



Cassiltoun

Housing Association

POLICY FOR RENT MANAGEMENT

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Chair Person/Office Bearers Signature:	

CASSILTOUN HOUSING ASSOCIATION IS A REGISTERED SOCIAL LANDLORD (84) AND A
REGISTERED SCOTTISH CHARITY (SC035544)

CASSILTOUN HOUSING ASSOCIATION LTD
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CASSILTOUN HOUSING ASSOCIATION LIMITED

POLICY FOR RENT MANAGEMENT

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1. INTRODUCTION

- 1.1 Cassiltoun Housing Association Limited is a Registered Social Landlord (RSL) with the Housing Regulator, and was registered with its forerunner, Communities Scotland and the Housing Corporation in Scotland, in 1985.
- 1.2 The Association is committed to providing high quality, affordable and accessible social rented housing to those in greatest housing need, contributing to the physical, social and economic regeneration of the area, the provision of housing for people with specialised needs and to provide a safe environment for our residents to enjoy. To facilitate this and to give guidance and clarification to both staff and members of the public, the Association has a Rent Management Policy which has been approved by the Board of Management.
- 1.3 The prevention and effective management of rent arrears is crucial to the maximisation of resources available to Cassiltoun Housing Association Limited (hereinafter referred to as the “Association”) to improve and maintain its stock but also to support its tenants to avoid rent arrears debt and the potential risk of tenancy termination. Effective management is a requirement of the Scottish Regulators Tenants’ Social Housing Charter and also evidences a commitment to value for money.
- 1.4 The Association receives the majority of its rental income through housing benefit/universal credit payments. Research has shown that many people do not claim the full benefit to which they are entitled. This is a matter of general concern for the Association when so many of its tenants depend on the benefit system for their income and ability to pay rent.
- 1.5 Rent arrears may be just one of many debts that a tenant has, therefore managing arrears effectively involves good internal liaison between the Housing Services Team and the Money Advice Team and effective referral mechanisms and joint working with other support services such as, Housing Benefit Services, Department of Works and Pensions, Debt Counselling and Advice Agencies, Social Work and Homelessness Services. It is therefore important for the Association to develop a consistent and corporate approach to the recovery and prioritisation of housing debts.
- 1.6 This policy therefore sets out to ensure that tenants receive a consistent and unambiguous approach to rent arrears recovery across the organisation. The Association will act to prevent arrears of rent and service charges building up. We will recover any arrears fairly and effectively. It also recognises the need for a comprehensive strategy which links arrears management to service strategies for income maximisation, rent setting, collection and accounting and as a result contributes to the Association’s Business Plan.

2 SCOTTISH SOCIAL HOUSING CHARTER & REGULATORY STANDARDS OF GOVERNANCE AND FINANCIAL MANAGEMENT

The Scottish Social Housing Charter sets out the outcomes a registered social landlord is expected to achieve in their business. The following table outlines the outcomes and how we will achieve them as part of this Policy:-

Outcome	How we will achieve this
1: Equalities Social Landlords perform all aspects of their housing services to that : <i>They support the right to adequate housing</i> <i>Every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.</i>	Where English is not the first language of our tenants, or for those who are hearing or sight impaired for example, we will take steps to communicate taking account of individual needs. We will work with tenant's representatives where authorised to do so where there are health issues which effect the tenant. Our offices are equipped to help those who are mobility impaired.
2: Communication Social Landlords manage their businesses so that: <i>Tenants and other customers find it easy to communicate with their landlord and get information they need about their landlord, how and why it makes decisions and the services it provides.</i>	We will utilise technology to communicate effectively with tenants based on their needs and wishes including translating into community languages. Before allocating a property, we will explain to the applicant how they need to pay their rent and how entitlement to help with their rent costs can change. We will publish in our newsletters and in our annual report to tenants how their rent money is spent and will include in our Annual Report on the Charter how we perform in collecting monies due. We will actively engage with tenants at an early stage to assist them with paying rent and will advise tenants of where they can get advice and assistance including our inhouse Money Advice Team.
7/8/9: Housing Options Social landlords work together to ensure that: <i>People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.</i> <i>Tenant and people on housing lists can review their housing options.</i> Social landlords have a role to prevent homelessness and should ensure that: <i>People at risk of losing their homes get advice and information on preventing homelessness.</i>	Our Allocation policy sets out clearly the circumstances where we will accept an application if the person has rent arrears. We will advise in advance what the rent charge and other sots are in advance of offering an applicant a tenancy. We are open and transparent in working with tenants who have accrued arrears. All engagement with tenant will detail where they can access advice and assistance on Money, Welfare and Debt advice including appointments with the inhouse Money Advice Team. All Pre-Action Requirements will be followed as a minimum and tenants where arrears are increasing will be informed of the steps that we are taking, legal action and possible re-possession of the property. They will be advised in clear simple language that they are at risk of losing their home. They will be advised to contact Glasgow City Council

