



## Tenancy Sustainment Procedure

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### Version Control

Date	Owner	Version	Reason for Change
November 2019	Fiona Ross	V1.0	The procedural information from HM08 and HM11 has been put into this new procedure. HM11 no longer exists.

# Tenancy Sustainment Procedure

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## 1.0 Introduction

This procedure describes how we will seek to achieve a high level of tenancy sustainment amongst our tenants. It supports ARK's policy on Tenancy Sustainment, HM08.

### 1.1 Principles

Tenancy sustainment is not a new concept for ARK Housing Association Ltd, and our staff are experienced in assisting tenants to sustain their tenancies and preventing homelessness.

This procedure recognises that it is not the role of Housing staff to carry out detailed assessment of needs or to case manage tenants with complex needs, but we must be proactive in signposting and referring tenants to both external agencies and Tenancy Sustainment Staff who have the expertise to assist.

We will aim, so far as is possible, to ensure that:

- We match applicants with the most suitable properties, according to their preferences;
- We let properties that are built and maintained to an acceptable standard, so that they are attractive to potential tenants;
- We consider whether it is appropriate to provide furniture in communal areas within shared properties;
- Each tenant is able to maintain their tenancy, with support if required, and as a result we contribute to the prevention of homelessness;
- We maintain the areas around our properties to a high standard, so that they are places where people wish to remain;
- The tenancy contributes to achieving sustainable communities.

ARK is particularly committed to preventing tenancies ending as a result of:

- Eviction;
- Abandonment;
- Early termination within 12 months of the tenancy starting.

We recognise that there may be other less obvious reasons why people give up their tenancies such as domestic abuse and other forms of harassment. We also recognise that people may terminate their tenancy early for positive reasons such as purchasing a home, finding a new job or moving in with their partner.

## 1.2 Cost of a Failed Tenancy

The cost of a failed tenancy is high for both the tenant and the Association. Every failed tenancy represents:

- Abortive resource commitments;
- Rent loss during the time a property is empty;
- Costs incurred associated with the re-letting of a property.

And in some cases:

- Legal Expenses;
- Costs incurred by other agencies or authorities who subsequently take responsibility for accommodating the former tenant;
- The cost to the person who again finds themselves in need of accommodation and may now have additional issues to overcome, such as former tenancy debt or rechargeable repairs.

## 1.3 Known Risk Factors

There are known risk factors in relation to early tenancy failure, and particular in the following household types may need help or assistance in sustaining their tenancies.

The following list is not exhaustive:

- Mental health issues;
- Learning difficulties;
- Drug and alcohol addiction problems;
- Disabilities;
- Leaving care;
- Domestic violence;
- Poverty & fuel poverty;
- Being under 25 or in a first tenancy;
- Young parents;
- People with support needs and no established local networks;
- History of homelessness;
- History of rent arrears, abandonment or antisocial behaviour in a previous tenancy;
- Previously failed tenancy or eviction;
- Adverse childhood experiences.

## 1.4 Other Causes

Other causes of tenancy breakdown are:

- Allocations in unwanted areas;
- Dissatisfaction with property condition;
- Antisocial behaviour;
- Debt problems;
- Inability to secure adequate furniture and equipment;
- Lack of support with resettlement and setting up home;
- Isolation;

Insufficient information sharing and partnership working.

## 2.0 Factors to Enable Tenancy Sustainment

### 2.1 Pre-allocation and Allocation Stages

Through implementing our Allocations Policy (HM01) and procedures we will seek to match applicants with the most suitable property available, according to their housing needs and their stated preferences about the type of property and/or the area they would like to live in, etc.

As part of the pre-allocation process to select a tenant for a void property we will:

- Seek to ensure that we have received all the required information about the applicant's circumstances, relevant to their housing application so that we are aware of where additional support needs may be required from the outset;
- Ensure that the applicant is given clear information about the rent, any service charges to be paid and their responsibilities as a tenant, to help them make an informed decision about whether or not to accept an offer of tenancy;
- Unless the property is already furnished, ensure the applicant is clear that they have to furnish the property, and if necessary, provide advice on local furniture recycling projects;
- In cases of shared accommodation discuss the furnishings package in communal areas and the requirement to furnish the individual room;
- At the pre-allocation visit, we will ask the applicant's about previous tenancies and any issues that they have had in sustaining these. Where there are concerns about their ability to do so, we will encourage the applicant to seek appropriate advice and/or support from relevant organisations as identified as appropriate at the time. If there is no support in place assist the applicant in contacting potential agencies to arrange support before finalising an allocation, or advise the applicant that an offer

will not be made until they have made their own approaches and can confirm that they have the required support in place;

- In specific cases where support has been arranged, ensure by a variation that the applicant's ongoing acceptance of that support is a condition of their Tenancy Agreement;
- If the applicant is already receiving support, ensure that the support provider is involved in the discussions and decision regarding a possible tenancy;
- Assess whether an applicant may be entitled to claim housing benefit, housing costs, discretionary housing payment and/or other benefits to help in paying their rent etc. and where appropriate help the applicant to complete benefit application forms;
- Assess whether a Scottish Secure Tenancy (SST) is the most appropriate form of tenancy for the applicant, or whether a Short SST would be more appropriate.

