# SAXON WEALD

# EVICTION POLICY

**First Approved: May 2002** **Author: Les Marjoram**

**Last Revision: November 2024** **Next Review: November 2027**

## 1.0 Introduction

1.1 Saxon Weald aims to ensure that all residents are supported as appropriate to sustain their tenancy or lease. We place emphasis on prevention and finding solutions other than eviction. However, when all other appropriate efforts to tackle breaches of agreements have been exhausted, evictions will be carried out as a last resort.

1.2 The aim of this policy is to explain how and when Saxon Weald will take action to evict a resident and ensure that we are following legal and regulatory processes.

1.3 This policy does not set out all the steps that are taken up to the decision to apply for an eviction. These are detailed in the Rent Collection Policy and Procedure.

## 2.0 Definitions

2.1 An eviction is a tenancy or lease brought to an end by a court order and the execution of a bailiff's warrant.

2.2 "Resident" is an inclusive term of all tenants and leaseholders who live in any property type.

## 3.0 Legal and regulatory requirements

3.1 Lease and tenancy agreements

3.1.1 Saxon Weald has several types of lease and tenancy agreements. These include protected assured and assured tenancies, assured shorthold tenancies, right to buy leases, shared ownership leases and shared equity leases.

3.1.2 Lease and tenancy agreements are legally binding documents. Within our tenancy and lease agreements are the appropriate clauses explaining the circumstances under which properties can be repossessed (for example, not paying the rent or service charges or for anti-social behaviour). Gaining legal possession of a property is the final step that can lead to eviction.

3.2 Legal requirements

3.2.1 In order to gain possession of a property, a landlord must first inform the resident of their intention before then gaining a court order. Because we have several types of tenancy and lease agreements, the legislation and processes for possession proceedings vary and are therefore not listed in this policy but are set out in the accompanying procedures.

3.3 Regulatory requirements

3.3.1 The Tenancy Standard is one of the consumer standards set by the Regulator of Social Housing that define the outcomes landlords must deliver. It expects registered providers to develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions. It also states that where a registered provider ends a tenancy or licence they must offer those affected timely advice and assistance.

3.3.2 The Consumer Standards Code of Practice also states that alongside other objectives, such as minimising loss of rental income, registered providers should bear in mind their objectives as landlords of social housing, including in relation to preventing homelessness and helping tenants to maintain their tenancies, when considering whether to escalate eviction proceedings.

## 4.0 Policy

4.1 Saxon Weald will, in accordance with its legal and regulatory requirements, ensure that evictions occur only as a last resort after all other appropriate methods to prevent eviction have been exhausted.

4.2 Saxon Weald recognises the impact that evictions can have on individuals, families and communities. We will ensure that we have procedures and practices in place to support households to sustain their tenancy or lease.

4.3 We will maintain relationships and links with other organisations who can offer support and advice to our residents. Examples include local authorities, Citizens Advice, debt advice organisations, social care authorities and voluntary and charitable organisations.

4.4 We will ensure relevant staff have skills required to help prevent people falling into debt and we will offer advice and support in areas such as making payments, affordability, claiming benefits and household budgeting.

4.5 If we are aware that a customer is experiencing difficulties with everyday living, before the point of eviction, we will consider whether the tenant has the mental capacity to defend possession proceedings and whether there are any issues, such as disabilities, under the Equality Act 2010.

4.6 Where a resident has known vulnerabilities we will support them through our Tenancy Support Adviser. Whilst we will always attempt to make reasonable adjustments to take into account the needs of individuals, we recognise that there may be limits to what we can provide. In such cases, we will work with statutory and voluntary services to ensure that support is made available.

4.7 All eviction cases will be approved by the Assistant Director - Housing. In their absence they will be approved by an Executive Director. A comprehensive report will be prepared for approval, with particular emphasis on the support and help that has been offered to the resident. The report will include:

- Details of any vulnerability including whether a Proportionality Statement was required.
- Details of claims for housing benefit or Universal Credit.
- Any referrals that have been made to support or health services and the local authority.

4.8 The role of the Assistant Director Housing in this approval process is to ensure that:

- Our policies and procedures have been followed.
- The information provided is accurate and gives clear information about the residents circumstances that have resulted in the request.
- Appropriate support and advice have been provided where possible.
- We have made appropriate referrals to other agencies.
- We have considered the proportionality of eviction in the case of vulnerable people.

## 5.0 Data protection, information exchange and confidentiality

5.1 All information regarding evictions will be dealt with in accordance with General Data Protection Regulations (GDPR). All information is stored securely and will not be disclosed unless the resident has given their consent or there is a clear duty to do so.

## 6.0 Value for money

6.1 Evictions are costly for Saxon Weald. Costs can include void rent loss, property repairs, residents' recharges, former tenant arrears and legal expenses. Therefore, eviction should always be deemed a last resort and steps will be taken to avoid this occurrence.

6.2 The housing management team is trained in the preparation of court paperwork and in representing Saxon Weald in court for all standard cases. This significantly reduces spend on legal services.

6.3 Evictions can create a more balanced community if, for example, the person evicted was causing anti-social behaviour which was having a detrimental impact on other residents.

## 7.0 Monitoring and review

7.1 The inability of customers to afford their rent and service charges, leading to a substantial increase in arrears, is a strategic risk for the organisation. Audit and Risk Committee is provided with a review of the strategic risks each quarter. This is also presented to Board three times a year, including the number of evictions completed. Audit and Risk Committee also receives a 'deep dive' into rent arrears every two years.

7.2 This policy will be reviewed at least every three years to ensure that it reflects the needs of our customers, good practice, and changes to legislation or regulation.

## 8.0 Equality and diversity

8.1 Equality and diversity affect all aspects of our business and, as such, its principles are integral to everything we do. As a landlord and an employer, Saxon Weald aims to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services we provide.

8.2 This means that no person or group of people seeking housing, services, employment or contracts from us (including emloyees), will be treated less favourably because of their or their partner's, family's, friend's or associated person's protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and ethnicity, nationality, immigration status, religion or belief, gender and sexual orientation. This includes individuals either already serving on or applying to join our Board.

| Version | Amendment | By | Date |
|---|---|---|---|
| 2.0 | 3 year review | Les Marjoram | 29/9/17 |
| 2.1 | Section 4.7 - changed authorisation levels from Head of Housing and Housing Director to Housing Service manager and Assistant Director – Housing (or an Executive Director in his/her absence)<br>Section 4.0 updated and section 7.1 & 7.2 amended to take into account revised on Equality and Diversity Policy. | Kath Hicks | 17/10/18 |
| 3.0 | 3 year review | Laura Anderson | 06/10/21 |
| 4.0 | 3 year review – 3.3 amendment to the RSH Tenancy Standard; 4.5 & 4.6 – clarity on how we support vulnerable customers; 4.8 – proportionality statement clarification; 6.3 – slight change to the wording of how evictions can be positive for neighbourhoods; 7.1 – change to how we monitor rent arrears. | Les Marjoram | 30/10/24 |