	– Homelessness Team who may be able to assist them should they be evicted.
11: Tenancy Sustainment Social Landlords ensure that: <i>Tenants get the information they need on how to obtain support to remain in their home; and ensure that suitable support is available, including services provided directly by the landlord and by other organisations.</i>	Where a tenant has accrued arrears we will be open, honest and transparent in all our dealings with them. At each step of the arrears policy we will ensure that Pre-action requirements are followed, referrals are made to the in-house Money Advice Team, tenants are advised where they can access external advice and support. Where legal procedures are to begin tenants will be advised to contact Glasgow City Council – homelessness team and independent legal advice.
13: Value for money Social landlords manage all aspects of their businesses so that: <i>Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.</i>	We will actively manage all rent accounts to ensure that those tenants whose accounts are in arrears are progressed by staff timeously in line with the Pre-Action Requirements. Staff will engage with these tenants to enter into affordable repayment arrangements to achieve repayment of the debt and sustainment of the tenancy. We will only consider legal action and ultimately eviction where absolutely necessary for tenants who will not engage with the Association and/or pay their rent. In turn we will ensure that the projected income is generated to sustain the business.
14/15: Rents and Service Charges Social landlords set rents and service charges in consultation with their tenants and other customers so that: <i>A balance is struck between the level of services provided, the cost of the services and how far current and prospective tenants and service users can afford them.</i> <i>Tenants get clear information on how rent and other money is spent including details of any individual items of expenditure above thresholds agreed between landlords and tenants.</i>	We will consult with tenant each year before considering any increase in the rent or service charge. We aim to provide low cost rent and efficiency in all aspects of our operations to keep costs manageable while also ensuring the viability of the business and maintaining the quality of the stock. We publish how we have spent the rental income in tenant newsletters and the Annual Return on the Charter Tenant Report Card.

Our Policy also complies with the Scottish Regulators Regulatory Standards of Governance and Financial Management, in particular **Standard 3: *The Registered Social Landlord manages its resources to ensure its financial well-being and economic effectiveness.***

3. LEGISLATIVE FRAMEWORK

In formulating and implementing this policy, statutory requirements and good practice have been incorporated where required. Relevant legislation and regulatory guidance include:-

- 3.1 **The Scottish Secure Tenancy Agreement** used by the Association describes the obligation that tenants have to pay rent monthly in advance.
- 3.2 **The Housing (Scotland) Act 2001** sets out the legal framework for any action by the Association to recover tenancies on the grounds of rent arrears.
- 3.3 **The Homelessness etc (Scotland) Act 2003** requires the Association to notify Glasgow City Council if proceedings are raised to recover a property. (Section 11 Notice issued by the Association's solicitor).
- 3.4 **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 and **the Scottish Social Housing Charter** which sets the standards and outcomes that all Scottish social landlords should aim to achieve when performing their housing activities.
- 3.5 **Housing (Scotland) Act 2014** Part 2, Section 6 allows social landlords to set a minimum period before any applicant (except applicants being assessed as homeless by the local authority) is eligible for the allocation of housing for various circumstances, including rent arrears, unless the applicant is taking meaningful steps to repay the debt.
- 3.6 **The Data Protection Act 2018** which was brought in as a result of the General Data Protection Regulations which came into force on the 25th May 2018 and sets the standards for gathering and sharing information.
- 3.7 **The Equality Act 2010** introduced nine protected characteristics and requires the Association to ensure that policies and procedures to provide fair and equal treatment for all.
- 3.8 **The Welfare Reform Act 2012** which changed the rules concerning a number of benefits offered within the social security system including changes to Housing Benefit and introduction of Universal Credit.
- 3.9 **Bankruptcy (Scotland) Act 2016** which details how a person (tenant) can deal with their debt and apply to be sequestrated.

4. DELEGATION OF RESPONSIBILITIES

- 4.1 Overall control of the policy rests with the Board of Management who receive regular performance monitoring reports and are required to approve the policy on a minimum three yearly basis. Training will be provided on this Policy after each policy review or after the AGM when new Board Members are appointed.

