



Abandonment Policy

Linthouse Housing Association

<u>Policy Implementation Checklist:</u>
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<u>Policy Guardian:</u>	Director of Housing and Community Empowerment
<u>Policy Author:</u>	Housing Manager
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Section 1: Introduction

1.1 Abandonment Policy

1.1.1 Linthouse Housing Association is committed to providing housing for individuals in housing need. Where houses lie empty as a result of abandonment, the Association is not in a position to maximise its housing provision for those in genuine housing need.

1.1.2 The policy and associated procedures outline the processes that should be followed by staff members when dealing with abandoned properties. Whilst the Association recognises that the reasons for abandonment are varied, where abandonment is suspected, we will take prompt action to repossess an abandoned property as quickly as possible.

1.1.3 **Note:** In this Policy, Linthouse Housing Association is referred to as “we”, “us” or “our”.

1.2 Scope

1.2.1 This Policy applies to all current and prospective tenants and relevant staff members of the Association dealing with abandoned properties.

1.3 Equality and Diversity

1.3.1 We are committed to providing fairness and equality of opportunity in order to prevent discrimination in both the workplace and wider society. The Abandonment Policy and staff procedures will be applied in line with our Equality and Diversity Policy to ensure that no person is discriminated on the grounds outlined in the Equality Act 2010.

1.3.2 We will ensure our approach to dealing with abandoned properties takes into account the individual needs of our tenants and their households. Where required, appropriate arrangements will be made for communicating with our tenants.

1.3.3 This complies with the section of the Scottish Government's Scottish Social Housing Charter dealing with equalities which states that social landlords must perform all aspects of their housing services so that:

"Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services." (Outcome 1: Equalities).

1.4 Our Mission

1.4.1 The Abandonment Policy forms part of our mission to:

"deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in".

1.5 Our Vision and Values

1.5.1 Our vision is the creation and sustainment of lasting, unique, vibrant homes in stable, popular and ambitious urban communities. Our vision is underpinned by four core values which we apply to all areas of our business. These are to be:

- i. **Customer Driven**
- ii. **Honest**
- iii. **Accountable**
- iv. **Transparent**

1.6 Our Organisational Culture

1.6.1 Our **C.H.A.T** values as outlined, form the foundation of our **Listen, Hear, Act (L.H.A)** customer excellence and organisational culture programme. All staff receive training at induction on customer service standards and the organisational culture we promote. This includes reference to our Equality and Diversity Policy and a requirement to treat colleagues, tenants, contractors, service users, and any other stakeholders with dignity and respect.

1.6.2 The organisational culture we promote is based on finding solutions to suit customer needs regardless of individual differences We will:

1. **Listen** - We are committed to listening to those we do business with, be that our customers, staff, stakeholders, regulators or funders, to ensure that our responses are reflective of what people are saying to us.
2. **Hear** - Once we listen and understand the need/demand/offer that is presented, we will ensure that we fully understand what is being said.
3. **Act** - Whilst we will think about what we do, we want to be known for acting swiftly to deliver solutions and for always keeping our promises.

1.6.3 Our Customer Service Standards aim is to ensure all of our service users receive an excellent standard of service. The Standards helps define what our customers can expect when contacting or engaging with the staff in our office. It is available on our website, direct from the office, or in other formats as required.

Section 2: The Legal and Regulatory Framework

2.1 Housing (Scotland) Act 2001 & The Secure Tenancies

2.1.1 Section 17 and 18 and 19 of the Housing (Scotland) Act 2001 permits LHA to terminate a tenancy agreement where we have reasonable grounds for believing that:

- The property is unoccupied; and
- The tenant does not intend to occupy it as their principal home.

2.1.2 The Act also confirms that, where a landlord has reasonable grounds for believing that a tenant has abandoned the property, the landlord can legally enter the property at any time to make the property, and any fixtures and fittings, secure against vandalism.

2.1.3 Where there is an actual or suspected emergency situation i.e. burst pipe, gas leak, fire, security risk etc, the Association may force entry prior to the expiry of the Abandonment Notice or on service of the Notice so as to minimise any potential danger to other residents.

2.1.4 Prior to this occurring every reasonable effort will have been taken to contact known family and friends.

2.1.5 Section 17(2) of the Housing (Scotland) Act 2001 states “The landlord may enter the house at any time for the purpose of securing the house and any fittings, fixtures or furniture against vandalism”. In order to facilitate this, the Association can force open doors and locked places such as windows, outhouses and cupboards.

2.1.6 Section 19 sets out a tenants’ recourse to court by summary application within 6 months after the date of the termination.

2.1.7 Sections 20 and 21 of the Housing (Scotland) Act 2001 sets out requirements for the recovery of abandoned properties for a joint tenant and their rights of recourse to court.

