



## TENANCY SUSTAINMENT POLICY

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### 1.0 INTRODUCTION

- 1.1 This Policy sets out SBHA's proactive approach to sustaining tenancies. Tenancies which fail to sustain have an impact on SBHA's resources and can have negative impacts on Tenants who may end up homeless and have difficulties securing alternative accommodation. As such tenancy sustainability has been a key part of SBHA's commitment to work in partnership to support Tenants and create sustainable communities.
- 1.2 SBHA recognises that Tenants living within its communities have a wide range of different housing and support needs. This policy will detail how SBHA will help meet the support needs of its most at-risk Tenants either directly as a landlord, or indirectly through referrals to other support agencies ensuring, where possible that Tenants are not disadvantaged in accessing services and can remain living in their homes.

### 2.0 CONTEXT

- 2.1 SBHA will comply with all relevant legislation and associated regulations, including:
- The Housing (Scotland) Act 2001, 2010 & 2014
  - The Homelessness etc. (Scotland) Act 2003
  - The Welfare Reform Act 2012
  - Equalities Act 2010
  - Mental Health (Care and Treatment) (Scotland) Act 2003
  - Children (Scotland) Act 1995
  - Adults with Incapacity (Scotland) Act 2000
  - Antisocial Behaviour etc. (Scotland) Act 2004
  - Rehabilitation of Offenders Act 1974
  - The Data Protection Act 1998
  - The Scottish Social Housing Charter
- 2.2 This Policy should be read in conjunction with SBHA's Scottish Secure Tenancy Agreement; SBHA's Empty Homes Management Policy; Allocations Policy; Rent Collection Policy; Mutual Exchange Policy; Estate Management Policy, Antisocial Behaviour Policy, Eviction Policy and Domestic Abuse Policy.
- 2.3 This Policy seeks to achieve the following regulatory requirement contained in the Scottish Social Housing Charter:
- **Outcome 1: Equalities** – Tenants and other customers have their individual needs recognised, are treated fairly and with respect, and receives fair access to housing and housing providers
  - **Outcome 6: Neighbourhood and community** – Tenants and other customers live in well-maintained neighbourhoods where they are safe

- **Outcomes 7, 8 & 9: Housing options** – people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them, Tenants and people on housing lists can review their housing options, and people at risk of losing their homes get advice on preventing homelessness
- **Outcome 10: Access to social housing** – people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed
- **Outcome 11: Tenancy sustainment** – Tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations
- **Outcome 13: Value for money** – Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

### 3.0 POLICY AIMS AND OBJECTIVES

3.1 The Tenancy Sustainment Policy aims to ensure that SBHA provides effective services that complies with its landlord obligations in respect of tenancy sustainment. Specifically, the aims of this policy are to:

- Develop appropriate proactive mechanisms to identify and respond to Tenants' needs
- Develop and support initiatives to improve tenancy sustainment
- Enhance information sharing and joint working
- Monitor, evaluate and continuously improve tenancy sustainment rates

3.2 The objectives of the Policy are to:

- pro-actively identify groups most at risk of tenancy failure and provide tailored support to these customers
- develop and support initiatives aimed at increasing the level of tenancy sustainment, based on an understanding of the reasons for tenancy failure
- signpost to a range of agreed services aimed at increasing tenancy sustainment
- ensure that these services can be easily accessed by SBHA Tenants
- ensure tenancy sustainment data is collected consistently and reported regularly via the agreed monitoring framework
- develop benchmarking opportunities aimed at improving performance
- reduce the incidences of SBHA Tenants becoming homeless
- develop effective partnership working
- listen to and act on the views of SBHA Tenants and customers

3.3 SBHA's objectives include minimising tenancy breakdown, preventing homelessness and promoting sustainable communities through:

- Prevention - ensuring that prior to and from the commencement of any tenancy, steps are taken to identify issues which could affect tenancy sustainment
- Tenancy Support – proactive referrals to the in-house support services and liaising with and signposting to appropriate agencies to ensure that individually tailored support is provided where required throughout a tenancy, catering for the changing needs of household members
- Partnership Working - establishing partnership arrangements with agencies, especially local authorities, who can assist in sustaining tenancies where appropriate