4.2 The following table provides a high-level summary of the staff roles and responsibility in relation to rent arrears management.

Staff Title	Responsibility
Board of Management	Reviewing the policy minimum every 3 years. Make decisions on approving court actions up to and including decree for eviction based on the reports presented by the Housing Manager. Monitoring performance – actual versus target for rent arrears and rent collection.
Housing Manager	Overarching responsibility for performance and adherence to policy/procedure/legislative requirements. Review the policy every 3 years before Board approval is sought. Present KPI performance reports and Court Action reports for approval to the Board. Line Management of the Housing Officers. Regular audit of arrears cases. Assessing and implementing staff training needs. Approve legal action and delegated authority from Board of Management to approve eviction orders in line with approvals from Board.
Housing Officers	Line management of Housing Assistants ensuring performance monitoring and adherence to policy/procedure/legislative requirements, regular audit of cases. Contribute to policy and procedure reviews. Ensure a collaborative approach to minimise rent arrears and maximise rental income. Attend training as required.
Housing Assistants	Ensure a collaborative approach to minimise rent arrears and maximise rental income. Adherence to policy/procedure/legislative requirements. Contribute to policy and procedure reviews. Attend training as required.
Customer Services Assistants	Early intervention for tenants getting into arrears. Ensure a collaborative approach to minimise rent arrears and maximise rental income. Attend training as required.
Money Advice Team	Ensure a collaborative approach to minimise rent arrears and maximise rental income. Maximise tenant's income to empower them to be able to pay their rent.
All Board and Staff	To maximise the income of the Association by effectively implementing the arrears policy, whilst ensuring fairness and empathy for those facing financial difficulties.

5. PRINCIPLES, AIMS & OBJECTIVES

- 5.1 To help prevent the development of arrears by providing information, advice and offering a complete Money Advice Service to tenants and prospective tenants to help them maximise their incomes and improve their ability to pay their rent.
- 5.2 To have a firm but sensitive approach to arrears recovery that involves responding promptly and purposely to non-payment of rent.
- 5.3 To ensure early intervention to prevent arrears from accruing or increasing.
- 5.4 To respond effectively where rent arrears persist by establishing personal contact at an early stage and by making formal and sustainable repayment arrangements.
- 5.5 To take legal action only as a last resort, for example when there is continuous non-payment, repeated default on arrangements or non-co-operation by the tenant. Legal action will only be considered where appropriate and cost effective.
- 5.6 To ensure compliance with the Pre-Action Requirements of the Housing (Scotland) Act 2001 Section 14 and 14a as amended by section 155 of the 2010 Act.
- 5.7 To set and meet specific targets for the control and reduction of arrears.
- 5.8 To prevent homelessness through effective arrears management and by having sound systems in place for identifying vulnerable households.
- 5.9 To promote a positive payment culture, for both new and existing tenants and to encourage communication and contact when financial difficulties arise.
- 5.10 To develop and encourage good working relationships with partner agencies such as Glasgow City Council, the Department for Works and Pensions, Health and Social Care Partnership, Castlemilk Credit Union and Law Centre.

6. POLICY

The Association's arrears strategy and policy has five distinct features, all of which are interdependent and essential, and taken together form a comprehensive arrears policy, which seeks to prevent arrears of rent, reduce them when they do occur and minimise tenants' debt and the Association will only evict as a last resort. Its key elements are:

- Arrears Prevention
- Arrears Management
- Arrears Recovery
- Pre-Action Requirements and Legal Proceedings
- Performance Monitoring

The relationships between staff, the tenant and external agencies are a key factor in resolving rent arrears. Early intervention and ongoing contact can be an extremely positive way of building that relationship. Arrears prevention strategies emphasise the quality of that contact and focus on how that can be developed. There are a number of critical elements in the Association's arrears prevention strategy:

- Rent consultation, setting and collection
- Housing Benefit and Universal Credit
- Benefit and Money Advice, Debt Counselling, Income Maximisation
- New and existing tenant support

7. ARREARS PREVENTION

7.1 The prevention of rent arrears is fundamental to good rent account management. Promoting good payment practices amongst tenants and helping to stop arrears from accruing is key to the Association's Policy Aims of maximising rental income and sustaining tenancies.

