

Housing management policy guidance

Authored by Nic Bliss & Blase Lambert

Contents

How to use the guide	4
Rent setting	7
Rent collection	10
Rent arrears	12
Former resident arrears	15
Reletting empty homes	17
Allocations	22
Transfers and exchanges	26
Complaints	28
Anti-social behaviour & harassment	31
Resident disputes	36
Racial harassment	38
Domestic violence & abuse	40
Safeguarding vulnerable adults and children	43
Succession	46
Joint tenancies	47
Abandoned properties	49
Squatting and unauthorised occupation	51
Subletting and lodgers	53
Tenancy breach	55



Pets	57
Performance Reporting Framework	60



How to use the guide

Why is there a need for policies and procedures?

If a community led housing (CLH) organisation has not agreed on policies and procedures, it means either that all decisions have to be taken at governing body meetings or individuals have to take decisions and the governing body may not be in control.

Some CLH organisations have managed well for years without many agreed policies and procedures. But then something happens – a problem arises, a member or resident complains about how things are done, several people fall out about something or a claim is made against the CLH organisation.

Without written policies and procedures, these things can be very difficult to manage. It is difficult to maintain fairness and objectivity without agreed policies and procedures. Having them means that everyone knows what to expect. Without them, those who are confident and self-assured can run things how they want, and the less confident and less articulate may find it hard to have their say.

There is a judgement call to be made about how detailed policies and procedures should be in a CLH organisation. Larger organisations have extensive policies and procedures because there is a need for clarity about what staff should do. In smaller CLH organisations, the likelihood is that some events are less likely to take place and there may not be such a need for detail.

What a CLH organisation makes policies and procedures about is about balancing practical and sensible judgement with not being overly bureaucratic. There isn't necessarily a right answer!

One size does not fit all. CLH organisations are about local people shaping housing and related services in ways that are right for them. This means that their policies and procedures can be and should be different in each CLH organisation.

How to use this guidance

The differences in CLH organisations means this guidance is intended to be about key issues in each of the subject areas.

The policy templates in the guidance can be adapted to produce what is appropriate for local circumstances. It will require governing bodies of CLH organisations to carefully consider each issue to come up with the approach that is right for them. Some of the policies in the guidance may be fundamental to the CLH organisation – others may be less important and could be worked on later.

Each policy area includes the following:

- **policy aims** – what the policy is seeking to achieve
- **an outline of the policy** – these are the key principles about how the CLH organisation wants the subject matter to be managed. Policies should be particularly aimed at the governing body, the general membership and potentially all residents so that they know the key aspects of how the policy area will be managed. If a policy needs changing it should only be changed by the governing body and probably following consultation with the membership.
- **risks to be avoided** – setting out key things that the policy is aimed to avoid and address



- **notes relating to the procedure** – the procedure is a detailed account of how the policy principles should be implemented. They are necessarily different given local circumstances. They are aimed at people charged with implementing policies – volunteers, staff or support organisations. Procedures should be easier to change than policies.

Terminology

Throughout the document, the following terms have been referred to:

- **CLH organisation** – is a community led housing organisation
- **governing body** – is the part of the CLH organisation that is legally responsible for decision-making. In many cases, this is the Board, committee or management committee of the CLH organisation, but in some smaller CLH organisations, it is the CLH organisation’s general membership.
- **residents** – the people who live in homes owned or managed by a CLH organisation. Some aspects of policies may only apply to tenants, leaseholders or freeholders, and where this is the case, the document identifies this. In many CLH organisations, residents will also be, or may be, members of the organisation – in some cases, its only members.

Registered Provider status

There are regulatory requirements placed on Registered Provider organisations, particularly in relation to their tenants. Whilst it is a good idea for any CLH organisation to have a suite of policies and procedures, it is a requirement for a Registered Provider CLH organisation. A CLH organisation will not be registered as a Registered Provider without a set of key policies and procedures. This guidance is designed to assist CLH organisations who are going through the registration process to become a Registered Provider.

The same regulatory requirements will apply to Registered Providers who CLH organisations have a partnership agreement with. This means that if a Registered Provider housing association has a lease, a management agreement or some other agreement with a CLH organisation, they would pass on their regulatory compliance duties to the CLH organisation.

Responsibility

Clearly CLH organisations who have direct responsibility for some or all of the services covered within this guidance have a responsibility to develop the policies and procedures they need in the subject areas relevant to them.

It is suggested that even where a CLH organisation enters into a long term lease agreement with a housing association, where the housing association is responsible for management of the homes, that the CLH organisation should still use this guidance to enable them to have discussions with and monitor how the housing association is providing services to the residents of the homes owned by the CLH organisation.

Policy review

There is always a need to review, amend and update policies. Policies may need to change because legislation, regulations or best practice may change. A CLH organisation may have drafted a policy with specific aims in mind, but it subsequently turns out that the aims are not being achieved – in which case there is a need to change the aims or the ways they are being implemented. It is usually the case that



there should be a rolling programme of policy review. Such reviews should happen in conjunction with the residents of the homes – particularly in a CLH organisation where residents are likely to be very familiar with local issues, problems and difficulties.

Feedback

Please feel free to provide feedback on this policy guidance. Has the guidance been helpful? Are there policy areas that are missing? Could the policy guidance be improved upon? Please send in any feedback to info@cch.coop

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Rent setting policy

Aims of the rent setting policy

The following may be aims of the rent setting policy:

- To set rents for the CLH organisation and vary them annually in order to maintain affordability for residents and to ensure long term viability
- To set service charges and vary them annually to cover the costs of services provided
- To comply with the Rents regulatory standard (for Registered Provider CLH organisations)
- To ensure that residents/members are involved in rent setting where appropriate

Introduction

Rent setting will be determined in accordance with how CLH schemes were set up and what their aims and objectives are. Rent setting may be generally constrained by viability considerations, legislation, regulation, funding agreements, benefit entitlement and overall affordability.

Many CLH organisations aim that their rents remain affordable to their residents. At the same time, CLH organisations need to ensure that they raise sufficient funds to maintain their properties, deliver relevant services, and meet the commitments of business plans. Different CLH organisations will have different rent setting arrangements. Some will set higher rents that may not be affordable for all residents. Some will set rents that are affordable to all. Usually rents charged aim to reflect the size of the property so that a smaller comparable property costs less than a larger one.

