit
- Whether you have been evicted
- What your support needs are.

You will have to show or provide documentation to confirm all the information you give in the form.

We will review the declaration form along with any other information the local authority is able to share. For more information on our allocations policy, see *How West Kent decides who to give their homes to* in the Move or Stay Policy. You may be invited to an interview to discuss the information you have given on the form or we may ask for disclosure from the police if you state you have convictions.

If any of the exclusion reasons shown in the list at the end of this document apply, we will tell the local authority that we can't accept the nomination at this time. West Kent will not house you for one year, unless you can show that you have taken action to resolve the issue that caused the exclusion. We will reconsider your nomination using the same process if the local authority nominates you again after the one year exclusion, or within the one year period if you have resolved the issue that caused your exclusion.

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2. A monthly tenancy panel considers requests made to exclude an applicant from being housed by West Kent.

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If you disagree with our decision, you must contact the local authority where you are registered for housing to discuss how you are dealing with the issues that caused you to be refused housing.

### What if my support needs are too high?

If you are nominated for one of our high support level Emerald or supported homes, a member of the West Kent Lifeways team will carry out an assessment to determine the level of support you need. If the assessment shows your support needs are too high for the highest level of support available:

- You will not be considered for the home.
- We will tell the local authority or housing register this decision.
- A further assessment will be carried out by a different Lifeways team member.
  - If they agree with the findings of the first assessment, they will prepare a report for exclusion and follow the process described below.
  - If they don't agree with the first assessment findings, you will be eligible to bid for any future advertised high support level homes.

### For the Sevenoaks area, who decides whether I should be excluded?

A monthly tenancy panel considers requests to exclude an applicant from being housed by West Kent. The panel decides whether:

- To exclude someone from West Kent homes – normally for 12 months.
- To set specific conditions that need to be met to lift that exclusion.
- To review exclusions annually, to lift or renew the exclusion.
- To request further information or additional support to make sure all current information or support needs are in place before a decision is made. The exclusion request will then be reviewed at the next or subsequent meeting.
- To refuse the request and allow the applicant to bid on West Kent homes. Conditions may be set on the type or location of homes that can be bid on, depending on the needs of the applicant, and may include referral to specialist housing providers.

### How does the exclusion process work?

1. A staff member gathers the information and looks to see if there are possible grounds for exclusion.
2. If they think there are grounds to exclude you, the staff member completes a report for the tenancy panel.
3. We send an 'intention letter' to tell you of the possible exclusion. The letter gives the date of the tenancy panel that will consider your case.
4. The letter will enclose a copy of these guidance notes, the internal report and a blank sheet you can complete and return to West Kent with information showing why we should not exclude you.
5. The letter will also show how we will tell you of the panel's decision.

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## What happens until the tenancy panel meets?

You will be suspended from being offered a West Kent home until the information has been reviewed by the tenancy panel.

You will still be able to make interest bids and be considered for homes advertised by **other** housing associations on the Kent Homechoice website [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk).

## What happens after the panel meets?

1. We will tell you the outcome within five working days of the review.
2. We will send you an 'exclusion reason' letter, showing:
  - The date the panel met
  - How long you are excluded for
  - The reasons for the exclusion
  - Actions you might be required to take
  - The date of review
  - How to appeal the decision.
3. If we've decided to exclude you because your support needs are too high for our Emerald homes, the letter will explain how a Lifeways staff member will support you to obtain appropriate accommodation by sign-posting you to social services.
4. If we don't exclude you, we may place conditions on the type or location of homes you can bid on, depending on your individual needs, including referral to specialist housing providers.

## Why is the process for exclusion different depending on where I live?

If a local authority nominates you for a West Kent home outside the Sevenoaks area, and we assess there are reasons for exclusion, we will return your nomination to the local authority. The local authority may then challenge this decision and we will have to show why we are refusing your nomination.