7.2 The following approaches form part of the policy of prevention:-

- **Advice to new tenants** – At pre-tenancy or tenancy commencement, tenants will be provided with clear and detailed information on rent charges for the property they have accepted.
- **Promoting a positive payment culture** – By highlighting to tenants the link between rental income and the Association's ability to deliver a high-quality service. By ensuring that tenants are aware of the possible consequences of non-payment in relation to their tenancy. The Arrears Policy is available on the website and on request to any tenant who wishes a copy.
- **Welfare Benefit and Money Advice** – The Association has an inhouse Welfare Benefits and Money Advice Team who offer specialist advice and support not only to ensure benefit entitlement maximisation but also to advise and assist with debt management including liaising with 3rd parties on the tenant's behalf.
- **Independent Financial Advice** – In addition to the inhouse services provided the Association will also provide information, signposting and referrals to other advice agencies as required.

8. ARREARS MANAGEMENT

8.1 Complementary to this Policy is a written procedure for all staff involved in arrears management, to ensure a clear and consistent approach to the principles of this policy and that good practice is maintained.

8.2 There is a requirement for accurate and up to date information to be maintained in order to alert staff to emerging arrears cases.

8.3 Rent accounts will be actively monitored on a minimum weekly basis to identify arrears at an early stage. Action should start as soon as a rent payment is missed. There should be an emphasis on personal contact between housing services staff and tenants, as this approach is key to better engagement and improved arrears recovery. Staff may use a variety of methods to contact tenants including:-

- Home visits
- Office appointments
- Telephone calls
- Text messages
- E-mails.

- 8.4 The main aim of arrears recovery is to engage quickly and directly with tenants when arrears accrue or increase. Such an approach will mitigate against days being lost on letters being issued and a response awaited from the tenant.
- 8.5 Direct communication allows for improved outcomes for the tenant and can provide a better understanding of presenting issues and in turn provision of support.
- 8.6 In order to ensure that pre-action requirements are followed letters will be required to be issued and in the correct order to ensure that evidence can be presented should the case have to be referred to court.
- 8.7 All forms of contact and outcomes must be recorded on HomeMaster.
- 8.8 Repayment arrangements should be monitored and reminder letters issued where appropriate.
- 8.9 Minimising arrears and successfully recovering debt is the key objective of this Policy. An over-prescriptive approach is not necessary or conducive to meeting this objective.

9 ARREARS RECOVERY

- 9.1 The Association will adopt a firm but sensitive approach to arrears recovery. Visits to tenants as soon as arrears arise may reveal other issues such as multiple debts, illness, harassment or relationship breakdown. Where tenants are vulnerable specialist support may be required. This includes the Association's Money Advice Team, Social Work Services and/or Mental Health Teams. This can support tenants and staff when a need is identified and links to tenancy sustainment.
- 9.2 Arrears Recovery will be based on a staged process of escalation of actions, up to and including repossession for non-payment of rent. The separate stages will be based on timescales that are achievable. Emphasis will be placed on intensive management and personal contact whilst arrears are at a relatively low level, in order to prevent escalation of arrears. However, procedures will also include clearly defined stages and circumstances at which legal action will be pursued, with a view to minimising the overall timescale required to successfully complete recovery action, if this is necessary.
- 9.3 We will explain concisely the action that we are taking against tenants to recover rent arrears, stressing at all times the serious implications that failing to pay rent may have on the tenancy.
- 9.4 We will provide welfare rights, debt counselling and specialist income maximisation advice to our tenants who accrue rent arrears and may also direct them to other agencies who may be able to assist them further, for example where a tenant has multiple debts.
- 9.5 We will arrange and monitor repayment plans closely in accordance with our rent management procedures to prevent arrears from increasing. The repayment plan will be formally agreed in writing with the tenant and witnessed by an appropriate staff member. If the tenant fails to keep to the repayment plan, then we will pursue the tenant for the missing payments. This may take the form of letters, e-mails, telephone calls, home visits etc.

- 9.6 Where a tenant is more than 8 weeks in arrears, is not co-operating with the Association and receives income-based benefits either Housing Benefit or housing costs through Universal Credit, direct rent payments and arrears direct payments will be requested.

10. PRE-ACTION REQUIRMENTS AND LEGAL PROCEEDINGS

- 10.1 In circumstances where a tenant persistently fails to pay rent, has broken agreements for payment and where the Association believes no other alternative action is appropriate legal action will be commenced.
- 10.2 The Housing (Scotland) Act 2001 allows the Association to take legal action against tenants in arrears. The Grounds for Recovery are stated in Schedule 2 of the Act. The relevant ground for rent arrears is found under Schedule 2 part 1 which states:

“Rent lawfully due from the tenant has not been paid or nay other obligation of the tenancy has been broken.”