Services provided under management agreements

Landlords have a range of housing management and maintenance services which they must deliver to their tenants and leaseholders; those which may be covered under a management agreement are detailed in the housing management and repairs guidance but the broad areas are:

- Responsive repairs and maintenance
- Planned and cyclical maintenance
- Major works and asset management
- Rent collection and arrears management
- Service charge and ground rents collection and arrears management
- Tenancy and lease management
- Management complaints
- Allocations and lettings
- Sales and pre-assignment enquiries

Types of rents

Types of rents might include social rents; fair rents (for older tenancies governed by the Rent Act 1977 – fair rents apply to all lifetime tenancies of Registered Providers from that time – and so are not applicable to new CLH organisations); affordable rents set at a proportion of the market rate; intermediate market rents set at a proportion of the market rate; full market rents set at the absolute market rate.

Rents in new homes

Rent used for newbuild grant funded rental schemes are determined and agreed as part of any development and funding arrangements. If a scheme received public funding for low income rental homes, this means the CLH organisation will be a Registered Provider (or it will be working in



partnership with a Registered Provider), and it will be required to charge a social or affordable rent in perpetuity.

Social rents have been set based on a formula set by Government, which is calculated based on the relative value of the property, relative local income levels, and the size of the property. Homes let on affordable rent terms can be made available at a rent level of up to 80% of gross market rents, inclusive of service charges where these are applicable. Affordable rents may only be charged with the agreement of Homes England or the Greater London Authority.

A Registered Provider CLH organisation may also charge intermediate market rent or full market rent for homes they have not received public funding for.

The rent type designated to a newbuild property in a Registered Provider CLH organisation will continue when relet unless the property is formally re-designated.

A non-Registered CLH organisation may charge any rent that the market will pay that enables delivery of the business plan.

Annual rent increases

Usually housing organisations review their rents annually, and typically increase them to account for inflation, operating costs and to meet the needs of business plans. Rent increase for social tenants cannot exceed the annual guideline limit for increases set by the government – set out in the Rents Standard.

Implementing rent increases

The CLH organisation needs to determine when in the year it will increase its rents. It needs to give written notice of the rent increase as legally required and as set out in the tenancy agreement - typically four weeks.

Housing Benefit and Universal Credit

Registered Provider CLH organisations should have a relationship with Housing Benefit and Universal Credit authorities and should notify them of any rent increase as appropriate. Claimants should also notify the authority and ensure their claim is amended.

Service charges

Service charges are charges made to residents to recover the costs of services provided to a property, block or estate. The content of a service charge should be set out in the relevant lease and/or tenancy agreement for the properties for which the services are being provided. Examples of services that could be funded by service charges include:

- building maintenance and repairs
- building insurance (for leaseholders)
- communal lighting
- communal cleaning
- grounds maintenance
- management fees
- sinking funds

Service charges are set based on the CLH organisation's estimate of the costs of providing the services for the relevant period (usually a year). Service charges can either be fixed or variable. Fixed charges



are usually made to tenants meaning that no further charge or credit is made to the resident, to reflect whether the actual costs of services were more or less than originally estimated. Variable service charges are usually made to leaseholders and shared owners, meaning that residents are sent a further bill or credit, depending on whether the actual costs of services were more or less than originally estimated.

A CLH organisation should aim to apportion or share service charge costs equally between all residents who receive the services, regardless of whether they pay a fixed or variable service charge.

A range of legal provisions exist regarding leaseholder service charges which a CLH organisation that leases homes need to reflect in their leasehold service charge policy.

Involving residents

Where residents are the members of a CLH organisation, such as in a co-operative or cohousing scheme, the CLH organisation may wish to give its residents an opportunity to attend and vote at a general meeting where rents are set.

Risks to be avoided:

- A CLH organisation may not set its rents at a sufficient level to cover its long-term costs
- A Registered Provider CLH organisation may not comply with the Rents Standard and/or may wish to increase rents at rates that do not comply
- A CLH organisation may not comply with legislation relating to leaseholder service charges



Rent collection policy

Aims of rent collection policy

The following may be aims of the rent collection policy:

- To ensure that residents are provided with multiple means of paying their rent (or other charges)
- To ensure that residents are able to access information about their rent accounts

Payment of rent

The CLH organisation should stress the importance of rent payment as a condition of tenancy and promote a payment culture to residents through the lettings process and through continued contact with residents.

Providing information

The CLH organisation should provide residents with clear information regarding any other charges in respect of the occupation agreement, including indicating how much is payable if residents wish to pay the charge on a monthly basis.

Methods of payment

The CLH organisation should offer its residents multiple means of paying rent or other charges that may include:

- standing order or direct debit
- paypoint payment cards or similar
- online via a website
- telephone payments

It is generally not expected that a CLH organisation would have the facilities or insurances to receive cash payments.

Payments in advance

The CLH organisation needs to specify expected payment terms – ie. usually rent is due weekly in advance. Payments for multiple weeks are acceptable if payments are made in advance. Any service charges are considered part of the rent charged weekly.

Direct payments

The CLH organisation can continue to receive direct payments for residents who continue to receive Housing Benefit with the tenant's agreement. The CLH organisation can seek direct payments of Universal Credit where a resident is in eight weeks arrears of rent to cover the costs of current arrears and a contribution towards arrears.

Recharge accounts

Recharge accounts for court costs, rechargeable repairs and other costs should be identified separately.



Rent accounts

The CLH organisation will need to consider how their residents have access to their rent account – e.g. through quarterly or online rent statements or through other means. The CLH organisation needs to provide a means for residents to identify mistakes made on their rent accounts and take action to correct them if they have been made.

Rent credits

The CLH organisation will need to return credits on rent accounts within a reasonable timescale on request.



Rent arrears policy

Aims of the rent arrears policy

The following may be aims of the rent arrears policy:

- To ensure that the CLH organisation receives the rental income it needs to meet its financial obligations
- To encourage residents to pay their rents and avoid debt
- To ensure all residents are treated fairly and equally
- To ensure appropriate levels of support are provided to residents where they have difficulties in paying their rent
- To maintain confidentiality in rent arrears handling

General statement

A CLH organisation's future and its residents' homes would be at risk if it does not collect enough rent to cover costs. The CLH organisation needs to expect residents to make rent payment a priority. The CLH organisation needs to make a statement that it will take prompt and firm action if residents do not pay, and that if all reasonable steps fail, the CLH organisation will take legal action leading ultimately to repossession of the property.

