

Sunderland City Council

Exclusions Policy

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Policy Statement

This document sets out Sunderland Council Housing exclusions policy. This means it is a lettings policy for Sunderland Council Housing, the Registered Provider within Sunderland City Council. The policy sets out Sunderland Council Housing's approach to excluding those who are not eligible to be granted a tenancy with Sunderland City Council.

Policy Aims and objectives

The aim of the policy is to ensure Sunderland Council's Housing Team let their properties in accordance with the lettings policy, this includes applicants who may not be eligible for housing.

Scope This policy covers criteria for all applicants who may be excluded from obtaining a tenancy from Sunderland City Council. This applies to any applicant who would be offered an Introductory or Secure Tenancy. The policy is not applicable with any supported accommodation.

Eligibility You do not qualify for access to Sunderland City Council Housing if we are satisfied that you or a member of your household who will live with you:

- Has been guilty of unacceptable behaviour that is serious enough to make the person unsuitable to be offered housing and when we consider the application, we believe that the person remains unsuitable to be offered housing because of that behaviour. We may regard an applicant, or any member of their household as having been guilty of unacceptable behaviour if any of the following statements applies to them (this is not meant to be a complete list.)

- They have been convicted of a drug-related offence.
- They have been convicted of a violent criminal offence that we consider makes them a threat to the local community.
- They have been convicted of a sex-related offence that we consider makes them a threat to the local community.
- They have any other conviction which, in our opinion, makes them a threat to the local community.
- They have perpetrated violence, domestic violence, racial violence or harassment.
- They have been abusive to, attacked or threatened staff.
- They have a history of anti-social behaviour or are subject to an anti-social behaviour order.
- They have a record of unacceptable rent/mortgage arrears to local councils or other landlords/lenders (including associated court costs).
- They have been evicted on any of the grounds in Schedule 2 to the Housing Act 1985 or any statutory amendment or re-enactment of it.
- They have unsatisfactory tenancy reports.
- They have damaged a current or previous rented home and owe money for rechargeable repairs.
- They have knowingly given a false statement or given false information when applying to join our housing register.

Spent convictions will not be taken into account during our assessment. Until the applicant can demonstrate better behaviour, we will not consider another application from them if we have disqualified them. For applicants (or household members) with rent or mortgage arrears, Sunderland Council has a repayment standard that they expect applicants to follow. This will include a tailored payment plan to the individual's needs.

This means they need to show significant signs of change before they can access our housing. Significant signs of change will be determined by Sunderland Council Housing Service.

We will not accept applicants who are not registered and active on Sunderland City Council's Housing Register or Tenants who have signed up to a new tenancy in the last 12 months with Sunderland Council and who we regard as adequately housed.

All new adequately housed tenants will be disqualified until one year after their tenancy start date unless they have had a material change of circumstances since their tenancy start date.

People aged 18-21 who have no income to pay their rent in certain circumstances Single applicants aged 18-21 may not have any income to pay their rent and will be disqualified until they can provide evidence that their financial situation has changed.

Sunderland Council Housing Service will consider each case on an individual basis, taking into account all relevant circumstances including health, dependants and care and support needs. If an applicant is excluded from Sunderland Council Housing Service, we will write to them stating the reasons for the exclusion, the period of time for which they are excluded and how they can remedy the situation.

The applicant then has the right to request a review of the decision within 21 days of receiving the initial decision letter. The member of staff reviewing the decision will notify the person of the outcome in writing within 8 weeks of receiving the request for the review.

Safer Estates Agreement

Sunderland City Council have the right to request information from the police when there is a reason to believe an applicant or household member may have been involved in criminal activity. Police checks may be carried out where there are gaps in Housing history or where convictions have been declared.

Sunderland City Council have an information sharing agreement in place, the information exchange protocols set out the system to be used when information is shared between Sunderland City Council and Northumbria Police.

Appeals

Appeals You are entitled to an appeal in the following circumstances:

- If we decide you are not eligible for or do not qualify because of unacceptable behaviour.
- You have been removed from the Housing Register, except at your own request.
- You feel you have been unfairly treated in the letting process. This could include unfair treatment over a housing offer or in the band awarded, or if you have been skipped when next in turn on a shortlist to be matched to a property. Any request for a review of a housing offer to statutorily homeless applicants will be dealt with under section 202 Part 7 of the Housing Act 1996 by the local authority's Housing Options Service. (And not as part of this policy's appeal process).

You will have 21 days to appeal from the date of our notification letter. If you do not receive the letter, we will regard you as having received it if we have made it available at our offices for a reasonable period for collection (this is in line with section 160ZA of the Housing Act 1996). We operate a 3-stage appeal process. While the appeal continues, you keep your assessed status until the appeal's outcome. We will not hold a property available to you pending the appeal's outcome.

The appeal process is as follows: Stage 1 If you appeal a decision, we will acknowledge your appeal within 7 days and ask you to send any further written comments or new information that could be relevant. You should send this to us within 14 days. In exceptional circumstances and if a case is complex, we may hold an oral hearing. You would be invited to attend the oral hearing.

You would also be informed whether and by whom you may be represented at the hearing. If you are in prison or detention centre, the hearing could be held there so that you could attend. The relevant people in the appeals process would still attend where possible. Your appeal will be considered by a senior officer not involved in the original decision.

We will notify you in writing of the decision and the reasons for it within 6 weeks of your original appeal.

Stage 2 If you are dissatisfied with the outcome of Stage 1, you may want to take it to the next stage. If so, you must make further written comments to the Housing Operations Manager of Sunderland Council within 14 days of receiving the Stage 1 decision letter. In exceptional circumstances and if a case is complex, we may hold an oral hearing. You would be invited to attend the oral hearing. You would also be informed whether and by whom you may be represented at the hearing. If you are in prison or detention centre, the hearing could be held there so that you could attend. The relevant people in the appeals process would still attend where possible.

We will notify you in writing of the decision and the reasons for it within 14 days of the Stage 2 appeal.

Stage 3 If you are still dissatisfied with the appeal's outcome, our Senior Housing Manager will consider any third stage appeal you make. You must make such an appeal within 14 days of receiving the Stage 2 decision. If the Senior Housing Manager is absent, a Housing Manager (Chair of the Sunderland Council Housing Board) will respond to the appeal. In exceptional circumstances and if a case is complex, we may hold an oral hearing. You would be invited to attend the oral hearing.

You would also be informed whether and by whom you may be represented at the hearing. If you are in prison or detention centre, the hearing could be held there so that you could attend. The relevant people in the appeals process would still attend where possible. We will notify you in writing of the decision and the reasons for it within 21 days of the Stage 3 appeal. This Stage 3 decision will be final.

We will not consider any further appeal unless you have the right to appeal to the county court on a point of law within 21 days. We will inform you if this is so.

Roles and responsibilities

As a registered provider Sunderland City Council have a statutory obligation to comply with all relevant regulation and legislation in relation to suspensions. The regulator for Social Housing sets out within the tenancy standard the standards which must be met, failure to discharge these responsibilities could lead to a serious detriment judgement.

The Executive Director of Economy and Place has the overall responsibility for this policy and will give regard to best practice, regard to legislation and regulation for ensuring the implementation of this policy effectively.

Legislation This policy takes into account 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