Prior to commencing legal action, the tenant and all qualifying occupants (all known members of the household over the age of 16 years) will be issued with a Notice of Proceeding. This will allow the Association to take legal action over the duration of a six-month period starting one month from the date the Notice is delivered.

Pre-Action Requirements

- 10.3 The Housing (Scotland) Act 2010 introduced pre-action requirements that all Registered Social Landlords must satisfy before serving a Notice of Proceedings on a tenant. To meet these Requirements, the Association must provide evidence that the following steps have been taken before pursuing legal action:
- Give information about the tenancy agreement and the unpaid rent or other financial obligations.
 - Make reasonable efforts to give help and advice on eligibility for housing benefit and other types of financial assistance.
 - Give information about sources of help and advice with the management of debt.
 - Make efforts to agree with the tenant a reasonable plan for future payments.
 - Take into account the likely result of any Housing Benefit application not yet awarded.
 - Consider other steps the tenant has taken which are likely to result in payment within a reasonable time,
 - Consider whether any arrangement plan has been maintained for future payments.
 - Encourage the tenant to contact their local authority in the event of homelessness.

The decision to serve a Notice of Proceedings rests with the Housing Officer. All Pre-Action Requirements must be fulfilled and the Housing Officer must complete the Notice of Proceeding template to document that these requirements have been met.

Homelessness (Scotland) Act 2003 – Section 11

- 10.4 Section 11 of the 2003 Act places a duty on landlords to notify their local authority when court action is being raised against a tenant for repossession of a property. This is to alert the local authority that the household is at risk of homelessness. A Section 11 notice will be prepared by the Association's Solicitor and sent to Glasgow City Council's Health and Social Care Department to notify them of the details of the family facing impending court action. This will provide the Health and Social Care Partnership the opportunity to intervene at an early stage and to contact the Association to discuss the case. The Section 11 Notice must be uploaded and recorded in HomeMaster.

Legal Rights of Household Members to Participate in Court Action

- 10.5 Anyone over 16 years of age on the date of service of the Notice is classed as a qualifying occupier and is entitled to receive a copy of any Notice of Proceedings and can take part in any court proceedings. Qualifying occupiers can include:
- A member of the tenant's family.
 - A person to whom the tenant has assigned or sub-let all or part of the tenancy.
 - A person whom the tenant has taken in as a lodger, with the consent of the Association.
- 10.6 Tenants have a contractual duty to keep the Association updated on all those living in the property. There may, however, be occasions where the Association is unaware of all those forming part of the household composition and therefore a Notice is not served on a qualifying occupier. To ensure that the Association takes all reasonable steps to gather household details the following action will be taken:
- Household composition details will be checked with the tenant during arrears interviews.
 - During the sign up process emphasis will be placed on the requirement to keep the Association informed of who is living in the property.

Court Action

- 10.7 If Court Action is to be raised the Association will pass the case onto their solicitor who will submit the summons to the Court. Once at Court the solicitor acting on behalf of the Association has to convince the Sheriff that the ground is established and that it is **reasonable** to evict. The need for clear and detailed records being kept at all stages of the arrears process is vital in evidencing reasonableness. This requirement must therefore inform how we engage with the tenant while legal action is being taken.
- 10.8 No reasonable offer of repayment will be refused at the first calling of the case and a continuation will be sought where a reasonable offer has been made in order that this arrangement can be monitored for payment. Repayment arrangements are acceptable at any stage of recovery action up to and including the first calling in court, and should reflect the tenant's ability to pay.
- 10.9 Whilst the case is at court the Operations, Housing Services Team will continue to pursue contact with the tenant. The aim is to encourage the tenant to make a formal arrangement and support him/her to adhere to that arrangement. For continued non-

payment a final appointment with the Housing Manager and the Money Advice Team will be offered to the tenant and any other mutually agreed agencies to consider the current position, why arrears continue to increase and what if anything can be done to support the tenant to manage their debt.

- 10.10 If arrears continue to increase a decree for eviction will be sought which if granted will be enforced. However, the Decree is valid for a 6-month period and the Association can, if the tenant agrees to pay the arrears off within the 6-month period, hold the decree for the 6-month period at the end of which if the arrears are still not paid in full, enforce the Decree.

