Housing Dangerous Offenders Policy

Policy Owner:	Executive Director of Customer Experience
Policy Lead:	Director of Customer Operations
Approved by:	Executive Team
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Contents

Purpose and scope of the policy

Our Homes Lettings Policy sets out how we make decisions about our homes, in partnership with local authorities and other organisations, ensuring that people receive the right home and thrive within that home, while also considering the safety and needs of existing customers. As set out in that policy:

- Most of our homes will be advertised with the local authority using their Choice-Based Lettings platforms (where applicable) and offered to applicants nominated by the local authority.
- We'll ask for information about criminal convictions, and there are a number of reasons why we might turn down a nomination, including if the applicant is a potentially dangerous offender following a risk-assessment through Multi-Agency Public Protection Arrangements (MAPPA), and we don't believe that enough support and / or management can be put in place to manage or mitigate the risk.

This document sets out our policy in relation to housing dangerous offenders, as defined on page 3.

1. Policy

1.1 As a registered provider of social housing, we and other organisations including local authorities, are required by the Criminal Justice Act 2003 to cooperate with the responsible authority for Multi-Agency Public Protection Arrangements (MAPPA), which is the police, prison and probation service working together. This duty to cooperate is to assist in the assessment and management of the risks presented by serious sexual, violent and terrorist offenders.

1.2 All applicants who apply to rent a home from us (including applicants nominated by the local authority) will be required to provide information about criminal convictions.

1.3 Any application made to us for housing by someone who we know to be a dangerous offender (as defined on page 3 of this policy) will be assessed in accordance with our Housing Dangerous Offenders Procedure to ensure that:

- Any such applications are assessed on a case by case basis by an appropriately senior and appropriately trained Moat colleague in line with our Homes Lettings Policy, this policy and any relevant legal duties – They'll liaise with all relevant statutory bodies, seek legal advice if needed, and ensure that appropriate actions are taken to either house the applicant or refuse the application / turn down the nomination, considering the safety and needs of other customers.

- Any information shared (internally within Moat or with other organisations) is shared appropriately in line with our Data Protection Policy and relevant information sharing agreements and legislation.

- If we house a dangerous offender (as defined below), appropriate support and / or management measures are put in place to manage or mitigate the risk they may pose to other customers, colleagues, contractors, volunteers or other people who may live in or visit the area where the home's located.

1.4 We'll only agree to house a dangerous offender (as defined below) if we're satisfied that enough support and / or management measures will be put in place to manage or mitigate the risk that they may pose to other customers, colleagues, contractors, volunteers and other people who may live in or visit the area where the home's located.

Definitions
• **Dangerous Offender –** sexual offenders, violent offenders, terrorist offenders and other offenders likely to pose a risk of serious harm (as defined in Sections 325 and 327 of the Criminal Justice Act 2003: ○ **Sexual offenders** – covers a wide range of offences from causing prostitution, abduction, indecent assault and rape (s. 327(1) – (4) and Part 1, Sch. 15 Criminal Justice Act 2003). ○ **Violent offenders** – someone who has committed an offence which leads, or is intended or likely to lead to, a person's death or physical injury. Includes arson (s. 327(1) – (4) and Part 2, Sch. 15 Criminal Justice Act 2003). ○ **Terrorist offenders** - includes a number of offences under the Terrorism Act 2000 and the Terrorism Act 2006, including weapons training, inciting terrorism overseas, preparation of terrorist attacks and training for terrorism (s. 327(4B) – (4G) and Part 3, Sch. 15 Criminal Justice Act 2003). ○ **Other offenders likely to pose a risk of serious harm** – offenders who present a risk of serious harm to the public or a risk of involvement in terrorism-related activity (s. 325(2)(b) and (c) Criminal Justice Act 2003). • **Muti-Agency Public Protection Arrangements (MAPPA)** – These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require local criminal justice agencies and other bodies dealing with offenders to work together in partnership in dealing with these offenders.