2.2 The Secure Tenancies (Abandoned Property) (Scotland) Order 2002

The Secure Tenancies (Abandoned Property) (Scotland) Order 2002 (the order) is a piece of secondary legislation which states that a notice is served on the tenant regarding delivery of collection of property within 28 days.

2.3 The Scottish Social Housing Charter

Our policy also complies with the Scottish Social Housing Charter as follows:

- Outcome 1: Equalities
Social landlords perform all aspects of their housing services so that: “every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”
- Outcome 6 - Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes
Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that: “tenants and other customers live in well-maintained neighbourhoods where they feel safe.”

- Outcome 11 - Tenancy sustainment
Social landlords ensure that:
“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.”

2.4 Scottish Secure Tenancy Agreement

2.2.1 The Association’s tenancy agreement contains specific conditions regarding the tenant’s requirement to occupy the property as their principal home.

Section 2.1 of our Scottish Secure Tenancy Agreement provides that
“You must take entry to the house, occupy and furnish it and use it solely as your only or principal home.”

2.2.2 Section 6.4 and 6.8 refer specifically to reasonable grounds for believing that the tenant, or joint tenant has abandoned the house.

Section 3: Overarching Objectives and Implementation

This section outlines our overarching objectives and how we will implement these.

3.1 Overarching Objectives

3.1.1 Our primary aim is to identify, repossess and re-let our abandoned stock as quickly as possible, in order to ensure that we can maximise our housing provision for those in genuine need and minimise rent loss resulting from abandoned properties. In order to achieve our aim, we have the following objectives:

- Determine whether a property is abandoned and ensure that abandoned properties are able to be re-let quickly
- To maximise the opportunity for those in housing need to secure rehousing
- Minimise the time a property is unoccupied and minimise the potential rent loss

- Reduce estate management problems arising from an unoccupied property
- Through a robust sustainability policy, minimise the number of tenants abandoning properties
- To maximise the Association's rental income through creating a sustainable and stable community
- To minimise tenancy breakdown and prevent homelessness through preventative measures, tenancy support and partnership working
- To maintain a positive impression of the area through minimising the number of void properties

3.2 Implementation

3.2.1 Prevention

The Allocation process will be utilised by Customer Service Team (CST) staff in order to accurately and uniformly advise prospective tenants of the responsibilities associated with obtaining and sustaining a tenancy i.e. financial commitments and social responsibilities within a community.

Every effort will be made by CST staff to allocate sensitively and avoid possible reasons which could potentially lead to tenants abandoning their property.

3.2.2 Sustainability

We are committed to tenancy sustainment. Staff will ensure that tenants are supported to sustain their tenancies by applying the following principles:

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 – 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; and

Partnership Working – establishing partnership arrangements with agencies, especially local authorities who are able to assist in sustaining tenancies where appropriate.

3.2.3 Identification

All staff will be vigilant when carrying out home visits, and general estate inspections for signs of possible abandoned properties. Staff must have regard to the welfare, safety and rights of tenants when carrying out the abandoned house procedure.

Staff will also be alerted to potential abandonment where there is constant no access to specific properties (gas safety checks, new tenant visits, rent arrears etc).

3.2.4 Empty Property

If after thorough investigation we have reasonable grounds for believing that the property is empty and the tenant(s) do not intend to occupy it as their only or principal home, a notice will be served under the Housing (Scotland) Act 2001, sections 17-19, giving 4 weeks' notice of the requirement to confirm in writing, an intention to occupy the property.

Further investigations will be carried out during the 4 weeks notification period. Thereafter, if we are satisfied that the property has been abandoned, a further notice will be served on the tenant bringing the tenancy to an end with immediate effect. Staff can at this point take possession of the property.

3.2.5 Joint Tenants

If after thorough investigation we have reasonable grounds for believing that a joint tenant does not intend to occupy the property as their only or principal home, a notice will be served under the Housing (Scotland) Act 2001, sections 20 & 21, giving 4 weeks' notice of the requirement to confirm in writing, an intention to occupy the property.

Further investigations will be carried out during the 4 weeks notification period. Thereafter, if we are satisfied that the joint tenant has abandoned the property, a further notice will be served on the tenant bringing their interest in the tenancy to an end with effect from a specified date which

must not be earlier than 8 weeks after the date of service of the second notice.

3.2.6 Response from Tenant/Joint Tenant

Where the tenant/joint tenant responds to a notice, the Customer Service Team will arrange a house visit to confirm they are living in the property or, if they are not living in the property, confirm when they intend to return.

Every effort will be made to support the tenant to remain in their home.