11. PERFORMANCE MONITORING

- 11.1 In order to judge the success of this policy, the Board of Management will receive quarterly monitoring reports on the Key Performance Indicators contained within the Operations Service Plan including those on arrears performance. These will include:-

- Current arrears as a percentage of gross annual debit.
- Monthly rent receivable
- Analysis of arrears by amount owed and number of tenants in each category.
- Analysis of performance against targets
- Total amount of rent arrears
- % of tenants owing more than £500.00 rent
- Number of cases with live NOPs
- Number of cases with live court action pending
- Level of former tenant arrears
- Number of evictions resulting from rent arrears

- 11.2 The monthly reports will include an analysis of the figures and performance against targets set and any recommendations for policy/ procedural change.

- 11.3 The Board of Management have responsibility for approving all court actions to be raised up to and including decree for Eviction.

12. RENT CONSULTATION, SETTING AND COLLECTION

- 12.1 The Association will annually involve tenant's in meaningful rent increase consultation. The Association will set rents which are affordable to all including those in low paid employment, whilst ensuring that management and maintenance costs are met and are comparable with rents charged by other social landlords in Glasgow.

- 12.2 Tenant's will be advised annually of the rent increase and the new amount that they are required to pay a minimum of 28 days prior to the rent increase being applied. They will be advised to contact Housing Benefit to advise of the new rent amount or if they are on Universal Credit to go onto their journal and update their rental charge there. We will issue a 6 monthly rent statement in order that tenants can clearly see the amount that they have been charged, the payments that they have made and any arrears or credit on their account.

- 12.3 The Association will also offer a variety of ways in which tenants can make payments which will be reviewed and new payment options added as and when appropriate.

These currently include:

- Housing Benefit Direct Payment
- Managed Payment to Landlord from Universal Credit
- Direct Debit

- All pay at - Post Office or any PayPoint outlet using their rent card
- Bank of Scotland
- Bank Standing Order
- Chip & Pin in the Association's office in person or via telephone
- Internet Banking

12.4 In line with their Scottish Secure Tenancy Agreement tenants are encouraged to pay rent and other charges, one month in advance, in full on or before the 1st of the month. The Association values the support of those tenants who regularly pay on time.

13. HOUSING BENEFIT AND UNIVERSAL CREDIT

13.1 Housing benefit and Universal Credit, Managed Payment to Landlord is the largest element of Cassiltoun Housing Association's rental income at 59% in 2023/24 (ARC Data) with 65% of the Association's tenants in receipt of housing benefit or Universal Credit, Managed Payment to Landlord. Supporting tenants to submit claims and update journals accurately and on time must be a key priority for staff in seeking to prevent arrears. Building up an effective relationship with the Glasgow City Council Financial Services Department and the Department of Works and Pensions is also essential to ensure that housing benefit and universal credit claims are processed on time in order to prevent arrears accruing from late or non-submission of claims forms, also;

- Tenants are encouraged to pay benefit direct to the landlord where appropriate.
- Shared information is registered as such under the General Data Protection Regulations and the Data Protection Act 2018.
- Staff regularly check tenants' benefit entitlement, especially at arrears interviews.
- Tenants in receipt of Housing Benefit are encouraged to return claim forms, change of circumstances and Review Forms promptly and will be assisted by the Housing Services and Money Advice Team to complete these forms on line.
- Tenants will be assisted with completion of appropriate forms such as Housing Benefit forms, Discretionary Housing Payment, 4-week overlap, and assisted with reducing their overpayment deductions.
- Tenants' receiving Universal Credit are encouraged to manage and maintain their claim on-line through their journal and to report any changes in circumstances. The Housing Services and Money Advice Team can provide assistance with this.
- Appointments will be arranged with the Money Advice Team as required.
- Staff should advise tenants of the potential benefits and consequences of certain actions and the potential financial effect on Housing Benefit or Universal Credit Housing Costs e.g. taking in a lodger.

14. BENEFITS ADVICE, DEBT COUNSELLING , INCOME MAXIMISATION AND LIAISON

Any preventative strategy must include the provision of benefits advice, debt counselling, information on income maximisation and liaison with other agencies. Cassiltoun Housing Association have employed their own Money Advice Team

consisting of an Advice Team Co-ordinator who specialises financial inclusion and debt management and two part time Welfare Rights Officers specialising in benefit advice. This Team will deliver a full package of practical support advice and information to the Association's tenants. This will include assisting in debt management e.g. contacting fuel provider and negotiating repayment arrangements, assisting with benefit applications and attending Tribunals to appeal benefit claim rejections.

In addition to this the Team will provide training and support to the other members of the Housing Services Team and report performance quarterly to the Board of Management..

