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## **Exclusion Policy**

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## **1 Introduction**

- 1.1 This policy sets out the circumstances in which we exclude applicants from being offered a West Kent home.
- 1.2 For current West Kent residents that have breached their tenancy and have a need to move to another West Kent home either through the housing register or by mutual exchange please refer to the [Housing Options Policy](#).
- 1.3 The decision to exclude any applicant is made by an Exclusion Panel consisting of staff from across West Kent to ensure a fair and transparent process. If the applicant does not agree with the panel's decision, they will be given the opportunity to appeal.

## **2 Reasons for exclusion**

- 2.1 West Kent has the right to exclude applicants and nominees from our homes if they:
  - pose a threat or nuisance to other tenants, our staff or others in the community
  - owe us or other landlords' money from a previous tenancy and have not taken any positive and continued steps to clear the debt.
  - have been evicted and/or taken to court previously by West Kent or any other landlord and have not changed their behaviour
  - have been excluded from a local authority housing register
  - have needs that are too high for our highest support level of Emerald and/or supported homes.

See Appendix One for the full list of reasons for exclusion.

- 2.2 We will not exclude an applicant without establishing their full circumstances by:
  - asking them to complete a declaration form to disclose any issues and give previous addresses for the last five years.
  - discussing with police, social services or the probation service, if we have concerns of a possible risk to the community. If there was a previous risk, we will assess the likelihood of reoffending.
  - checking our records or obtaining references from previous landlord(s) to see if the applicant owes us or any other landlord money from a current or previous tenancy.
  - checking our records to see if an applicant (including household members who contributed or caused the eviction) has been evicted by West Kent previously.
  - carrying out an assessment to identify the level of care and support needs of an applicant to our Emerald homes. If the assessment shows the need is too high for our Extra Care schemes, we may exclude as we will not have any suitable homes.

## **3 Exclusion period**

- 3.1 Applicants will be excluded for one year but can be represented to the panel if the applicant can provide evidence that the issue has been addressed within that time period. Appendix Two details the type of action that can be taken to address an issue.

- 3.2 At the end of the one-year exclusion, if there has still been no action taken to address the issue, the exclusion period will be reviewed and can be extended for a further year, every year whilst the applicant is still bidding on West Kent homes.
- 3.3 Before removing anyone from being excluded, West Kent will take up references and seek evidence from other agencies as required.

#### **4 Local Authority liaison**

- 4.1 When we receive a nomination, if we establish any of the exclusion reasons apply, we will contact the local authority to tell them we cannot accept the nomination at this time as exclusion applies. This will last for one year unless the applicant acts to resolve the issue in that period.
- 4.2 A journal entry will be made on the Huume system stating West Kent exclusion applies for one year.
- 4.3 The local authority will either accept the decision or challenge, in which instance they should be given a copy of this policy with the relevant section highlighted as to why we are excluding. The Local Authority can be given the opportunity to appeal the decision following the exclusion appeal process detailed below.
- 4.4 If an applicant contacts us stating they disagree with the decision to exclude, they should be advised to contact the local authority to discuss how to resolve the issues which caused them to be excluded.

#### **5 Appeals**

- 5.1 Customers have the right to appeal a decision to exclude, which will be notified to them with their decision. The appeal should be made within 28 days of the exclusion panel date. Any appeals relating to this policy, its implementation or its operation will be managed in line with our exclusion appeals procedures as appropriate.

#### **6 Consultation**

- 6.1 We will carry out a resident's consultation exercise for any significant review and/or amendment to this policy, where appropriate we will seek comments and views from interested parties and affected parties. All appropriate and relevant comments and views formally expressed and submitted to us as part of the consultation exercise will be considered by the appropriate teams.

#### **7 Review**

- 7.1 This policy will be reviewed every three years, or earlier in line with legal, regulatory, or good practice requirements.