3.4 This Policy seeks to achieve the following outcomes:

- minimising failed tenancies, such as abandoned tenancies and evictions
- preventing homelessness
- promoting stable and sustainable communities

- minimising the number of empty homes

#### **4.0 KEY PRINCIPLES OF THE POLICY**

- 4.1 SBHA seeks to promote sustainment of tenancies and as such assist with the sustainment of the wider community. The provision of a tenancy, however, is not in itself sufficient to make a tenancy successful and there are other factors to consider so that once a tenancy starts it does not fail.
- 4.2 Allocating Tenancies - SBHA let homes in a way that gives reasonable preference to those in greatest housing need, makes best use of available stock, maximises choice and helps sustain communities. SBHA advertises its houses available for letting via Choice Based Lettings and promotes housing options for applicants through working collaboratively with local authorities and other social landlords, through participation and nomination agreements.
- 4.3 Roles and Responsibilities - Every Tenant is responsible for managing their tenancy and complying with their tenancy conditions. SBHA has a role to play in identifying Tenants or households with particular needs or who may otherwise be at risk, and to refer them to a relevant external agency for appropriate advice and assistance. Such referrals will be made where, in the professional opinion of the SBHA Teams, a Tenant or household has particular needs or may otherwise be considered at risk and where this may potentially affect their ability to sustain their tenancy.
- 4.4 Failed Tenancies - SBHA consider that a failed tenancy is one that ends by eviction, abandonment or where a tenancy is ended early (i.e. a tenancy which lasts less than 12 months) or is ended for a negative reason. A tenancy which falls into this category can incur substantial additional costs for SBHA including rent loss (through void empty homes and possible former Tenant arrears); cost of re-let repairs (including possible rechargeable repairs); SBHA Team resources associated with the lettings procedure and in some cases legal costs.
- 4.5 Research shows that there are a number of reasons why tenancies typically fail and listed below are the most common reasons:
- mental health issues
  - domestic abuse
  - poverty
  - fuel poverty
  - drug or alcohol addiction problems
  - anti-social behaviour
  - leaving care
  - learning difficulties
  - families with support needs
  - extreme youth or immaturity
  - security and safety issues
  - no established local networks (particularly for new immigrants)
- 4.6 Minimising tenancy failures - To minimise tenancy failures, SBHA will seek to develop pre-tenancy, during tenancy and post-tenancy measures, through a Wellbeing Framework to assist in identifying Tenants most at risk of losing their home or developing tenancy related issues which could jeopardise their tenancy.
- 4.7 SBHA will seek to:
- satisfy applicants' choice of where they want to live - where this is reasonably possible and participate in Housing Registers, Mutual Exchanges, and Local Lettings Initiatives, where appropriate, to maximise choice of housing options
  - at the commencement of a tenancy, give as much information as reasonably possible on tenancy sustainment and address any areas of concern the new Tenant may have

- engage with inhouse Teams and external agencies re support needs/packages as need is identified
- refer new Tenants with limited or no resources to any available furniture initiative projects who may be able to provide a basic furniture pack
- ensure that the applicant is aware of all their responsibilities as a Tenant and have the contact details for their Neighbourhood Housing Officer
- carry out a settling in visit within 6 weeks of the date of entry to review any tenancy issue or support needs
- where a vulnerability has been identified at the settling in visit and carry out a further visit to the Tenant when they have been in their tenancy for 6 months to enable a further review of any tenancy issues or support needs
- identify any possible changes in support needs required to sustain a tenancy - such as addressing referrals for adaptations
- make referrals to SBHA's Welfare Benefits, Financial Inclusion, Tenancy Support and Warm and Well Services to access advice on benefit entitlement and household budgeting, initiate early intervention in the case of financial crisis or poverty and to ensure tenancy support for vulnerable client groups
- maintain regular, personal, and sustained contact with 'at risk' householders and work in partnership with specialist support agencies who work with vulnerable client groups and the statutory authorities
- establish a liaison plan for at risk Tenants to ensure regular contact is made by the Neighbourhood Housing Officer and appropriate support service when tenancy issues and support needs can be reviewed and/or addressed
- actively seek and attract resources to undertake analysis to target services