15.0 NEW AND EXISTING TENANCY SUPPORT

New Tenant Strategies

15.1 Through the Housing Options process, pre-tenancy advice assistance and counselling will be offered to all prospective and transferring tenants. This will involve among other things:

- Explaining what the rent is and the tenants' responsibility to pay, where and when.
- Advice on housing benefit eligibility and universal housing costs and the importance of completing claims forms and keeping GCC Financial Services and the DWP through the tenant portal informed of changes in circumstances.
- A referral to the Association's Money Advice Team will be offered to every new tenant at the point of sign up. This ensures that a benefit check is carried out to maximise the tenant's income not just their housing cost element.
- Once an offer has been accepted the new tenant will be assisted to complete a new claim for housing benefit or universal credit and to report a change in circumstances for either. This must be completed within one day of the sign up to ensure that the effective date is the same as the date of entry. The, Housing Services Team will check daily the Trusted Landlord Portal and will verify any requests for rent charges.
- A check for former tenant arrears and where necessary a repayment plan will be agreed which must be adhered to.
- Home visits will be made to new tenants; the first within 6 weeks of the date of entry and rent and benefit checks will be discussed at each visit.

Existing Tenants

The Association will publicise relevant money and benefit advice in our newsletters, website and social media.

Association staff will be proactive in maximising income, housing benefit and housing costs in order to minimise the risk of rent arrears occurring. Association staff will react promptly to all notifications received from GCC Financial Services or DWP. Particularly in relation to a lack of response to:

- Confirmation of rent charge
- Requests for necessary information or documentation
- Failure to re-apply at review of entitlement

16. TENANTS WITHHOLDING RENT

16.1 There may be occasions when a tenant states that they are withholding their rent payments. This is usually due to wanting/awaiting repairs being carried out to their property. This is covered in the tenant's Scottish Secure Tenancy Agreement *Sections 5 Repairs and maintenance: our responsibilities and rights paragraph 5.19 and Section 9: Complaints paragraph 9.3.*

16.2 SST 5.19 states that:
"If we have failed to carry out repairs that we should under this Agreement, you have the right to carry out the repairs yourself and deduct the reasonable cost of doing so from your rent"

SST 9.3 states that:
*"If we have failed to carry out any of our ***material** obligations under this Agreement, you have the right (in addition to other legal rights you may have) to withhold your rent until we do comply with our obligations"*

**this would not include minor repairs or improvements the definition is wind, watertight and reasonably fit for human habitation.*

Both SST 5.19 & 9.3 go on to state:

However, you may only do so if:

- *You have told us in writing why you think we have broken this Agreement: AND*
- *We have not fulfilled our obligations within a reasonable period; AND*
- *You have made a formal written complaint under our complaint's procedure; AND*
- *You have finished the complaints procedure and you are still dissatisfied OR 3 months have passed since you made a formal complaint under the complaint's procedure.*

16.3 Unless all the above criteria are met tenants do not have the right to withhold their rent and should be advised of this and the serious consequences that not paying their rent could have on their tenancy.

16.4 Tenants should be advised of this in writing and the process that they have to go through before withholding their rent.

16.5 Tenants should be referred to their Scottish Secure Tenancy Agreement and advised to take legal advice before withholding their rent as their home is at risk if they wrongly exercise this right.

16.6 This policy should be applied to any tenant withholding their rent wrongly and pre-action requirements followed.

17. FORMER TENANT ARREARS

17.1 It is vital for the Association to ensure that bad debts are kept to a minimum and income maximised, therefore, former tenant arrears will be pursued timeously and vigorously.

17.2 At the point of termination, the outgoing tenant must be made aware of any debt or credit on their account. If the account is in debt they will be advised on how this

must be paid and the consequences of non-payment. If unable to pay in full a repayment arrangement must be entered into and maintained. In order to facilitate this a forwarding address should be obtained. If the account is in credit the tenant will be asked to sign a BACs form in order that once the tenancy has been closed down the credit amount left can then be transferred into their bank account.

- 17.3 Where a former tenant arrear has accrued, this will be managed through a process of regular monitoring and appropriate action being taken. The former tenants involved will be encouraged to agree a repayment plan that is affordable and sustainable.
- 17.3 Legal action to recover the arrears will be taken in cases where an assessment of the former tenants' financial circumstances indicates that such action would be appropriate. E.g. when a former tenants employment details are known for a wage arrestment. The cost of the action cannot outweigh the debt as this is not cost effective.