For West Kent homes in the Sevenoaks area, we assess your application to see if there are any reasons for exclusion when you apply to the Sevenoaks District Housing Register, which West Kent manages on behalf of Sevenoaks District Council. If there are reasons for exclusion, we will refer your case to a tenancy panel to make sure you are being treated fairly, in the absence of a local authority who can challenge our decision for you.

## How long does exclusion last?

Exclusion will be for one year unless the panel believes the case should be reviewed sooner, or in exceptional circumstances, or where new information is available, in which event your case can be brought back for review earlier.

At the end of the year, if you have not taken any action to resolve the issue that caused your exclusion, the period can be extended for another year.

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## Can I do anything to change it?

You do not have to wait the full year before asking us to reconsider your application if you:

- Have paid off any debt owed to West Kent.
- Have kept your agreement, for a reasonable period, with another landlord to pay off the money owed to them.
- Have accepted help and support so you can show that you can now live independently in a West Kent home.
- Are co-operating with the police, the council, social services and any other agency involved in your case, so you can show that you can maintain your tenancy correctly.
- No longer pose a risk to West Kent staff, tenants and others in the community. However, where legal action has involved you or a member of your household, for example if an injunction was granted, we will expect you to show for a minimum of 12 months that you or the member of your household has not caused any disruption to the community.

Before removing any exclusion, West Kent will take up references and seek evidence from other agencies as required. We may consider offering a six month assured shorthold tenancy before a starter tenancy. This will allow time for you to demonstrate that your behaviours have changed.

## How do I appeal an exclusion decision?

1. Contact the person, (by email, phone, letter, in person) who sent you the 'exclusion reason' letter within 20 working days of receiving the letter, saying you want to appeal the decision.
2. An appeal panel will be arranged within ten working days.
3. Two board members (members of West Kent's governing body) will make up the panel.
4. A staff member from West Kent will attend to provide information as required. The original reporting officer may also be asked to attend to give information.
5. You can come to the appeal panel to present your case. You will be able to bring someone with you for support or as your representative if you wish.
6. The panel will discuss the situation with you and/or your representative.
7. After you have left the meeting, the panel will make a decision.

If the appeal panel agrees with the original decision, the exclusion will remain for the 12 months. You will be sent a letter telling you their decision.

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If the appeal panel does not agree with the decision, the exclusion will be removed. The panel may attach conditions to the decision and you will be sent a letter telling you what they have decided.

The appeal panel acts as a complaint review. You cannot use the complaint policy to have the decision reviewed again.

If you remain dissatisfied with the appeal panel's decision you can approach a designated person or the Housing Ombudsman Service.

You may wish to seek your own independent advice from the following:

- **Shelter** (Housing and Homeless Charity) [www.shelter.org.uk](http://www.shelter.org.uk)  
Shelter Kent Telephone Advice Service 0344 515 1747  
88 Old Street, London EC1V 9HU.
- **Citizens Advice Bureau** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
Telephone: 03444 111 444.

You can find information on legal aid and how to find a solicitor on [www.gov.uk](http://www.gov.uk)

If you have any questions please email [enquiries@wkha.org.uk](mailto:enquiries@wkha.org.uk)  
or contact Customer Services on **01732 749400** between 8:45am – 5:15pm

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## Reasons for exclusion

The term **applicant** throughout this document shall mean the main applicant, their partner, spouse, or member of their household who is applying for any type of West Kent home.

### Reasons for exclusion

Applicants will be excluded from a West Kent home for the following reasons:

- Applicant evicted from a West Kent home for any reason e.g. rent arrears, anti-social behaviour. You will not be re-housed for at least two years. After this period you will need to show that you have taken action to resolve the issues that led to the eviction. If you have done this then your application can be considered.
- The applicant owes money to West Kent, another social landlord, local authority or private sector landlord and has not made and kept to an agreement to clear this debt for at least six months.

