Serious Offender policy

1.0 Purpose and scope

This policy sets out our approach to working with applicants for housing who are a serious offender. It demonstrates our commitment and our duty to cooperate with agencies to enable serious offenders to resettle in the community and sustain a tenancy.

The purpose of this policy is to:

- Ensure customers have fair access to housing regardless of any offences they have committed
- Support serious offenders and members of the community to stay safe.

This policy applies to all customers living or applicants applying to live in housing owned by Notting Hill Genesis, except leaseholders where there is a third party involved in the process, e.g. resale.

Where appropriate parts of this policy, such as withholding offers of accommodation and managing safeguarding concerns, may apply to individuals with civil preventative orders. This will be to ensure that we allow the individual to sustain their tenancy by ensuring that the accommodation they are offered or currently reside in allows them to be compliant with their order.

This policy does not cover recruitment of ex-offenders.

2.0 Definitions

Serious offender – a person with an unspent conviction for an offence listed under schedule 2a of the 1985 Housing Act (amended following the Anti-Social Behaviour, Crime and Policing Act 2014). The offences are categorised as:

- Violent offences
- Sexual offences
- Offensive weapons
- Offences against property, including arson
- Road traffic offences causing death or serious injury
- Drug-related offences

Additionally, under the MAPPA scheme:

- Terrorism
- Domestic Violence

A serious offender may or may not be subject to MAPPA supervision.

Multi-agency public protection arrangements (MAPPA) – a mechanism through which agencies who assess and manage the risks posed by specified sexual or violent offenders (MAPPA offenders) can discharge their statutory responsibilities.

Responsible authority – the primary agency for MAPPA. This is the police, Prison and Probation Service in each area, working together. They have a duty to ensure that the risks posed by specified offenders are assessed and managed appropriately.

Duty to Co-operate – a duty imposed on different agencies to co-operate with the Responsible Authority on managing and assessing the risk of certain violent sexual, violent, and terrorist offenders. Those agencies are required to co-operate as far as they can, consistent with the exercise of their statutory functions. Registered housing providers, such as Notting Hill Genesis are included in those agencies

3.0 Eligibility

We understand that stability and security is an important factor for ex-prisoners to get their lives back on track and reduces this risk of re-offending. Serious offenders are not deemed ineligible for housing. However, we may decide that a particular property is unsuitable for a serious offender due a potential risk to others due to either the locality or existing housing management issues. In these circumstances we look for an alternative suitable property to offer the applicant, wherever possible.

5.0 Risk assessment

Where an applicant has disclosed that they are a serious offender, before making an offer of housing, we work together with them, alongside support agencies to identify the potential risks posed by housing the applicant at a particular property.

The Responsible Authority is responsible for assessing the risks and needs of serious offenders subject to MAPPA supervision throughout the whole of their sentence whether in custody or in the community. We recognise our Duty to Co-operate with the Responsible Authority in assessing risk and provide them with information about the property and local area that we deem important for their consideration when assessing risk.

For serious offenders who are not subject to MAPPA supervision, we seek their permission to contact relevant agencies for details of the offence. From this information, the NHG carries out a risk assessment to determine suitable control measures needed to manage any risks that we have identified.

We keep clear records of copies of assessments and decisions.

6.0 Sharing Information

We have a duty and obligation to share information when considering safety reasons. Our Duty to Co-operate extends to sharing information with relevant agencies about the offender. That allows those agencies to support as well as monitor them.

We aim for minimisation of storing personal criminal data. Once a person with unspent conviction discloses their status, we will inquire about them to the Probation Service and their Community Offender Manager to assess which property will best suit the person's

needs. As offenders are not required to share their conviction when they have a spent sentence, we will remove the existing information from our database about the offender's status once the sentence becomes spent.

If an individual over-discloses and has a spent conviction but still discloses their status to NHG, we will not record it in any of the databases.

7.0 Making an offer of accommodation or support

If the outcome of the risk assessment is that we can accept the application for the particular accommodation, we liaise with the applicant and, where applicable, the Responsible Authority, to agree the risk management measures prior to making the offer of accommodation or service.