The CLH organisation may also wish to recognise that complex circumstances can be involved in arrears and will seek to provide support and assistance to residents prior to any formal recovery proceedings.

The CLH organisation may wish to adopt the following principles of good practice:

- **early and sustained contact with residents**, including support with Universal Credit/Housing Benefit claims, where requested
- **flexibility of response** both when and how residents are contacted and in agreeing and rescheduling repayment arrangements when circumstances change
- referral of residents to **independent advice** as appropriate
- close **liaison with welfare benefit** departments and
- **clear and constructive communication with members**

Confidentiality

Those managing rent accounts and rent arrears will keep information regarding resident rent accounts confidential. When necessary to present individual rent arrears cases to the governing body, they will be reported anonymously.

Welfare benefit advice

The CLH organisation needs to ensure that residents are provided basic advice on eligibility for welfare benefits and assistance to make claims if requested. The CLH organisation may also refer residents to external advice agencies, including debt counselling agencies, where they request it or where more specialised advice is required.

Dealing with non-payment

The CLH organisation needs to specify what action it will take if there is non-payment. The following rent arrears actions may be appropriate:



Time	Action
2 weeks or more in arrears or immediately after a cyclical payment is missed	Communication/ correspondence with the resident
6 weeks arrears	Notice to Quit/Notice Seeking Possession issued
10 weeks arrears	Court Action

There may be reasons why these actions should not be taken – in which case, these reasons should be specified. Reasons why the above actions may not be taken could include:

- where a resident has written proof that they are waiting for resolution of a benefit claim and/or where they have written proof that they are receiving independent advice to assist resolution of their benefit claim
- where a resident has made an agreement to pay their arrears and they are adhering to the agreement
- where there are documented health reasons why action should not be taken
- where it is considered unlikely that the Court will grant possession
- other reasons considered important by those managing rent arrears cases.

Where a resident is entitled only to partial benefits to pay their rent, action may be taken in relation to rent payments that the resident is required to pay.

Where a resident currently receives welfare benefits and is eight or more weeks in arrears, the CLH organisation can apply for rent payments to be made directly.

Court Action

The CLH organisation will either issue a Notice to Quit or a Notice Seeking Possession dependent on the nature of its legal occupancy agreement with the resident. At the point of expiry of the Notice any money received by the CLH organisation should only be accepted as "mesne profit" – ie. in exchange for use and occupation of the property - and without prejudice to any action the CLH organisation is taking.

The CLH organisation needs to specify that it will seek court costs in relation to any court action.

The CLH organisation needs to specify what action it will take in relation to possession orders and over what time period. Dependent on the nature of the CLH organisation, it will seek either a suspended possession order (or equivalent) or an outright possession order.

The CLH organisation needs to specify the circumstances in which it will apply to the court for a Possession Warrant.

The CLH organisation needs to decide who is authorised to carry out various rent arrears action, particularly including entering a case into court and applying for a Possession Warrant.

Governing body reports

The CLH organisation needs to determine what reports the governing body should receive. The following information may be appropriate:

- total annual rental income
- arrears due to monthly payments, housing benefit payments and other arrears - as absolute amounts and as a percentage of annual rental income



- an anonymous summary of action being taken in each case where a member owes more than the equivalent of over 4 weeks' rent.

Target percentage of rent arrears

The CLH organisation will annually review its target percentage of rent arrears.

Risks to be avoided:

- The CLH organisation does not take the action it needs to prevent and manage rent arrears and rent arrears spiral
- There is insufficient advice given or personal contact and communication with residents that could prevent more serious action
- The governing body does not monitor arrears performance

Procedure

Delegated Authority

The CLH organisation needs to decide who has delegated authority to:

- negotiate arrangements with members for arrears payments
- serve Notices
- apply to the Court to start possession proceedings
- represent the CLH organisation at a court hearing
- take steps leading to enforcement of a possession order and any money judgment
- seek to recover legal costs incurred after service of a Notice
- provide a referral service to independent advice agencies.

Governing body approval

The CLH organisation needs to decide at what stage or stages (if any) should governing body approval be sought. Governing body approval may be needed if it is considered that there is a need to involve the CLH organisation's solicitor in a case or to enforce a possession order.

The CLH organisation's Rent Arrears Procedure may specify how frequently those with delegated authority review rent accounts and take appropriate action regarding them. It would normally be expected that rent accounts would be monitored on a weekly basis.

The CLH organisation's Rent Arrears Procedure may refer to draft letters for rent arrears purpose and other detailed procedural matters



Former resident arrears policy

Aims of the former resident arrears policy

The following may be aims of the former resident arrears policy:

- To seek to ensure that ex-residents pay any arrears owing
- To balance taking action to recover former resident arrears with the resources required to recoup them

Seeking repayments from former residents

The CLH organisation should take every opportunity to collect arrears from residents when they leave their home with rent due outstanding. When terminating a tenancy or a lease, all residents will be encouraged to clear any arrears on their current rent or sundry accounts. If the resident is unable to clear the account in full, an affordable repayment plan can be agreed.

Debt collection agencies

The CLH organisation needs to agree on its strategy where a former resident fails to make an agreement or fails to pay in accordance with the agreement.

It can be standard practice to put ex-resident arrears cases to debt collection agencies, but this can be counter-productive dependent on the level of the former resident arrears.

Taking legal action

If the former resident is traceable, it may also be possible to take legal action to recover the debt, including applying to the courts for an attachment of earnings. However, judgement needs to be taken regarding whether such action is justified based potentially on:

- the size of the debt
- the likelihood that the former resident has or will have resources with which to repay the debt
- how long into repayment of the debt the former resident is likely to remain traceable
- likely legal costs relating to collecting the debt.

Deceased tenants

The CLH organisation may wish to consider whether it wishes to contact next of kin of a deceased resident or their executor to claim against the estate.

Writing debts off

Where it is not possible to recoup former resident arrears, the governing body needs to formally write debt off. It continues to be possible to recoup such arrears at a later date, but identifying a debt as a bad debt writes it off from the CLH organisation's accounts.

Rehousing former residents with arrears

If a former resident seeks rehousing, the CLH organisation should require that any outstanding debt is cleared first. In exceptional circumstances, the CLH organisation could consider rehousing a former resident with debt provided that an acceptable payment arrangement is made and the debt will be transferred onto the new rent account.



Risks to be avoided:

- Loss of significant amounts of income from former resident arrears
- Expending significant financial and time resources into recouping debts where it will be possible to recoup only a small amount of the debt.