## 2.2 Affordable Rent and Service Charges

Through implementing our Rent Charging Policy (HM02), Service Charge Policy (HM03) and Rent Collection Policy (HM04) and associated procedures we will seek to:

- Keep rents at a level affordable to working tenants;
- Monitor closely the payment of rent and service charges;
- Take early action where a payment is missed to minimise the possibility of arrears accumulating;
- Seek prompt payment of any arrears including the setting-up of payment arrangements over specific timescales;
- Maintain regular contact with tenants who are in arrears, providing advice and information on other agencies who may be able to help them deal with money or debt issues; fuel poverty or problems they may have;
- Support tenants to make Discretionary Housing Payment Applications or funding applications to other Charitable Organisations eg The Vicars Relief Fund; Food Banks;
- We will only initiate legal action for non-payment of rent, including seeking a decree for re-possession, as a last resort when all other attempts to achieve payment have failed.

## 2.3 Furniture Provision

Prior to the start of a new tenancy of a self contained property, if required, ARK will provide advice and support in making a Welfare Fund Application to allow the tenant to source the appropriate furniture to allow them to move in and take up occupancy. Each Local Authority has a different process for dealing with applications and making awards. By enabling tenants to obtain carpets and furniture, means that they are more likely to feel settled in a property

and make it their home. If the tenant does not qualify we will provide them information about low cost furniture initiatives within their locality.

Prior to the start of a new tenancy in a shared property, ARK will discuss with the tenants whether there is a requirement for furniture provision in the shared areas. This will mean that if one tenant has less resources than the other tenant (s), they will not feel financially excluded. If the tenant does not have the funds to provide their own bedroom furniture we will provide advice and assistance to make a Welfare Fund Application.

## 2.4 High Property standards at Re-let

In accordance with our [Void Properties policy](#) (HM06) and associated procedures we will ensure that each empty property is brought up to our current lettable standards before it is offered to an applicant, so that we give each new tenant a 'good start' at the beginning of their tenancy. Maintenance and Housing staff will decide whether it is necessary to offer a decoration allowance to a new tenant to help them redecorate their new home to an acceptable standard. The amount offered will be calculated according to a matrix, which can be found in the Voids Procedure.

## 2.5 Well Maintained Stock

Through our programmes of cyclical and planned maintenance we will seek to maintain the key elements of our properties to a high quality, meeting or exceeding current standards.

Where tenants cause damage to properties, we will consider repayment arrangement for any work that is recharged.

## 2.6 Well Maintained Estates and Tenancy Issues

In accordance with our Estate Management Policy (HM05), and our Neighbour Dispute Policy (HM07) as part of the process of signing-up a new tenant we will remind them of their responsibilities to be a 'good neighbour', ensure that they sign our Good Neighbour Charter and that they are clear of the action we will take in cases of neighbour disputes, anti-social behaviour or failure to look after their home/garden.

Through making a 'settling-in' visit to a new tenant we will ensure that we review how they are coping with their new tenancy, give the new tenant the opportunity to raise and discuss any concerns they may have, and raise with them any problems they may be causing their neighbours.

Where it becomes clear that a tenant requires support to maintain their tenancy we will provide advice and help to access appropriate support or will signpost them to other specialist organisations that can assist such as Women's Aid; Drug or Alcohol Dependency Organisations or Hoarding Organisations.

In relation to the area in which the property is located, where we do not own the ground, we will liaise closely with relevant Council departments and other agencies responsible for the land around or close to our properties, seeking to ensure that they maintain these areas in an acceptable condition.

We will liaise with the staff of local Councils or other appropriate agencies who have the powers to deal with specific issues, such as abandoned cars, noise or pets nuisance.

### 3.0 Dealing with Vulnerable Tenants

There have been an increasing number of vulnerable tenants identified where there are issues with either the condition of the property, issues with keeping the property clean and tidy or excessive hoarding (see Procedure HM49).

This procedure is to support the Housing Services Officers (HSO's) in dealing with these particularly challenging cases, with the ultimate aim of tenancy sustainment.

