

**Statement of Best Practice in Joint Working between Glasgow City Council, Community Health and Care Partnerships and Registered Social Landlords Operating within Glasgow (No.4)**

## **4. SUSTAINING TENANCIES AND PREVENTING HOMELESSNESS**

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### **1. INTRODUCTION**

- 1.1 This Statement of Best Practice between all Registered Social Landlords (RSLs) in the city and Community Health and Care Partnerships (CHCP) and Glasgow City Council (GCC) ensures that tenancy sustainment, prevention of homelessness and dealing with evictions takes place in a non-discriminatory way and that appropriate care and support is available to all tenants on an individual basis. It also covers arrangements for dealing with Anti- Social Behaviour Orders (ASBOs), which may be used instead of proceedings to evict in anti social cases.
- 1.2 This Statement of Best Practice requires effective partnership working, which is built upon honesty, integrity, confidentiality and a willingness by all parties to sustain tenancies and prevent eviction and, therefore, homelessness.
- 1.3 This Statement of Best Practice recognises however, that RSLs have a responsibility to minimise rent arrears and to ensure their tenants do not suffer from Anti Social Behaviour by their neighbours. This agreement advises on Best Practice to be followed where an RSL is considering taking actions that may bring a tenancy to an end.

### **2. PURPOSE OF STATEMENT**

- 2.1 To agree and define the roles and responsibilities of GCC and RSLs in ensuring that:
- Partners help sustain tenancies.
  - Where the RSL suspects a tenant may have a vulnerability, contact will be made with the relevant CHCP having regard to Data Protection legislation to seek support.
  - Appropriate action is taken to prevent evictions where possible.
  - Where eviction is unavoidable, appropriate action is taken to safeguard vulnerable people.
  - Appropriate action is taken to deal with anti- social behaviour cases where children or vulnerable individuals are involved as members of the household, including early interventions that obviate the need for legal action.
  - Where an ASBO is granted, provide appropriate support to households with vulnerable members.

- Where an action is being taken through the courts, RSL's will notify the relevant CHCP when the tenant is being booked into court in writing.

*NB This SoBP will need to be reviewed when the Scottish Government introduces Section 11 of the Homelessness (Scotland) etc Act 2003.*

### **3. TENANCY SUSTAINMENT**

3.1 This Statement of Best Practice has been drawn up in the context of the findings of research jointly commissioned by the Council and Glasgow Housing Association (GHA) to investigate the high rate of tenancy failure in Glasgow.

The study found that:

- A quarter of lets to homeless and waiting list applicants break down within a year.
- The main group of people ending tenancies early is 25-45 year olds.
- The main risk factors which increased the risk of tenancy failure were
  - Being allocated a home in an unwanted area
  - Dissatisfaction with property condition
  - The inability to secure adequate furniture and equipment
  - Suffering antisocial behaviour and harassment
  - Debt problems
  - Lack of support

The key recommendations made by the study were:

- Give tenants more choice in lets
- Improve the condition of properties at the point of let
- Improve assessment and provision of support needs
- Increase the range of furniture options
- Improve access to financial advice
- Improve management of antisocial behaviour and harassment
- Improve information sharing between agencies
- Improve joint working between agencies

3.2 Based on this study the GHA Tenancy Sustainment Strategy and Action Plan published in August 2007 has identified the need to move from reactive to proactive work practices in addressing tenancy sustainment. In addition the strategy makes clear that the role of housing staff is not to carry out detailed needs assessments or to case manage a tenant with specific needs, but to get better at referring them to those agencies and services with the expertise to assist. The strategy also emphasises the pivotal role that all front-line staff, managers, support staff and partner agencies have in tenancy sustainment and preventing homelessness. Other RSL's may find this document useful when considering the implications of this SoBP for their organisation.

3.3 It is recognised that many tenants have multiple needs, making them even more vulnerable to tenancy problems and rent arrears. Tenants with drug or alcohol problems and/or mental health issues have been identified as a high-risk group for tenancy breakdown. Where the discovery of vulnerability takes place only at the crisis stage, opportunities for preventative work and early intervention are frequently lost. Joint working and a co-ordinated strategic approach by the relevant agencies was therefore a major recommendation of the tenancy sustainment research

#### **4. PREVENTION OF HOMELESSNESS**

4.1 This statement covers the main reasons for eviction action to be taken i.e. as a result of either rent arrears or anti-social behaviour (includes both Scottish Secure Tenancies and Short Scottish Secure Tenancies). However the spirit of the statement with regard to joint working with vulnerable individuals should apply in respect of potential eviction for any other reason (e.g. other management grounds set out in the Housing (Scotland) Act 2001). In all cases RSLs will initiate legal action to evict a tenant as a last resort and when all other possible measures have been exhausted.