Any such measures must be clearly related to our role as a housing provider and not be measures or activities that fall within the remit of criminal justice or policing.

8.0 Withholding an offer of accommodation

If the outcome of risk assessment is that we decide to withhold an offer of accommodation, we inform the applicant of this, and, where possible, explain the reasons for our decision. We do not refuse an applicant but a particular application for a specific accommodation. If an offer is withheld, we will endeavour to find another accommodation arrangements for the applicant.

We may also withhold offers of particular accommodation, where this would conflict with existing civil preventative orders, such as those to prevent individuals from committing or re-committing child criminal exploitation, which prohibit an individual from going to certain areas where the particular accommodation is.

Where an applicant declares an unspent conviction, we seek their permission to contact relevant agencies. If the applicant refuses permission for agencies to share information, we may still contact the agencies in order to assess the risk.

A housing applicant may appeal a decision if they are dissatisfied with the way their application has been handled. Appeals will be considered by the lettings panel.

9.0 Managing risk

We do not monitor the behaviour of serious offenders. We manage risk and occupancy agreement breaches in line with our policies and procedures.

If we receive a report that a serious offender has committed a crime, in the first instance, we inform the person reporting this to us to report the crime to the police.

We support serious offenders to stay safe by allocating accommodation that appropriately suits their needs. We respect their choice to disclose their convictions to other people but encourage them to consider the risks associated with doing so. Where a serious offender reports feeling harassed or intimidated, we explore options to improve their safety as outlined in our anti-social behaviour policy.

We do not differentiate and do not discriminate. Every concern and report will be taken and regarded with the same amount of care and attention.

10.0 Investigating safeguarding concerns

If we receive a report that an existing customer is a serious offender or has been given a preventative order which impacts their ability to remain in their home, we liaise with the police and relevant agencies to confirm authenticity of the report. We conduct a risk assessment as outlined in section 5. In determining risk management measures, we also take into account how well the customer has thus far managed any identified risks or provide this information to MAPPA for them to consider.

We do not inform the person raising a concern about the outcome of our investigation - whether a person they are concerned about is an offender or not. We investigate internally and depending on the outcome, we may conduct a risk assessment.

Appropriate measures may include offering to move the customer to a safer property or signposting them to another organisation for support. If the customer is deemed a risk and only if not willing to cooperate with the control measures, we may consider pursuing legal action for failure to disclose the conviction at the point of application under ground 17 of discretionary grounds of the Housing Act 1988.

If a customer receives a custodial sentence, we refer to our Absent resident and abandonment policy to explore what options for sustaining their tenancy are available to them.

There are other routes for a person raising a concern to request information about a person's criminal history, even if we cannot provide it, e.g. Sarah's law where the police can disclose an individual's criminal history to the parents, carers or guardians of a child who has contact or is close with a person they are concerned may pose a risk.

11.0 Our approach

In writing this policy we have carried out assessments to ensure that we are considering:

- Equality, Diversity & Inclusion

If you'd like a copy of the assessments, please email us at policy@nhg.org.uk

12.0 Reference

- Rehabilitation of Offenders Act (1974)
- Housing Act 1985 (and those referred to in schedule 2a)
- Housing Act 1988
- Serious Crime Act 2007
- Anti-Social Behaviour, Crime and Policing Act 2014
- Criminal Justice Act 2003
- Domestic Abuse Act 2021
- Crime and Policing Act 2026

Document control

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Approved by	Customer Policy Approval Group
Policy owner	Neil Coils, Regional Head of Housing Sunita Parbhakar Head of Voids and Lettings
Accountable Director	Sue Sargeant, Director of Housing Management

Version Control

Date	Amendment	Version
	New NHG policy	1.0
05.2023	Desktop review, changing the definition of a serious offender, added statement about removing criminal history data once a conviction becomes spent, extending the scope of the policy to include all tenures	1.1.
October 2026	Desktop review, minor amendments to accommodate changes from Crime and Policing Act	1.2