Reletting empty homes policy

Aims of the reletting empty homes policy

The following may be aims of the empty homes policy:

- To relet homes as quickly and efficiently as possible
- To ensure that homes are in a good condition when let
- To make the process of moving into a home as resident friendly as it can be
- To induct and support new residents and to maximise their potential involvement in the CLH organisation

Remit

This policy guidance largely refers to letting homes to tenants in independent homes. Variations and different approaches may need to be taken in CLH organisations:

- **where individuals are buying properties in the CLH organisation** – the existing owner probably has the responsibility to sell to the next owner (although there may be a waiting list). There may be restrictive covenants that dictate who can buy the property and the price at which the property may be sold. Some parts of this policy about induction may apply.
- **where the homes are for shared ownership or similar** – there may be criteria governing who can buy the homes and some of this policy may apply
- **where the homes are rental in a shared house** – the principles in this policy apply but in addition the CLH organisation will need to develop a policy where the existing tenants of a shared house have some means of engagement with potential new tenants and some level of choice regarding who moves in
- **where the CLH organisation leases its homes to a housing association** – the housing association will let the homes in accordance with any local lettings agreement made. The CLH organisation will need to agree a protocol with the housing association regarding ensuring that new residents are inducted into the CLH organisation.

Market based homes

Where the sale or reletting of homes developed by a CLH organisation is subject to market considerations (as opposed to being subject to social housing lettings agreements), the CLH organisation may need to consider how best to attract new residents in order to ensure that there is a supply of potential new residents:

- with incomes and/or mortgage-eligibility appropriate for the homes sold or relet
- who fit any CLH organisation criteria, such as local lettings criteria or criteria relating to best fit within the community.

The CLH organisation may wish to establish a waiting list of potential new residents and/or resale or relet strategies, even where the responsibility for sales and reletting rests with the outgoing resident rather than the CLH organisation.



Targets for reletting homes

The CLH organisation should set a target number of weeks for lost rent (e.g. three weeks) for reletting homes so that income lost is minimised. The CLH organisation will also be liable for council tax whilst homes are empty.

Achieving the target will be dependent on:

- whether the CLH organisation is aware in advance that a resident is moving out
- how quickly the CLH organisation can allocate to or recruit a new resident
- the extent of works that may need doing to bring the home up to a lettable standard.

Vacating a home

One of the CLH organisation homes may become vacant through:

- a resident giving written notice (usually four week's notice is required) that they intend to move out of their home
- a resident transferring to another home
- a resident dying whilst living in the home
- a resident breaching the terms of their tenancy by leaving their home without giving written notice
- the CLH organisation taking legal action to gain possession of a home due to a breach in a tenancy condition.

Managing the void

If the CLH organisation knows in advance that a resident is moving, it can take early steps to allocate to or recruit a new resident, which may involve:

- inspecting the home and agreeing with the outgoing resident any works needed
- arranging viewings for potential new residents

If the CLH organisation does not know in advance that a resident is moving, it will need to take action as soon as possible to arrange reletting and necessary works on the home.

Lettable standard

The CLH organisation should define a lettable standard for the home. Unless the property is part of a shared house, the CLH organisation is likely to want to arrange for locks to the home to be changed, the gas supply to be capped and for a specification for any necessary works to be done.

If the CLH organisation is a Registered Provider, works need to include obtaining gas, electricity and energy performance certification.

The CLH organisation needs to arrange any necessary works in accordance with its agreed authorisation levels and therefore may need to obtain quotes or tenders for works.

Allocating the home

The CLH organisation needs to allocate the home to a new resident in accordance with its Allocations Policy at the earliest possible occasion, taking into account any transfer requests in accordance with its Transfers Policy. The CLH organisation will issue a formal offer letter to a new resident following them viewing the property.

Letting the home

The CLH organisation should ensure in letting the home that it:



- uses a handover list to ensure that all things that need to be done in the letting are done
- complies with legislation and relevant regulations regarding signing the tenancy agreement or other occupancy agreement – which should be explained to the new resident
- welcomes the new resident to their home and to the community
- maximises opportunities to induct the new resident into the CLH organisation, explaining to them how the organisation works and encourages them to play a full role in it.

Occupancy agreements

There are significant legal complexities regarding occupancy agreements and the CLH organisation needs to take appropriate legal advice regarding what agreements should be issued to residents and what their implications are. The following list is a brief and partial explanation of some key types of agreement:

- **a lease** - a contract by which a freehold owner of a building grants the resident exclusive possession and use of the property for a specified period and under specified conditions in return for specified periodic rental or lease payments. A long term lease can be traded or mortgaged.
- **an assured tenancy** – is a tenancy agreement usually issued by housing associations. Assured tenancy rights and responsibilities are set out in statute and any other contractual terms added into assured tenancy agreements are subservient to what is set out in assured tenancy legislation.
- **an assured shorthold tenancy** – is a tenancy agreement that lasts for a specified period of time (which can be renewed) where again rights and responsibilities are set out in statute.
- **an introductory tenancy** – is an assured shorthold tenancy issued by a social housing landlord for a temporary period of time after which a full assured tenancy may be granted.
- **a fixed term tenancy** – is an assured shorthold tenancy issued by a social housing landlord for a specified period of time which may be renewed but is specifically issued in order to not grant a tenant a lifetime tenancy.
- **a contractual tenancy** – issued by fully mutual housing co-operatives, contractual tenancies contain tenancy terms solely in the contractual tenancy agreement and are not subject to any statute other than contract law.

Post moving in visit

The CLH organisation may wish to arrange a formal post moving in visit to the new resident to check on how they are settling in, to answer questions and to further encourage active participation in the CLH organisation. The CLH organisation may wish to carry out a Moving In Satisfaction Survey and a New Member Involvement Survey.

CORE returns

Registered Provider CLH organisations need to complete CORE returns in relation to new lettings. CORE returns (Continuous Recording) are a Ministry of Housing, Communities and Local Government system to collect statistical data on social housing lettings.



Monitoring empty homes

The governing body should monitor any letting that has taken longer than the CLH organisation's target time for reletting homes.

Risks to be avoided:

- The CLH organisation loses more income than it needs to because it has not organised its lettings effectively
- The CLH organisation does not comply with legislation and/or regulations regarding the lettings process
- The CLH organisation does not have a lettable standard and either it lets homes in poor condition, it spends more than it should do on void properties, or it has variable standards for homes it lets
- The CLH organisation does not maximise the potential involvement of the new resident in the CLH organisation and they feel unwelcome

Procedure

Delegated authority

The CLH organisation will need to determine who has responsibility for the allocations procedure (see Allocations Policy), for the lettings procedure and for the voids procedure (in respect of managing works) and there needs to be a streamlined system between them to ensure a smooth lettings process.