**Arrears** – The term ‘arrears’ relates to all charges appropriate to the tenancy such as:

- Rent and relevant service charges
- Legal expenses

RSLs and GCC will take all appropriate steps to assist tenants in ensuring that they do not fall into arrears. RSLs and GCC are committed to ensuring that relevant financial / money advice is available to tenants. Best Practice will be followed in the processing of Housing Benefit to avoid arrears accruing and preventing eviction.

#### **4.2 Allocation of a Tenancy**

RSLs will offer pre-tenancy advice covering responsibility for rent payment and housing benefit eligibility to prospective tenants. On acceptance of an offer of housing, assistance will be given to new tenants in completion of Housing Benefit Claim forms. Advice will be given to prospective tenants on the responsibilities placed upon them as tenants. RSLs should visit new tenants within the first 6 weeks of their tenancy starting where they know there are possible risks in terms of tenancy sustainment. Rent accounts should be checked prior to the visit so that any arrears can be discussed at this point.

#### **4.3 Current Tenants**

Where arrears are accruing, appropriate officers within RSLs will take all possible steps to maximise income and agree an appropriate and affordable repayment plan. Repayment plans must be reviewed regularly to ensure the agreement is being maintained. Where an agreed repayment plan is not

adhered to RSLs will contact the tenant to investigate the reasons and provide appropriate support and where necessary amend the repayment plan. Where all possible measures have been exhausted, the tenant must be fully informed of the possible consequences of continued non payment of rent in accordance with the procedures contained in the individual RSLs Arrears Policies.

#### 4.4 Anti-Social Behaviour

RSLs will take all appropriate steps to assist and ensure that tenants adhere to their conditions of tenancy and follow their policies on anti social behaviour.

RSLs are committed to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner. Where steps agreed with a tenant are not adhered to RSLs will ensure that appropriate intervention takes place to assist the tenant wherever possible prior to taking any legal action as outlined below. This can involve Glasgow Community Safety Services, GHA's Neighbour Relations Team, the Police and appropriate CHCP staff and voluntary sector projects.

Where all possible measures have been exhausted, steps will be taken in accordance with RSLs Policies and Procedures.

Best practice in relation to anti- social behaviour will be governed by the principle that the best means of improving quality of life is to stop the behaviour if possible.

### 5. JOINT DISCUSSIONS

5.1 A joint discussion is defined as a meeting held jointly between the tenant/prospective tenant, their landlord, appropriate representative of the CHCP and other appropriate services. In all cases tenants/ prospective tenants will be advised of their right to be accompanied by an independent advocate.

5.2 The purpose of the Joint Discussion is to discuss the problem, explain to the tenant the seriousness of the problem and to develop a plan of action to prevent eviction/ deal with antisocial behaviour.

- **Arrears** – further exploration of the causes and identification of alternative solutions to sustain the tenancy.
- **Anti-social Behaviour** (including current tenants and prospective tenants being offered a Short Scottish Secure Tenancy (SSST) on the basis of previous anti- social behaviour) – undertakings from the tenant/ prospective tenant to modify their behaviour and any support action by CHCPs to assist the tenant.

The Joint Discussion will also examine the impact that any proposed eviction/ ASBO would have on children or other vulnerable family members.

RSLs and CHCPs agree to notify the other party, at the earliest opportunity, in the event of a breakdown of the arrangements put in place following a Joint Discussion.

Through discussion at Local Liaison Meetings (as per the Statement of Best Practice on Local Liaison Arrangements and Working Together), local agreements should be reached on respective responsibilities to pro-actively follow up where a tenant who is part of a household with children or has vulnerable members fails/ refuses to participate in the Joint Discussion process.