Equality, Diversity and Inclusion
This policy will be delivered in accordance with our Equality, Diversity and Inclusion Policy. An Equality Impact Assessment was completed for this policy and considered as part of the approval process. We recognise that, if we fail act in accordance with this policy, the impact may be particularly detrimental to you if you're vulnerable in any way and may create or exacerbate any vulnerabilities. We also recognise that there are lots of individual circumstances that can make a person less resilient and more vulnerable at a moment in time, including but not limited to: • Age • Disability, short-term illness or long-term illness – including mobility and respiratory issues. • Being blind or partially sighted. • Being deaf or hard of hearing – including Deaf people who communicate using British Sign Language. • Mental ill health including depression and anxiety – including anxiety about home safety and financial circumstances. • Grief following a bereavement or loss. • Dementia. • Neurodiversity including autism, ADD (Attention Deficit Disorder), ADHD (Attention Deficit Hyperactivity Disorder), dyslexia, dyspraxia, dyscalculia, dysgraphia.

- Caring responsibilities – for either other adults or children, including babies (particularly if premature) and young children, including disabled adults / children.
- Being out of work or experiencing financial distress.
- Low literacy or English not being first language.
- Experiencing domestic abuse, hate incidents including hate crime or discrimination.

We're committed to being flexible and agile, recognising, adjusting, and responding to customers' individual circumstances and to evolving our services to better meet the needs of 'vulnerable' customers.

Data protection

This policy will be delivered in accordance with our Data Protection Policy. Our handling of personal data relating to customers and potential customers, including in relation to criminal offences and convictions, will be processed in line with the UK GDPR and Data Protection Act 2018. Customers and potential customers are made aware that we will process criminal offence data about them through our privacy notice, which can be found here Privacy statement | Moat and which is made available to potential customers.

Where we collect criminal offence data about a potential customer but don't proceed with housing them, we'll delete their personal data (including in relation to their criminal history / risk) 12 months after refusal of their application / nomination.

We may share information internally and externally with agencies as set out above, or with others, to ensure the effective delivery of our services, so as to protect our colleagues, the public or the resident themself.

A Data Protection Impact Assessment was completed for this policy and considered as part of the approval process.

Related legislation and regulations

- Rehabilitation of Offenders Act 1974
- Housing Act 1985
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Criminal Justice and Court Services Act 2000
- Sexual Offences Act 2003
- Equality Act 2010
- Serious Crime Act 2007
- Anti-Social Behaviour, Crime and Policing Act 2014
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Police, Crime, Sentencing and Courts Act 2022
- Housing Act 1996
- Homelessness Act 2002
- Multi-agency public protection arrangements (MAPPA) Guidance

Related policies and procedures
• Housing Dangerous Offenders Procedure • Antisocial Behaviour Policy • Customer Alert Policy • Data Protection Policy • Domestic Abuse Policy • Equality, Diversity and Inclusion Policy • Hate Related Incidents Policy • Homes Lettings Policy • Mutual Exchange Policy • Priority Move Policy • Safeguarding Adults at Risk Policy • Safeguarding Children Policy • Tenancy Fraud Policy • Tenancy Management Policy

Customer engagement
On 15 August 2024, we contacted our Customer Advocates to invite them to comment on a draft of this policy by completing a survey. The survey, which closed on 2 September 2024, asked the following questions and invited them to provide comments: • Did you find the policy clear and easy to understand? • We are keen to jargon and buzzwords wherever possible. Were there any words, phrases or sections that you feel we should change to ensure it is in plain English? • Thinking more generally about the policy, is there anything you would change? • Would you support Moat's adoption of this policy? 17 customers responded to the survey. All 17 confirmed that they found it clear and easy to understand and 14 confirmed that they would support Moat's adoption of the policy. Feedback, comments and suggestions provided by customers through the survey were reviewed and resulted in some minor amendments being made as a result (for example, we added the Mutual Exchange Policy and Tenancy Management Policy to the list of related policies and procedures). Where we haven't changed the policy in response to customers' comments or suggestions and they're happy for us to contact them, we've contacted them to explain why.

Document Revision History (Record of any changes made to the policy)		
Date	**Changes approved by**	**Details of changes made**