Giving notice

The CLH organisation will need to agree a formal method by which tenants give notice that they are moving

When a tenant does not give notice

The CLH organisation will need to agree procedures in relation to when a tenant abandons or dies in a property (see Abandoned Properties Policy).

Managing a void

The CLH organisation will need to have:

- a method to inspect the property as soon as possible once notice has been received. The vacating resident should be notified of any works considered to be necessary and arrangements made regarding whether they will make improvements or pay for improvements to be done
- a formal method to return keys
- a method to show potential new residents the home, preferably whilst the previous resident is still there if they agree to it

Handover checklist

A handover checklist may include:

- completing a new member profiling form
- checking the identity of the new resident
- providing a welcome pack
- dealing with membership status (if the resident can become a member of the CLH organisation).



If the resident is required to become a member of the CLH organisation, it may be the handover will also require them to buy a share – although this may have happened at an earlier stage)

- explaining and signing the tenancy agreement
- arranging a post moving in visit
- giving the new resident a moving in survey
- giving rent or other payment information
- giving repairs reporting information
- identifying and reading service meters
- issuing gas, electricity and energy performance certificates
- issuing the lettable standard
- issuing keys
- identifying local amenities and governing body members
- explaining how the CLH organisation works and providing dates of forthcoming meetings or events they can attend



Allocations policy

Aims of the allocations policy

The following may be aims of the allocations policy:

- To ensure that the CLH organisation has timely access to persons who may want to be housed by the CLH organisation when a home becomes vacant
- To define how the CLH organisation will objectively and fairly choose who homes are allocated to where choice is desirable and where the CLH organisation's circumstances enable choice to be exercised
- To allocate homes in such a way as to maximise the new resident's involvement in the CLH organisation and the potential for a strong and balanced community
- To ensure that the CLH organisation upholds high standards of equality and diversity in relation to allocations
- To comply with the Tenancy Standard regarding allocations (for Registered Provider CLH organisations)

Introduction

A CLH organisation may have the ability to exercise choice in relation to who become a new resident in the organisation:

- if the CLH organisation provides rental housing and is in control over who homes are rented to
- if the freehold or leasehold of homes (including shared ownership homes) are sold and, where there are terms in covenants or in leases that restrict who can buy the home (although covenants are likely to simply restrict access to those with local connections or to people over or under a defined income level).

If the CLH organisation is in a position to choose, it needs to define how it will make those choices.

Allocations in a Registered Provider CLH organisation

A Registered Provider CLH organisation needs to comply with the Tenancy Standard, which, in relation to low income publicly funded rental homes, requires:

- fair and transparent allocations systems
- taking into account housing needs and tenant aspirations
- contributing to local authority housing strategies
- clear application, decision-making and appeals processes

CLH organisations will also have to comply with any agreements in relation to public funding regarding allocations of other homes.

Local authority nominations

A Registered Provider CLH organisation that has received public funding for low income rental homes is required to take nominations for its homes from the local authority to the extent agreed with the local authority. How this works may be negotiable with the local authority, particularly in relation to founder residents pre-allocated in order to develop the community group in advance of scheme completion. Agreements with the local authority for subsequent relets need to be documented in the policy.



Waiting lists

The CLH organisation will need a system to identify potential new residents that are not nominated by the local authority. It may be possible that some are nominated by other organisations, but a CLH organisation may choose to have a waiting list of some description, possibly in partnership with other organisations. If there is a waiting list, the CLH organisation will need to:

- decide criteria for an applicant to go onto the waiting list including for example that an applicant:
 - a) needs to be in defined housing need where a Registered Provider CLH organisation is letting low income rental homes
 - b) needs to have defined local connections where there is a local lettings arrangement
 - c) needs to be prepared to buy a share in the CLH organisation where this is a requirement to be housed. The CLH organisation may choose to require new residents to pay a deposit or rent in advance, but this is rare in Registered Provider CLH organisations.
 - d) needs to bring a defined amount of equity where this is a requirement of the CLH organisation
- decide what sized property is applicable for families of particular sizes and with children of particular ages
- decide whether there is a requirement that applicants need to participate in some way before they are considered for homes (e.g. by attending a set number of meetings or induction days)
- publicise access to the waiting list widely and in accordance with equality and diversity criteria so that it is not just the friends and family of existing residents who are able to access the waiting list
- decide how frequently the waiting list is opened – it is quite probable that there could be large numbers of applicants to an established CLH organisation’s homes
- review the waiting list periodically to check whether applicants wish to remain on the list
- ensure that the waiting list and the allocations process is carried out in accordance with General Data Protection Regulations
- **Right to Rent checks** - all landlords are legally required to carry out Right to Rent checks assessing an applicant’s immigration status. A CLH organisation may be fined if it houses someone who does not have the right to live and be housed in the UK.

Assessment of applications

The CLH organisation will need to determine when and how it will assess applications. A CLH organisation may:

- carry out assessments when an applicant applies to the waiting list
- carry out assessments when a home is about to become vacant
- carry out an initial assessment when an applicant applies to the waiting list and a further assessment when a home is about to become vacant.

Applications may be assessed through assessment:

- of the application form
- at a visit to the applicant’s existing home
- in an interview



- at meetings or induction days of the CLH organisation.

Assessment criteria

The CLH organisation needs to clearly define and publicise its assessment criteria and the means by which it chooses who will be offered a vacant property. Assessment criteria may include:

- **housing need** – it is required that Registered Provider CLH organisations let low income publicly funded rental homes primarily on the basis of an applicant’s housing need. Housing need may be assessed in various ways – two key methods include:
 - a) assessment through a points-based system
 - b) allocation of applicants to bands consisting of severe housing need, housing need and those not in immediate housing need with a percentage of allocations made to each band
- **community fit** or **co-operability** – an applicant’s likelihood that they will participate in the CLH organisation
- **financial status** – in relation to CLH schemes which require equity or other financial input, the CLH organisation needs to assess whether the applicant has the financial means to live in the home
- **local connections** – where there is a local lettings agreement
- **shared housing** – where a CLH organisation is letting rooms in shared houses, it is appropriate to enable existing residents to play some part in assessing new resident to the shared house.