4.8 Households at risk of tenancy failure - Particular household types may need help or assistance at times to sustain their tenancies, including:

- those with alcohol and/ or drug use issues
- those with learning difficulties, mental health issues, or personality disorders
- people who have suffered previously from domestic abuse or other types of violence
- households with histories of financial exclusion or multiple debts
- older people with support needs
- young parents
- families with support needs
- young people setting up home for the first time - particularly those leaving care
- households suffering from either racial or non-racial harassment
- those with disabilities who may or may not have support needs
- ex-offenders
- hoarding
- households who have previously been homeless

4.9 In addition to these groups being at higher risk, other factors of failed tenancies include:

- inability to set-up a tenancy
- financial difficulties
- poor health and wellbeing
- lack of support agencies in the area
- antisocial behaviour in the area

4.10 Attached at **Appendix 1** is SBHA roles and responsibilities for SBHA Teams in implementing the principles of the Policy.

## **5.0 ABANDONED PROPERTIES**

5.1 The power to repossess an abandoned tenancy is laid down in the Housing (Scotland) Act 2001. These provisions can only be used where the Tenant does not intend to occupy their house as their principal home. Abandoned properties create costs for both the landlord and the Tenant abandoning the property and keeping the number of abandoned properties to a minimum is desirable.

## **6.0 ACTION TO RECOVER POSSESSION**

6.1 The Housing (Scotland) Act 2010 introduced pre-action requirements that landlords must satisfy in all rent arrears cases before serving a notice on a Tenant. This notice advises the Tenant that the landlord is considering court action to recover possession of the property because of the Tenant's rent arrears

6.2 These pre-action requirements are aimed at providing increased protection for Tenants facing eviction for rent arrears by:

- creating greater consistency in practice between landlords
- ensuring that landlords and Tenants explore other ways of resolving arrears
- making sure that eviction action for rent arrears is a last resort

6.3 All landlords should have in place pre-action requirements that:

- provide clear information regarding the tenancy agreement and the unpaid rent
- make reasonable efforts to provide advice and assistance on eligibility for benefits and other types of financial assistance
- provide information about sources of help with the management of debt
- make reasonable efforts to agree with the Tenant a reasonable plan for future payments
- consider the likely result of any application for housing benefit that has not yet been decided
- consider other steps the Tenant is taking which are likely to result in payment within a reasonable period
- consider whether the Tenant is complying with an agreed plan for future payments
- encourage the Tenant to contact their local authority (where the LA is not the landlord)

6.4 SBHA adheres to these statutory pre-action requirements and operates a policy of early intervention aimed at reducing the number of tenancies being recovered for non-payment of rent. Section 11 of the Homelessness etc (Scotland) Act 2003 requires all social landlords to notify the local authority of any repossession proceedings so that support can also be offered by the local authority.

6.5 If it is identified after enforcement action is taken that a Tenant has a vulnerability that is preventing their ability to seek advice and support, SBHA will consider each case on its own merit. Given the severity of the vulnerability, and where appropriate engagement is in place to resolve the arrears, SBHA may consider dismissing enforcement action in Court.

## **7.0 IDENTIFYING AND RESPONDING TO TENANCIES AT RISK**

7.1 All new tenancies should begin in a positive manner with Tenants receiving the appropriate level of support. This is not sufficient to make a tenancy successful and tenancy sustainment needs to be promoted by the working practices adopted by SBHA to stop tenancies from failing.