## **Appendix One**

### **Reasons for Exclusion**

Applicants will be excluded from a West Kent home for the following reasons. No other reasons will apply:

- The applicant, their partner, spouse, or member of their household has been evicted, or who contributed or caused the eviction from a West Kent property in the past for any reason, such as rent arrears or anti-social behaviour (ASB), will not be re-housed by us for at least one year. If they can show they have acted to address the issue, for example by paying off outstanding arrears, we can consider if we will re-house them.
- The applicant, their partner, spouse, or a member of their household owes money to West Kent (see Criteria on pages six and seven).
- The applicant, their partner, spouse or member of their household owes money to another social landlord, local authority or private sector landlord (see Criteria on pages six and seven).
- The applicant, their partner, spouse, or member of their household have attacked, threatened, harassed or abused West Kent staff, other West Kent tenants or other people in the community (see Criteria on pages six and seven).
- The applicant, their partner, spouse, or a member of their household has been subjected to an ASB order or injunction related to ASB (see Criteria on pages six and seven).
- The applicant, their partner, spouse or a member of their household has been evicted by another landlord for any reason and poses a risk to the community (see Criteria on pages six and seven).
- The applicant, their partner, spouse or member of their household has previously failed a West Kent starter tenancy (see Criteria on pages six and seven).
- The applicant, their partner, spouse, or any members of their household are likely to pose a risk to their household, neighbour and/or the wider community (see Criteria on pages six and seven).
- The applicant or a member of their household has a vulnerability, and they have refused help from external agencies such as social services or West Kent's Tenancy Support team which would enable them to sustain their tenancy.
- The applicant or a member of their household has a vulnerability, such as mental health problems, which means they could not keep to the terms of their tenancy even with assistance from social services or West Kent's Tenancy Support team and/or the level of support required would seriously undermine the Association's ability to support other tenants.
- The applicant lied or failed to disclose relevant information on their housing application or the West Kent declaration form or during interviews in order to obtain a property.

- The applicant, their partner, spouse or a member of their household has been evicted from interim 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 or a member of their household is assessed by the West Kent Tenancy Support team as being unsuitable for housing in West Kent Category 2.5 Emerald homes and Extra Care Schemes due to the high level of their support requirements where that scheme would not be able to supply the level of support needed.
- West Kent requires information from other agencies (Local Authority, police, social services, probation) and previous landlords on some applicants, because of concerns of their capability to manage a tenancy, and / or risk to staff and the community. Until all the requested information is received and it can be shown none of the above reasons apply, the applicant will be suspended from being allocated a property.

## **Criteria**

### **A. Money owed**

- Includes rent arrears, court costs, any rechargeable repairs. The option to repay any outstanding amounts or make an agreement to repay the amount outstanding should have been given and the payment agreement should have been kept for a reasonable period (six months to a year depending on the size of the debt). Applicants will not be excluded if the Local Authority confirm acceptance that any rent arrears were not the fault of the applicant.
- Previous failed starter tenancies due to rent arrears. If the applicant has held a tenancy with another landlord/s for at least 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, has an active Breathing Space through the Debt Respite Scheme or have been declared bankrupt.

### **B. Risk and anti-social behaviour (ASB)**

For ASB, previous tenancy enforcement action should not be considered:

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

When we are considering excluding an applicant, we will take into consideration the behaviour of every person that is listed in the application. Which will include:

- Applicant
- Spouse/partner
- Any members of their household

If any person has attacked, threatened, pose 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 an ASB order or injunction related to ASB, we will request further information from

West Kent staff, the Police, Social Services, the Probation Service or another landlord about what took place to enable a decision on whether we will exclude. This may result in a risk assessment to be completed to measure the risk to the West Kent staff and the community if we housed the applicant.

For applicants who have a criminal record, spent convictions may not be considered. 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 not reoffended for some time.

## **C Domestic Abuse**

Where an applicant has been a victim of domestic abuse and it can be shown that any debt owed was incurred as a result of a partner or other household member causing the damage or not paying the rent, then the Tenancy Panel 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 property. Should the perpetrator apply for housing then the exclusion policy criteria may apply if there is sufficient evidence to confirm the offence

## **D 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, Support Team and external agencies of what support will be offered, over what period of time and if the applicant could sustain a tenancy with that support.

In line with West Kent's Vulnerability Policy, we define Vulnerability as circumstances where individuals are especially susceptible to physical or emotional harm or distress. Vulnerability can be influenced by a range of factors, including (but not limited to): age, disability, bereavement, mental health, domestic violence, or poverty. Where a customer or household is identified as vulnerable under this policy, we will make every effort to provide Reasonable Adjustments to our services to accommodate additional needs.