Where the CSO confirms that the tenant has resumed occupancy a confirmation letter will be sent to the tenant confirming the abandonment notice has been cancelled.

3.2.7 Disposal of Furniture and Belongings

If the tenant has left furniture or any other belongings, two members of staff must be in attendance to record an inventory of the items left, including photographs of every room and cupboard whether or not there are belongings remaining. We are obliged to store the property left in the abandoned property for a 6 months' period unless the value of the property left is less than the costs for storage for this length of time. Following the 6 months period we can arrange disposal of the belongings and arrange for proceeds from the sale to be used to cover storage costs and/or outstanding rent arrears, where applicable.

3.2.8 Customer Service Team Records

All notices of abandonment will be clearly logged in a specific spreadsheet which will be checked on a monthly basis by the Customer Service Team.

Section 5: Appeals

- 5.1 Tenant's/joint tenants' who are aggrieved by the termination of their tenancy under abandonment procedures may raise proceedings by Summary Application in accordance with Sections 19 & 21 of the 2001 Act.

5.2 Any aggrieved tenant has the legal right to appeal to the sheriff court within 6 months from the date the tenancy was ended. The court must either grant a declarator that the notice is of no effect (where the house has not been relet) or direct the Association to make other suitable accommodation available where the house has been relet.

This will apply whenever the Association:

- Has not served a valid abandonment notice
- Did not have reasonable grounds for finding the house to be unoccupied/or that the tenant did not intend to occupy it as her/his home, or
- Acted in error in finding that the tenant did not intend to occupy the house as their home and the tenant had reasonable cause by reason of illness or otherwise for failing to notify the Association of their intention to occupy.

Notes:

1. A declarator is a declaration by the court of a person's rights;
2. Suitable alternative is defined by the Housing (Scotland) Act 2001 Schedule 2, Part 2. Essentially it is accommodation that is 'like for like' with the previous accommodation.

Section 6: Complaints and Performance Monitoring

6.1 General Complaint Handling Procedure

6.1.1 Our complaint handling procedure was established by the Scottish Public Services Ombudsman (SPSO).

6.1.2 In accordance with housing law, we provide our tenants with information pertaining to our complaint handling process. Moreover, we also advise all service users on their right to complain.

6.1.3 A complaint is defined as:

“An expression of dissatisfaction by one or more members of the public about the housing association’s action or lack of action, or about the standard of service provided by or on behalf of the housing association”.

6.1.4 Our complaints handling process includes explicit reference to customer complaints relating to equalities issues. In addition, we have a regulatory requirement to provide information to the Scottish Housing Regulator on the number of customer complaints we receive that relate to equalities issues in the Annual Return on the Charter.

6.2 Performance Monitoring

6.2.1 To ensure that we quickly identify and tackle emerging patterns or trends, detailed information will be recorded and presented to the Management Committee on a 6 monthly basis.

- Abandonments will be monitored by number, area, type of property and size of property, household type, including by age, ethnicity, disability, gender etc.
- Number of appeals raised and outcomes.

6.2.2 The number of abandoned properties during the year will be reported to the Scottish Housing Regulator in the Annual Return on the Charter.

Section 7: Review

7.1 This policy will be reviewed **every 3 years** to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed. Continuously subjecting our Policy to review will ensure that its effectiveness is maintained, and that feedback can be acted upon in a reasonable time frame.

Appendix 1: Equalities Impact Statement

TITLE OF POLICY:	Abandonment Policy
Strategic Outcome:	Minimise the number of abandoned properties and maximise LHA provision of housing for people in genuine housing need
What is the purpose of the proposed Policy?	The purpose is to provide staff with guidelines to help identify and minimise the number of properties that have been abandoned.
Protected Characteristic Groups affected by the Policy	Vulnerable adults and young persons and any of the following protected characteristics impacting ability to understand or communicate effectively, for example: <ul style="list-style-type: none"> • age • disability • race including colour, nationality, ethnic or national origin
Who is the target audience of this policy or who is intended to benefit from the proposed policy and how? (ie. employees, service users, management committee etc.)	All current and prospective tenants and relevant staff members of the Association dealing with abandoned properties
List any existing documents, evidence, research which have been used to inform the EqlA (this must include relevant data used in this assessment)	None
Has any consultation involvement been undertaken with the Protected Characteristic Groups to inform this assessment? (please provide details of who and how consulted)	None
What is the actual likely impact?	Low impact
How have you, or will you, put the Policy into practice, and who is or will be responsible for delivering it?	Customer Services Team and to a lesser extent the Asset Management Team
How does the Policy fit into our wider or related policy initiatives?	The policy fits into our Allocations Policy and wider initiative to support tenancy sustainment
Do you have a set budget for this work?	None