- 7.2 Housing management policies, procedures and people working practices should be focused on identifying, at an early stage, tenancies that are at risk and take action aimed at sustaining Tenants in their tenancies. Tenancy sustainability is not a new concept and experienced SBHA Teams will be pro-active in identifying at risk Tenants at risk of losing their home and taking appropriate action so that this is avoided.
- 7.3 There are many varied actions and working practices that SBHA Teams should adopt including:
- ensuring Tenants have up to date advice and support
  - referring Tenants to in house and mainstream support services
  - on-going communication and engagement with mainstream services
  - maintaining regular contact with “at risk” households

## **8.0 PERFORMANCE MONITORING**

- 8.1 The Director of Customer Services has responsibility for overseeing the implementation of the Tenancy Sustainment Policy and the Head of Support Services is responsible for key aspects of the day-to-day service delivery with delegation of specific tasks to appropriate SBHA Teams.
- 8.2 The percentage of lettable homes that become vacant during the year is one of the Performance Indicators used by the Scottish Housing Regulator to assess how well landlords are achieving the outcomes outlined in the Scottish Social Housing Charter.
- 8.3 Properties become vacant for the following reasons:
- terminated with notice given
  - terminated due to abandonment
  - terminated due to death
  - terminated due to eviction
- 8.4 In order to monitor the effectiveness of this policy, Key Performance Indicators (KPIs) will be used to measure tenancy sustainment and a number of associated outcomes.
- 8.5 The success of the Tenancy Sustainment Policy will be measured against the following KPIs:
- Local Indicators:
- Annual number of abandoned tenancies and evictions
  - Value of former Tenant arrears as a percentage of net debt
  - Number of designated low demand properties
  - Number of new tenancies sustained 12 months after date of entry
- Statutory Indicators (Scottish Social Housing Charter)
- Percentage of Tenants satisfied with the management of the neighbourhood they live in
  - Number of lets during the reporting year, split between ‘general needs’ and ‘supported housing’
  - The number of lets during the reporting year by source of let
  - Percentage of new tenancies sustained for more than a year, by source of let
- 8.6 SBHA will routinely review and analyse the outcomes and make recommendations where changes are required. SBHA will benchmark its performance against other similar housing associations with the aim of achieving continuous improvement and to ensure compliance with best practice.
- 8.7 SBHA’s Board of Management and SBHA’s Customer Board will monitor the implementation of the Tenancy Sustainment Policy so that they can have reasonable assurance that it is operating effectively in practice.

## **9.0 SBHA TEAM LEARNING & DEVELOPMENT**

- 9.1 SBHA will ensure that in managing tenancies, duties are delegated to its people effectively and that all relevant SBHA Teams receive comprehensive, regular training for implementing this Policy. Ongoing learning and development requirements will also be regularly reviewed.
- 9.2 All SBHA Team members involved in delivering services to promote tenancy sustainment have a responsibility to ensure that they read, understand and implement the Policy.
- 9.3 All contractors and partner agencies are responsible for operating in accordance with this Policy when delivering services on behalf of SBHA.

## **10.0 EQUALITIES**

- 10.1 SBHA aims to treat all customers with respect and professionalism and will ensure that this service is fair and accessible to all. SBHA will publish information that is easy to read and understand in a range of appropriate languages and formats. Where Tenants have any particular needs or requirements, SBHA will do all that it can to ensure that its services are tailored to these needs.
- 10.2 This Policy will not be used to discriminate against any individual or household on grounds of race, religion, marital status, disability, age, sexual orientation, gender reassignment, political opinion, pregnancy, or maternity. SBHA aims to promote equal opportunities and comply with the requirements of the Equality Act 2010.
- 10.3 SBHA will promote tenancy sustainment activities through its newsletter, website publications, leaflets and tenancy start up packs to keep stakeholders informed and involved.

## **11.0 APPEALS, COMPLAINTS & CUSTOMER FEEDBACK**

- 11.1 SBHA values feedback on its services and will listen to Tenants views to enable continuous improvements to services, in line with the Tenant Participation Strategy.
- 11.2 SBHA will actively seek feedback by:
- Inviting all new Tenants at the Settling-in Home Visit to complete a satisfaction questionnaire on the empty homes service received and the condition of their new home when they moved in; and
  - Monitoring customer compliments, complaints and appeal outcomes relating to tenancy sustainment to identify and respond to emerging trends.
- 11.3 If a Tenant or customer of SBHA feels we failed to correctly apply this Policy, they may submit a complaint using the SBHA's Complaints Handling Policy.

