

**West of Scotland Rent Arrears Policy  
November 2018**

Subject	Rent Arrears Policy
Implementation date	November 2018
Next review date	November 2021
Relevant Legislation and Guidance	Housing (Scotland) Act 1987, 1998,2001,2003, 2010 The Children (Scotland) Act 1995 The Human Rights Act 1998 Data Protection Act 2018 The Equality Act 2010 The Homeless (Scotland) Act 2003 (Low Income Low Asset Debtors etc. Regulations 2008 )
Contact Person	Brendan McGeever

## **1. Objectives**

This policy describes how West of Scotland Housing Association will manage rent arrears. The objectives of the policy are:

- to prevent arrears and maximise rental income to the Association
- to effectively manage arrears
- ensure appropriate legal action is taken against those who fail to pay rent
- support tenants to maintain their tenancy

## **2. Prevention**

To prevent rent arrears we will:

- offer pre tenancy benefit assessments to maximise incomes to help tenancy sustainment, including fuel and energy advice
- ensure that new tenants are made aware of our Welfare Rights & Community Support Services
- use the sign up interview to ensure all tenants are made aware of their obligation to pay rent on time.
- provide appropriate support throughout the tenancy primarily by personal contact
- build up relationships both within WSHA and with external partners that can assist with arrears prevention
- provide a variety of payment methods
- provide a range of contact methods including direct line numbers
- continuously monitor rent accounts

## **3. Managing Arrears**

When a tenant is in arrears we will:

- make contact as soon as an arrear is identified
- offer home visits at a variety of times including out-with office opening times

- refer any arrear case to Welfare Rights
- make realistic repayment agreements and closely monitor them
- explain clearly any legal action we take and possible consequences
- ensure all legal action taken is in line with current legislation
- ensure the arrears policy is easily assessable to all our customers
- make sure staff have the training to deal effectively with arrears
- ensure our actions respect our obligations concerning confidentiality and are GDPR compliant.

#### **4. Credit Balances**

Where a tenant or former tenant has a credit balance the amount will be refunded after taking account of any outstanding recoverable charges which can be offset against this before a refund is made.

#### **5. Legal Action**

The Association will only initiate legal action where the arrear is causing concern either by the level of the arrear and/or by the tenant not making reasonable efforts to reduce the arrear or not engaging with staff. We will follow legal guidance and make sure the tenant is fully aware of the steps we are taking, why they are being taken and the possible consequences.

Once legal proceedings have been initiated the Association will continue to offer advice and support to try and avoid any cases reaching court.

If a Decree for Recovery of Possession is awarded by the court we will make sure the tenant knows the earliest date the court has said an eviction can take place and that it can be enforced up to six months after that date. We will continue to pursue the arrear during this period. We will also pursue the court costs incurred in obtaining the Decree

Evictions are only carried out as a last resort and only if it is reasonable and proportionate to the circumstances of each case. We will:

- ensure we have contacted any appropriate partner agencies before the eviction
- always notify in advance the relevant Local Authority's Homelessness Services
- ensure that the eviction is carried out in line with legislation

- make sure the eviction has been approved by the The Director of Housing and Customer Services, in their absence the Chief Executive Officer.

## **6. Welfare Rights Service**

The Welfare Rights team provides free and confidential advice for the benefit of our tenants and their families.

The aim of the Welfare Rights service is to:  
provide high quality information to assist in reducing or managing arrears as well as improving tenancy sustainment.

The Welfare Rights Service will:

- assist users to maximise any benefit income
- help with benefit claims including help complete forms including home visits
- provide training to staff to allow them to effectively deal with benefit advise to assist with arrears
- work with Housing Officers to set up appropriate and affordable arrears arrangements
- prepare background paper work for appeals to tribunals

## **7. Sharing Owners**

The Association and any mortgage lender will act together when considering legal action where a sharing owner is in default of their occupancy payment, mortgage repayments or both.

## **8. Former Tenants Arrears**

When we know a tenant is leaving a property we should pursue for any outstanding arrear before the tenancy ends. If the tenancy ends and there are arrears we should continue to pursue the debt. We will also consider taking legal action against the former tenant. In certain cases we may contract out debt collection to an agency.

Where the recovery procedure has been exhausted and it would not be practical or value for money to pursue a former tenant arrear the arrear may be written off subject to appropriate approvals being obtained. If the former tenant has died recovery action may be limited to contacting the trustees for the estate.

## **9. Equality**

When implementing this policy the Association will not discriminate against any individual or house hold or group on the grounds of age, disability, gender reassignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **10. Staff Roles and Responsibilities**

All Housing Services staff should assist with arrears but key staff have specific roles and responsibilities these are:

- the Chief Executive will ensure effective implementation of this policy and supporting procedures and in the absence of The Director of Housing and Customer Services approve any evictions
- the Director of Housing & Customer Services will oversee implementation of this policy and procedure document and ensure relevant training is in place for staff. He/she will also approve any evictions
- the Housing Services Manger (s) will ensure the implementation of this policy monitor and assist with any arrears causing concern, make any recommendations for evictions and provide reports on arrears to the Board
- the Senior Housing Officer (s) will monitor all high rent arrears and support Housing Officers including home visits
- all staff will comply with this policy and the associated procedures

## **11. Role of the Board**

While The Board does not get involved in day to day operational issues they do have a role in monitoring performance. The following information will be reported to Committee:

- The level of arrears (technical and non-technical) as a percentage of the gross debit - each quarter
- The number of evictions carried out in the year to date - annually
- The sum of the former tenant arrears written off in that period - every six months

## **12. Risk Management**

The Board will consider the risk management factors of the arrears including:

- financial risk in not having enough income to effectively operate
- not complying with the Scottish Social Housing Charter outcomes
- setting rents and service charges that are not affordable leading to increased arrears

## **13. Complaints and Appeals**

Tenant and other service users of the association have the right to complain about any aspect of the service they have used. This can be done through our Complaints Process.

## **14. Review**

This policy will be reviewed in line with the Policy Review Schedule.