The applicant has:

- Attacked, threatened, harassed or abused West Kent staff, other West Kent tenants or other people in the community.
- Been subjected to Criminal Behaviour Order, Noise Abatement Notice or Order or injunction related to anti-social behaviour.
- Been evicted by another landlord for any reason and poses a risk to the community.
- A live licence attached.
- The applicant has previously failed a West Kent starter tenancy. You will not be re-housed for at least two years. After this period you will need to show that you have taken action to resolve the issues that led to the failure. If you have done this then your application can be considered.
- The applicant is likely to pose a risk to their household, neighbour and/or the wider community.
- The applicant has a vulnerability and:
  - Has refused help from external agencies such as social services or supported housing team that would enable them to keep to the terms of the tenancy.
  - Could not keep to the terms of their tenancy even with assistance from social services or West Kent's supported housing team and / or the level of support required would seriously undermine West Kent's ability to support other tenants.

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- The applicant lied or failed to disclose relevant information on their application form or during interviews in order to be housed.
  - The applicant has been evicted from temporary or supported housing and has made themselves homeless through their own actions. This decision will be reliant upon the evidence of West Kent, local authorities and other landlords.
  - The applicant is assessed by the Lifeways assessment team as being unsuitable for housing in West Kent Category 2.5 Emerald homes due to the high level of their support requirements, where that scheme would not be able to supply the level of support needed.

Where West Kent requires information from other agencies (local authority, police, social services, probation) because of concerns of the applicant's capability to manage a tenancy, and/or risk to staff and the community, until all the information is received, the applicant will be suspended from being allocated a home.

## Other definitions

### Owes money

This includes rent arrears, court costs and rechargeable repairs. The option to repay any outstanding amounts or make an agreement to repay any outstanding amount should have been given. If any agreement has not been kept to for a reasonable period (six months to a year depending on the size of the debt) then exclusion applies. Exclusion does not apply if the local authority confirms that the rent arrears were not the fault of the applicant, e.g. housing benefit will clear the outstanding amount.

For previous failed starter tenancies due to rent arrears, if the applicant has:

- Held a tenancy with another landlord/s for two years since the West Kent tenancy came to an end with no rent arrears **and**
- Makes and keeps to an agreement, for a reasonable time with West Kent to pay the outstanding amount owed, then their application can be considered.

An applicant cannot automatically be excluded if they are subject to a Debt Relief Order or have been declared bankrupt.

Money owed for rent arrears or damage to a property where the applicant has been a **victim of domestic abuse** and the debt was the result of a partner or other household member causing the damage or not paying the rent. The Director of Housing and Communities will have the discretion to decide if the debt owed will become the full responsibility of the perpetrator. In such cases the applicant will not be excluded from a West Kent home. Should the perpetrator apply for housing the exclusion policy criteria may apply.

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### **Anti-social behaviour**

For anti-social behaviour, previous tenancy enforcement action should not be taken into account:

- If it occurred two or more years prior to the date of application **and**
- The applicant/applicant's household has conducted a tenancy satisfactorily in the intervening period.

Where an applicant has attacked, threatened, poses a risk, harassed or abused West Kent staff, other West Kent tenants, their household, neighbour and/or the wider community or have been subject to Criminal Behaviour Order, Noise Abatement Notice or Order or injunction related to anti-social behaviour, evidence will be required from West Kent staff, the police, social services, the probation service or the landlord. A risk assessment will be required where appropriate.

For applicants who have a criminal record, spent convictions will not be taken into account. A spent conviction is a conviction which, under the terms of Rehabilitation of Offenders Act 1974, can be effectively ignored after a specified amount of time. The amount of time for rehabilitation depends on the sentence imposed, not on the offence. The act aims to rehabilitate offenders by not making their past mistakes affect the rest of their lives if they have been on the right side of the law for some time.

### **Vulnerability**

For those applicants with a vulnerability, who may not be capable of sustaining a tenancy, evidence will be required from appropriate agencies such as social services, housing team and external agencies of what support will be offered and how the applicant will be able to sustain a tenancy.