## **12.0 POLICY REVIEW**

- 12.1 This Policy will be reviewed every three years, unless amendment is prompted by a change in legislation, operational requirements or customer feedback.
- 12.2 The Policy will be reviewed in consultation with SBHA Tenants.

## **Appendix 1 – Roles and Responsibilities**

### Director of Customer Services

- Ensure effective implementation of the Tenancy Sustainment Policy
- To seek and provide strategic assurance on compliance with the policy

### Head of Support Services

- To provide assurance on operational compliance of the Tenancy Sustainment Policy
- Performance monitoring in relation to the KPIs to measure effectiveness of the Policy
- Identifying service improvements to promote tenancy sustainment including grant funding opportunities

### Head of Neighbourhoods and Solutions

- To provide assurance on compliance with policy and procedures relating to tenancy sustainment e.g. rent collection policy, evictions policy, empty homes, abandonment procedure, etc
- Performance monitoring in relation to the KPIs to measure effectiveness of the Policy

### Head of Programme and Delivery

- To provide assurance on compliance with policy and procedures relating to repairs and maintenance services
- Effective contract management practices of external contractors
- Performance monitoring in relation to the KPIs to ensure effectiveness of the Policy

### Senior Asset Planning Manager

- To provide assurance on compliance with policy and procedures relating to asset safety and investment
- Effective contract management practices of external contractors
- Performance monitoring in relation to the KPIs to measure effectiveness of the Policy

### Neighbourhood Housing Officer

- Early intervention practices
- Referrals to inhouse tenancy support services and partnership agencies
- Carrying out home visits and estate walkabouts
- Ensuring compliance with pre action requirements
- Carrying out Housing Option Assessments
- Welfare calls
- Establishing repayment arrangements and taking rent payments
- Effective handling of estate management cases
- Effective handling of customer enquiries and complaints

### Tenancy Support Officer

- Provision of tenancy support services
- Carry out home visits and welfare calls
- Establishing pathways to specialist support services including arranging multi-agency meetings
- Effective sharing of information across SBHA teams relating to SBHA's support offer
- Effective handling of customer enquiries and complaints

### Welfare Benefits Officer / Financial Inclusion Worker / Warm and Well Service

- Household income maximization activities
- Provision of budgeting support services
- Carrying out home visits
- Referrals to partnership agencies
- Establishing repayment arrangements and taking rent payments

- Provision of affordable warmth advice and support
- Effective handling of customer enquiries and complaints

#### Neighbourhood Property Officer / Stock Condition Surveyor / Asset Safety Officer

- Early intervention practices
- Carrying out home visits and property inspections to resolve property related issues and safeguard tenants
- Carrying out estate inspections and estate walkabouts
- Ensure the effective sharing of information relating to property upgrades, maintenance and safety
- Referrals to inhouse tenancy support services and partnership agencies
- Effective handling of customer enquiries and complaints
- Effective external contract management
- Welfare calls

#### Antisocial Behaviour Officer / Senior Antisocial Behaviour Adviser

- Effective management of ASB cases
- Early intervention practices
- Carrying out home visits, estate inspections and estate walkabouts
- Referrals to inhouse tenancy support services and partnership agencies
- Effective handling of customer enquiries and complaints
- Welfare calls

#### Neighbourhood Assistant

- Early intervention practices
- Carrying out home visits
- Referrals to in house tenancy support services and partnership agencies
- Welfare calls
- Establishing repayment arrangements and taking rent payments
- Effective handling of customer enquiries and complaints

#### Senior Customer Service Adviser / Customer Services Adviser

- Welfare calls
- Referrals to inhouse support services
- Taking rent payments
- Raising customer enquiries and complaints