- 5.3 RSLs will also contact CHCPs if they are seeking to make a new let as a "probationary" Short Scottish Secure Tenancy (SSST) on the basis of the prospective tenant previously having been:
- Evicted for anti-social behaviour
  - A household member having an ASBO

RSLs will contact CHCPs where legal steps require to be taken to evict or there is an intention to seek an:

- ASBO
- Interim ASBO
- Where application for Decree has been made

CHCPs will advise RSLs if a Joint Discussion is required based on information supplied. (Appendix 1)

## **6. PROCESSES AND TIMESCALES**

- 6.1 Throughout these processes tenants/ prospective tenants/ household members should be advised of their right to seek independent advice/ be supported by an independent advocate and assisted in making contact if required.
- 6.2 The steps outlined below describe processes formally. However it is hoped that this SoBP will operate in the context of a positive local attitude to the benefits of good joint working and that in many cases problems for tenants/ clients can be resolved through earlier less formal contact.
- 6.3 Arrears

In all cases RSLs will carry out relevant processes in line with their policy on Arrears before making formal contact with CHCPs. Formal contact will be made with CHCPs when a tenant is being booked into court. At this stage the RSL will arrange a joint discussion with the CHCP. (appendix 1)

The referral form for Joint Discussion must be sent to the relevant CHCP to arrange attendance. The Welfare Rights Officer within the CHCP will carry out a complete review of the tenants entitlement to Housing Benefit, this may involve speaking with Housing Benefit Finance Section. He/she will refer to other practice team personnel dependant on the circumstances of vulnerable individuals involved to ensure a comprehensive and integrated approach is taken. The appropriate Officer within the CHCP will feedback on their findings to the RSL.

If decree for eviction is granted RSLs will either through letter or email, inform the Welfare Rights Officer of the date from which it is valid and provide any new additional information.

A further joint discussion may be requested at this point by the CHCP, seeking to review the case if there has been a significant change in household circumstances since the last joint discussion indicating that the situation can/ should be resolved without eviction. This must be held prior to the date that the eviction can proceed, which will be specified on the decree. The decision to proceed with eviction remains with the RSL.

If the RSL intends to proceed with an eviction they should formally notify the CHCP and the local Community Casework Team as soon as this decision has been made. This will give advanced notice so that arrangements can be made to avoid households becoming roofless.

#### 6.4 Anti-Social Behaviour

In cases of anti- social behaviour, RSLs will follow relevant processes to resolve the problems in line with their policies.

RSLs should involve CHCPs when it is clear that a household is causing serious and persistent anti social behaviour which has not been amenable to interventions to date and involves vulnerable adults or children. This could be by the RSL liaising initially with the appropriate Practice Team within the CHCP, to discuss the issues and provide background information. The CHCP should advise the RSL of appropriate responses and resources that are available to assist.

Where problems persist, and the RSL intends to take legal action, a formal referral will be made to the CHCP requesting a joint discussion which should take place within 4 weeks. If the joint discussion does not take place, the RSL may continue with its proposed course of action and should advise the CHCP and Community Casework Team of this formally.

RSLs should contact Glasgow Community Safety Services (GCSS) in writing regarding any intended action to seek an ASBO/ Interim ASBO. This correspondence should be copied to the CHCP along with a request for a Joint Discussion where vulnerable individuals/ children are involved. The Police will also be involved in such joint discussions. GCSS will liaise with the

relevant CHCP as required regarding appropriate representation at Joint Discussions.

RSLs considering use of a SSST for new tenants in relation to anti-social behaviour that have not been referred for housing under the Section 5 arrangement, must contact the relevant CHCP to agree the appropriate support package to allow the tenancy to be sustained and progress to a full SST. Thereafter a Joint Discussion should be convened involving the tenant to explain the agreed support and the conditions of the tenancy.

## **7. PARTNERSHIP AND JOINT WORKING**

- 7.1 The local Liaison Arrangements / Working Together SoBP describes the way in which RSLs and GCC will work jointly and in partnership. The effectiveness of this agreement relies on effective joint working to prevent eviction and sustain tenancies.

## **8. RESOLVING DISPUTES**

- 8.1 Should any dispute occur between the agencies each agency will nominate a representative and they will attempt to resolve the matter(s) by discussion and agreement as outlined in the Statement of Best Practice on Local Liaison Arrangements / Working Together. The Statement of Best Practice, however, recognises that the RSL will make the final decision on whether or not to proceed with the eviction.

## **9. MONITORING AND REVIEW**

- 9.1 In the context of the Statement of Best Practice on Local Liaison Arrangements and Working Together, GCC and RSL's should nominate members of staff to oversee the introduction and operation of this SoBP. At a local level monitoring of the SoBP in operation will be the responsibility of Local RSLs/ Social Work Liaison Groups set up under the SoBP on Local Liaison Arrangements and Working Together.

City wide oversight of SoBP operation will be through the central liaison meetings of the SoBP Working Group meetings.