Documentary evidence and appeals

A CLH organisation needs to keep documentary evidence of all assessment methodology in relation to all applicants for homes.

A CLH organisation should provide an opportunity for an applicant to appeal against a CLH organisation’s decision regarding allocations. This is a requirement for a Registered Provider CLH organisation that is letting low income publicly funded rental homes.

Potential risks to be avoided

- Judgments about allocations are not sufficiently objective or documented
- Opportunities to apply for a home may not be sufficiently publicised and the allocations process might not comply with equality and diversity considerations
- A Registered Provider CLH organisation may not comply with local authority agreements or sufficiently with the Tenancy Standard
- The allocations process may not sufficiently build the community nature of the CLH organisation



Procedure

Delegated authority

The CLH organisation will need to specify who has delegated authority to manage a waiting list and to carry out assessments of applicants.

Having some staff input, either from directly employed staff or from service providers, can be helpful to ensure objectivity. But voluntary community input helps to shape CLH organisations to be stronger community organisations.

Procedure

The CLH organisation will have to have procedures and documentation to deal with:

- Local authority nominations (if any)
- Providing information to potential applicants
- Carrying out Right to Rent checks
- Carrying out identity checks
- Publicising, managing and reviewing a waiting list
- Managing applications
- Assessing applications and carrying out interviews
- Management of assessments relating to shared homes (if any)
- Informing applicants of the outcomes of decisions
- Managing appeals (if any)

Synchronising systems

The allocations process needs to be synchronised with the Letting Empty Homes Procedure.

Transfers

The CLH organisation needs to ensure that its approach to transfer requests is also part of the allocations procedure.



Transfers and exchanges policy

Aims of the transfers and exchanges policy

The following may be aims of the transfers and exchanges policy:

- To ensure that existing residents of the CLH organisation can put themselves forward to transfer into homes that better meet their needs
- To enable social housing tenants to exchange with tenants of other social housing landlords

Transfer policy

The CLH organisation needs to decide what its policy will be on allowing internal transfers between its homes. It may be the case that internal transfer applicants are given priority over waiting list applicants where a different property would better meet the needs of an existing resident (the property they vacate would then be allocated to someone from the waiting list).

Getting on the transfer list

The CLH organisation needs to agree a set of criteria regarding whether it will agree to an existing resident transferring, such as:

- applicants must have lived in their existing home for at least twelve months prior to their application
- applicants must not have a current Notice to Quit or Notice Seeking Possession against their tenancy
- applicants must have no rent arrears or any other debt
- their existing home must be at the standard of the CLH organisation's "Lettable Condition".

The CLH organisation may wish to consider reasons why an existing resident wishes to transfer, such as whether the current property is overcrowded or underoccupied; is there a need for the resident to move to be closer to family, work or schools; is there a need for a move to safeguard the resident.

Management transfers

The CLH organisation may propose to a resident that they are transferred to another property under exceptional circumstances such as domestic violence or harassment. This is commonly known as a "management transfer".

Mutual exchanges

Tenants of Registered Provider landlords have a legal right to exchange their homes with a tenant of their existing landlord or other Registered Provider landlords. A Registered Provider landlord is required to:

- approve or decline a request for a mutual exchange within 42 days
- participate in an internet based mutual exchange service and publicise it to their residents.

Mutual exchanges are implemented through deeds of variation to existing tenancies.

Mutual exchanges within the CLH organisation

The CLH organisation may need to respond to a mutual exchange request from two or more existing CLH tenants. Usually such requests would be approved subject to:

- neither property subsequently being overcrowded or underoccupied
- the condition of the existing properties



- both tenants being prepared to accept their new homes in the condition they are in and accept any damage as their responsibility
- there being no rent arrears for either tenant
- there being no Notices extant on either tenant.

Mutual exchanges involving another landlord

Where a tenant of another Registered Provider landlord requests a transfer with a tenant of a CLH organisation, the CLH organisation needs to ask the incoming tenant to complete an application form; request a landlord's reference; and carry out an interview with the incoming tenant. The landlord of the other landlord is also likely to ask the CLH organisation for a reference.

The CLH organisation can reject the request if:

- satisfactory references are not received
- the CLH organisation property will be overcrowded or underoccupied
- the incoming tenant refuses to become a CLH organisation member if this is a requirement for the CLH organisation
- the incoming tenant does not meet local connection requirements for the area if there are any.

The incoming tenant should be advised that they have to accept that they will become responsible for any damage done by the previous tenant. The CLH organisation will only need to get gas and electric checks done during the exchange. The incoming tenant should also be advised regarding whether the CLH organisation's tenants have the Right to Buy (most CLH homes are not subject to the Voluntary Right to Buy).

Potential risks to be avoided

- Existing tenants are permitted to transfer or exchange with rent arrears making them much harder to recover
- The CLH organisation becomes liable for repairs caused by tenant damage from either a transfer or an exchange
- The CLH organisation does not comply with Tenancy Standard in respect of mutual exchanges



Complaints policy

Aims of the complaints policy

The following may be aims of the complaints policy:

- To ensure that residents and others have the right to complain about the provision, or non-provision, of services through an accessible, confidential and easy to use procedure, which offers rapid action and response
- To ensure that complaints are dealt with effectively and fairly, even where complaints outcomes are not to the satisfaction of the complainant
- To ensure that complaints are taken seriously and used positively to improve how the CLH organisation operates
- To ensure the complaints procedure complies with the Involvement and Empowerment standard (for Registered Provider CLH organisations)

Welcoming complaints

A CLH organisation should welcome complaints from its residents and encourage anyone using or directly affected by its services to make a complaint. It may also be appropriate to accept complaints from agencies and others representing complainants (although the CLH organisation would need to be satisfied that anyone representing a complainant is authorised by the complainant to act on their behalf).

What is a complaint?

A complaint is an expression of dissatisfaction with services provided by the CLH organisation, whether justified or not. A complaint may be about something that the CLH organisation should or should not have done or has done badly or has done or not done in accordance with its policies. A complaint may also be about a complainant feeling that they have not been treated fairly or they have been discriminated against in the provision of a service.