It is important for a full assessment of the tenant's needs to be completed especially if the reason for seeking an eviction may relate to a disability as tenants will be protected by the Equality Act 2010. eg, the tenant may have a mental condition that affects the way they behave and in such cases if we try to evict the tenant because of this behaviour they will be protected under the Equality Act.

### 4.0 Intervention Stages

In any cases where there are concerns about a tenancy starting to falter, the following process should be followed. In every case, actions should be logged, including dates and times of visits, on the Capita Estate Management Module. Any pictures or case notes should be clearly labelled with the name, address and date/time of visits and incidents.

#### **Stage 1 – Initial Actions/Monitoring**

1. Where an issue has been identified either through a HSO visit, Gas Safety or Repairs visits - A visit should be arranged within 7 days of the problem being identified. Any



known Guardian(s) should be advised of the visit and given the opportunity to attend. The tenant should also be given the opportunity to have an Advocacy Worker present;

2. Initial visits should include visual checks of the property including photographs of any issues;
3. Visits should be logged using the Tenancy Monitoring Plan forms (Appendix 1)
4. Where the tenant is engaging the HSO can arrange a further visit in 7 days (or earlier where there are serious issues).
5. Joint visits should be carried out with another HSO or the Maintenance Officer (MO) where appropriate (please note: the Associations Risk Assessment procedures should be followed at all times).
6. The HSO should arrange to refer the tenant to any number of additional support agencies who are available so that a Community Care Assessment can be undertaken, including;
  - *Neighbourhood Support Team*
  - *Social Work*
  - *Mental Welfare Commission*
  - *GP's*
7. If by the second visit the condition of the property has improved and the tenant is engaging with support agencies then the Housing Officer can consider reducing the frequency of the visits;
8. If the condition has not improved the Housing Officer should proceed to Stage 2.

## **Stage 2 – Escalation of Action**

If the HSO has completed a minimum of two visits to the property (or attempted visits) and the tenant has failed to engage or improve the condition of the property, the HSO should:

1. Provide notes of the visits and any relevant information to the Head of Housing Services (HoHS)/ Senior Housing Services Officer (SHSO) for discussion on how to proceed with the case;
2. Write to the tenant to arrange a home visit with the SHSO to discuss the implications of the breach of tenancy conditions.

If the tenant then engages with the HSO and support professionals the case can return to Stage 1 for monitoring. However, if the tenant continues to be in breach of the tenancy agreement:

3. A warning letter will be issued;
4. After the warning letter is issued the HSO will attempt a further two inspections to provide the tenant with two final opportunities to engage;

5. If the tenant still fails to engage or the situation has not sufficiently improved the case should proceed to Stage 3.

### **Stage 3 – Legal Proceedings**

If all other options have been exhausted and the tenant continues to either fail to engage or the condition of the property has not improved to an adequate standard then legal proceedings should be considered.

The HSO will complete the Anti-Social Behaviour (ASB) legal action recommendation form and arrange to discuss the case with the HoHS/SHO in accordance with Procedure HM39. Full consideration will be given to any disability that the tenant may have and which may have contributed to the situation arising.

## **5.0 Implementation and Review**

### **5.1 Implementation**

The Head of Housing Services is responsible for ensuring that this procedure is implemented when required by the appropriate staff.

### **5.2 Review**

The Head of Housing Services will ensure that this procedure is reviewed at least every three years.

## Appendix 1 Tenancy Monitoring Plan

<b>Name</b>									
<b>Address</b>									
<b>Tenant Vulnerability Indicators</b> <small>(please tick any that apply)</small>	Learning Disability	Aspergers/ Autistic Spectrum	Mental Health Issues	Drug Dependency	Alcohol Dependency	Young person in first tenancy	Young single parent	Housed from Homeless	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Tenant Capacity and Support needs</b>	<b>Does the tenant have a welfare guardian</b>				<b>Yes</b>		<b>No</b>		
	If YES, please note the details of the welfare guardian and ensure they are informed at every stage of any action								
	<b>Is the tenant receiving support from any organisations</b>				<b>Yes</b>		<b>No</b>		
	If YES, please note the details of the support organisations								
	If NO, please note any referrals that you make to any organisations								
<b>Monitoring Plan timescale and visit frequency</b>	<b>Weekly</b>		<b>Fortnightly</b>		<b>Monthly</b>		<b>Other</b>		
	For 4 weeks		For 8 weeks		For 3 months		Other		
<b>Staff responsible for case</b>									
<b>Stage</b>	<b>Stage 1</b>			<b>Stage 2</b>			<b>Stage 3</b>		
	Date:			Date:			Date:		

**Monitoring Plan notes:**

<b>Date</b>	<b>Notes</b>
<b>Date</b>	<b>Notes</b>