18. WRITE OFFS

- 18.1 Where a debt is uneconomic to pursue, or attempts to recover arrears by letter, telephone contact, e-mail or solicitor have failed or the former tenant's whereabouts are unknown, or the tenant is deceased, or there is no prospect of recovery the debt will be written off as an irrecoverable debt.
- 18.2 A regular review of irrecoverable debts and proposed write offs should be completed, this should normally be done annually and the process should identify those accounts where avenues for recovery have been exhausted and are subsequently deemed to be un-collectable.
- 18.3 A write off report will be taken to the Board of Management at least annually for approval to write off. The report will include the amount to be written off and the reason that the sums are irrecoverable. Former tenant arrears written off will be reported in the ARC.
- 18.4 Any written off debt may be re-activated, and recovery action recommenced if the former tenant's whereabouts become known or information provided which indicates a significant change in their circumstances.

19. CREDIT BALANCES

- 19.1 Credit balances can occur on the rent accounts of both existing and former tenants in particular circumstances. These balances will be managed through the process of regular monitoring with refunds being made to current tenants only after checks for possible overpayments with the relevant agencies have been made and when requested ensuring that the tenants account remains one month in advance in line with their Scottish Secure Tenancy Agreement and to former tenants where possible. However, where there are outstanding recoverable charges (such as re-charge repairs, legal fees etc.) any credit balance will be off set against this before a refund is made. Where there is no prospect of returning a credit balance to a former tenant this will be written off as at 18.3.

20. STAFF SKILLS AND TRAINING

20.1 Arrears prevention and recovery are greatly enhanced by skilled and experienced staff. They will require ongoing training and support with legislative and policy changes if targets are to be achieved. The relationship formed at the outset of a tenancy goes a long way to influencing the flow of communication if problems arise later in the tenancy. To enable staff to cope with the increased demands of their job, the Association will ensure that annually the staff's training needs are assessed to ensure that the following are met:-

- Regular ongoing briefing in changes to the welfare system.
- Staff have the relevant IT skills.
- Staff are competent interviewing and counselling tenants.
- Staff can deal with difficult customers and with confrontation.
- Benefit fraud awareness.
- Can provide basic benefit calculations.

In addition to this staff in the Housing Services Team should be competent in:-

- Raising legal action.
- Briefing a solicitor prior to a court date.
- The impact on homeless duties to Cassiltoun Housing Association.
- Debt counselling.
- Other Staffing Issues

21. EQUALITIES AND HUMAN RIGHTS

21.1 The Association also takes account of all applicable legislation, including the Equality Act 2010 and relevant Codes of Practice issued by the Equality and Human Rights Commission'.

21.2 An Equality Impact Assessment has been carried out on this policy with no remedial action required.

22. ANTI-BRIBARY

22.1 The Association is committed to the highest standards of ethical conduct and integrity in all its activities and to ensure compliance with the Bribery Act 2010 and has a Fraud, Bribery and Corruption Policy. This must be adhered to by all employees, Board Members, and associated persons or organisations acting on behalf of the Association when undertaking any actions referred to in this policy.

23 PROCESSING INFORMATION – GENERAL DATA PROTECTION REGULATIONS

- 23.1 Cassiltoun Housing Association will process information and data contained within the Housing Applications in accordance with its Policies and Procedures relating to the General Data Protection Regulations and all applicants will be issued with a Fair Processing Notice.

All staff members will be made aware of their responsibilities in relation to the General Data Protection Regulations and will be trained in the process that the Association has introduced to ensure compliance with GDPR.

24 CUSTOMER SATISFACTION

- 24.1 The Association is committed to a high level of customer satisfaction in the delivery of this Policy, seeking continuous improvement. Satisfaction with the full range of services provided by the Association will be gathered independently every 3 years in line with the Scottish Housing Regulator's guidance. This will include the effectiveness of the objectives of this policy, and results will be disseminated to the Regeneration/Operations Sub Committee, staff, tenants and other service users.

25 COMPLAINTS

- 25.1 Our aim is to get it right first time, however, the Association is aware that this is not always the case and tenants maybe dissatisfied with the service that they have received. Therefore, the Association has a Complaints Policy which should be referenced where there is dissatisfaction with this policy or its operation. The Complaints Policy is available as a separate document on our website, from the Association office and, as with all of our policies, can readily be made available on tape, in Braille, in large print or in translation.

26. POLICY REVIEW

- 26.1 This Policy will be reviewed on a 3 yearly basis or earlier if the legislation changes to ensure that its aims are being met.