The following would not usually be considered through a complaints procedure:

- requests for a particular service (e.g. a complaint about a repair or something else that has not yet been requested)
- issues relating to Anti-Social Behaviour or Neighbour Nuisance or Disputes which need to be dealt through other policies
- new issues that arise during a complaints investigation
- anonymous complaints
- matters that are subject to or are likely to escalate to legal action or insurance claims
- complaints about something more than six months old
- complaints attempting to reopen previously concluded complaints
- vexatious complaints
- issues relating to how the CLH organisation is governed which need to be dealt with through the organisation's Code of Conduct.

Receiving complaints

The CLH organisation will need to decide how it receives complaints (e.g. by phone, by letter, by email, or through speaking to someone who represents the CLH organisation). The CLH organisation should consider how it will maintain confidentiality in the handling of complaints to those managing it. Every



appropriate effort should be made to resolve complaints straight away and without a formal process. Emphasis should be placed on correcting any service that has failed.

A Responsible Officer

If someone wishes to make a formal complaint, the CLH organisation should designate someone to be responsible for managing the complaint who is independent of it. They should ensure that receipt of the complaint is acknowledged; that an investigation of the complaint takes place; and that there is communication with the complainant regarding outcomes. The CLH organisation should set target times for these actions.

Complaints procedure

Different organisations operate different complaints procedures, but there are two key parts to a formal procedure:

- investigating the complaint and informing the complainant of decisions made following the investigation
- offering a review of the decision if the complainant wishes it to be reviewed.

Review

If the complainant is not happy with the outcome, they should be able request a review which will be granted unless there are clear reasons not to. The CLH organisation should decide who will form a review panel. At least one of the review panel must be part of the CLH organisation's governance, but all must be sufficiently independent of the complaint and the Responsible Officer. The CLH organisation should set target times for how quickly a review hearing should take place and how quickly a response will be sent to the complainant. Reviewing the complaint and feeding back to the complainant will conclude the CLH organisation's formal complaints procedure.

Registered Provider CLH organisations

Registered Provider CLH Organisations are required to have a complaints procedure. They are also required to subscribe to the Housing Ombudsman Service. If a complainant is still unsatisfied after the landlord's complaints procedure has concluded, they may progress a complaint with a further process that culminates in the complaint being considered by the Housing Ombudsman Service. The Ombudsman will endeavour to ensure a mutually acceptable resolution, but the Registered Provider is required to comply with any determinations they make. Non-Registered Provider CLH organisations may also subscribe to the Housing Ombudsman Service if they wish to.

Keeping records

A CLH organisation should document all informal and formal complaints and their follow through. The Responsible Officer should be responsible for ensuring that outcomes to complaints are implemented.

Potential risks to be avoided

- Residents are deterred from complaining when there is reason for them to do so or are dissatisfied with the outcome
- The CLH organisation considers that residents should not make complaints because it is a CLH organisation
- The CLH organisation does not follow through on complaints
- A Registered Provider CLH organisation does not manage complaints in accordance with legal and regulatory requirements



Procedure

Delegated authority

The CLH organisation will need to specify who has delegated authority to handle complaints and who will act as the Responsible Officer in relation to each complaint. Whoever is appointed needs to be independent of the complaint.

A complainant

A complainant could be anyone who receives a service from the CLH organisation, is affected by a decision or action taken by the CLH organisation, or who represents such a person. Examples include:

- tenants, leaseholders, other service users, ex-tenants
- applicants for housing
- partnership organisations and agencies
- contractors or consultants
- neighbours to CLH organisation properties
- other members of the public.

It is usually appropriate that complaints be also accepted from agencies and others representing the person wishing to make a complaint, such as the Citizen's Advice Bureau, MPs, councillors, support workers, family members and friends or neighbours. It is unwise for Governing body members to act as representatives for complainants. The CLH organisation should ensure that there is written and signed authorisation that the complainant has given their permission that a representative will act on their behalf.

Procedures

The CLH organisation will need to have procedures:

- To receive complaints
- To enable the complainant to decide whether the complaint should be informal (in which case the matter is dealt with but there is not a subsequent formal process) or formal (in which case the matter will be investigated)
- To log and acknowledge receipt of complaints
- To investigate and respond to formal complaints. The CLH organisation may wish to use an independent organisation to investigate complaints and make recommendations. Investigation of a complaint is likely to involve an interview with the complaint followed by interviews with others who may have been involved with the matter
- To conduct reviews and respond to complainants
- To manage any subsequent actions including any cases that are referred to the Housing Ombudsman Service (for Registered Provider CLH organisations)
- To report to the governing body on complaints activity
- To manage vexatious complaints



Anti-social behaviour & harassment policy

Aims of the anti-social behaviour & harassment policy

The following may be aims of the anti-social behaviour policy:

- To make a commitment to tackling anti-social behaviour, and to ensuring that the CLH organisation's residents can enjoy peace and security in and around their homes
- To take positive action, possibly in partnership with others, to deal with anti-social behaviour
- To work with residents and others to define acceptable standards of behaviour within the community
- To support local authority and other strategies for tackling anti-social behaviour and comply with the Neighbourhood and Community Standard (for Registered Provider CLH organisations)
- To seek to develop a sense of community, mutual respect and support in the local community.

Introduction

The community nature of CLH organisations means that in many, anti-social behaviour rarely occurs. But it does happen on occasions in some.

The CLH organisation needs to recognise that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of residents and the community. It needs to state that it will take timely and co-ordinated action to respond to incidents of anti-social behaviour and a pro-active approach to prevent anti-social behaviour.

Principles

The following may be key principles regarding tackling anti-social behaviour:

- anti-social behaviour may affect or be perpetrated by residents, other people living with or visiting them, and other residents in neighbouring areas to the CLH organisation's homes
- individuals have rights to a fair hearing - there should be a presumption of innocence until the facts about any complaint of anti-social behaviour have been established
- everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of other residents
- the CLH organisation needs to ensure that all residents are treated fairly, consistently and equitably, taking into account any particular needs of a resident.

Legislation and regulations

In tackling anti-social behaviour, the CLH organisation needs to comply with all appropriate legislation and regulations. A Registered Provider CLH organisation needs to comply with the Neighbourhood and Community Standard.

Definition

Anti-social behaviour is generally defined as conduct which is capable of causing a nuisance or annoyance to any person, which directly or indirectly relates to or affects the CLH organisation's operations and using or threatening to use homes for an unlawful purpose.



Examples of anti-social behaviour

A CLH organisation should not tolerate any action or omission, deliberate or otherwise, which interferes with another person's peace, quiet or security. Examples of anti-social behaviour can include:

- any kind of criminal behaviour
- harassment, hate incidents and hate crime
- graffiti and vandalism
- damaging another person's possessions or property
- racial harassment and/or other hate related behaviour
- alcohol abuse and drunken behaviour
- nuisance from pets and animals
- excessive noise
- dumping rubbish, fly tipping and littering
- misuse of communal areas
- problems caused by vehicles
- any breaches of tenancy conditions
- domestic disputes and domestic violence
- other activities that can cause nuisance.

Hate incidents and hate crime

A hate incident is one where the complainant believes they are being harassed or targeted because of who they are, for example because of an impairment, race, religion, gender identity or sexual orientation. Hate incidents can include verbal insults, harassment, bullying or intimidation, physical attacks, spitting, hoax calls, hate mail, online abuse, graffiti, damage to property, and malicious complaints.

A hate crime is any offence which has been aggravated by prejudice against a group protected by law from such prejudice. A hate crime can occur because someone believes a person belongs to one of the protected groups, even if they do not.

The CLH organisation should treat all incidents which are or appear to be hate incidents or hate crimes as severe anti-social behaviour. Where an incident appears to be a hate crime, the complainant should be advised that the CLH organisation will pass the matter to the Police.

Harassment

Harassment is any deliberate act that interferes with the peace, comfort or safety of an individual or group because of their race, colour, religious belief, ethnic or national origin (racial harassment), their gender or sexuality (sexual harassment), their disability (disability harassment), their age, appearance or other personal attributes.

Harassment can occur in many forms and incidents can be subtle or blatant. Examples of harassment can include abusive language, abusive or threatening behaviour, physical assault, damage to property, graffiti, behaviour that interferes with peaceful occupation of the home. Harassment can be directed towards residents, CLH volunteers or staff working on behalf of the CLH organisation.

Defining acceptable standards of behaviour

The CLH organisation may wish to recognise that some cases of anti-social behaviour (e.g. possibly some noise related cases) relate to defining acceptable levels of tolerance in a particular area, and that such cases may require dialogue and negotiation between affected parties. However, other cases (e.g.



particularly criminal behaviour and harassment) may require stronger action. The CLH organisation should use appropriate levels of action to deal with all reported cases of anti-social behaviour.

Responsibility for family member and visitors

The CLH organisation needs to ensure that it requires its residents to take responsibility for the behaviour and actions of their family members, relatives and visitors to their property.

Potential action

The CLH organisation may wish to state that it could use a variety of measures to tackle anti-social behaviour that could include:

- dialogue with respective parties
- formal communication such as warning letters
- working with agencies to respond to particular problems – the Police, Environmental Health, the local authority
- legal approaches through the courts – e.g. proceedings where there has been a breach of tenancy agreement.

Supporting complainants and witnesses

The CLH organisation will need to state that it will support complainants and witnesses where there is a need to do so.

Preventing anti-social behaviour

The CLH organisation may wish to consider how it can prevent anti-social behaviour from occurring, such as building the local community, inspecting communal areas and removing rubbish and graffiti when they appear, and liaising with the partnerships aimed at tackling anti-social behaviour.

Protecting people working on behalf of the CLH organisation

The CLH organisation should ensure that it considers how to protect its volunteers, staff, agents and contractors. The CLH organisation needs to ensure that volunteers and staff working on behalf of the organisation are trained in and understand the principles in the anti-social behaviour policy.

Potential risks to be avoided

- Residents having to suffer ongoing anti-social behaviour because the CLH organisation does not tackle problems
- A CLH organisation considering that, because it is a CLH organisation, incidents of anti-social behaviour never occur
- A Registered Provider CLH organisation does not comply with the Neighbourhood and Community Standard



Procedure

Delegated authority

The CLH organisation will need to specify who would have delegated authority to manage anti-social behaviour should the need arise. Those managing incidents of anti-social behaviour would need to be independent of them.

Detailed examples

The following is an expanded set of examples of possible anti-social behaviour:

- **any kind of criminal behaviour**, including sale or misuse of drugs, handling stolen goods, criminal damage, arrestable offences, such as burglary, theft, or assault
- **harassment**, including violence or threats of violence to other residents, to staff, agents and contractors or to any other person; abusive or insulting words or behaviour; damage or threats of damage to property belonging to another person including damage to any part of a person's home; writing threatening, abusive or insulting graffiti; or any act of omission calculated to interfere with the peace or comfort of any other person or to inconvenience such a person
- **graffiti and vandalism**
- **damaging or threatening to damage another person's possessions**
- **racial harassment and/or other hate related behaviour** – any type of behaviour or action, including those listed above, that is carried out against another person on the grounds of race, religion, gender, sexual orientation, disability, social class or age. All such cases will be treated as serious and dealt with accordingly.
- **alcohol abuse and drunken behaviour**
- **nuisance from pets and animals**, including fouling, noise from animals (including dogs barking), excessive odours from animals, keeping dangerous or unsuitable animals, using animals to intimidate or harass people, lack of control and supervision of animals
- **noise**, including loud music, shouting or arguing, door slamming, parties
- **dumping rubbish, fly tipping and littering**
- **misuse of communal areas**, including dumping rubbish or playing in unsuitable areas
- **problems caused by vehicles**, including abandoned vehicles, inappropriate or illegal parking, carrying out vehicle repairs inappropriate to the local neighbourhood, excessive noise from vehicles (e.g. car alarms)
- **any breaches of tenancy conditions**, including untidy and unkempt gardens, failure to maintain the home, damage to the home
- **disputes between neighbours**
- **domestic disputes and domestic violence**



Procedure

The CLH organisation will need to develop a procedure regarding how it would deal with reports of anti-social behaviour, including:

- how it would receive reports of anti-social behaviour dealing with anonymous reports
- how it would deal with confidentiality issues
- how it would ensure compliance with General Data Protection Regulations in respect of anti-social behaviour
- how it would record complaints
- how cases would be investigated
- what action would be taken
- how it would manage harassment and hate crime
- how reports would be made back to the complainant
- how support would be provided to witnesses and complainants



Residents disputes policy

Aims of the policy

The following may be aims of the policy:

- To ensure that harmony and peace is promoted between CLH organisation residents
- To ensure that informal methods are available to resolve resident disputes where appropriate
- To ensure that residents can also raise resident dispute issues formally
- To ensure that resident disputes issues will be dealt with effectively and fairly

Introduction

Resident disputes can occur in CLH organisations and because of the close community connections inherent to such organisations, can be difficult to deal with. It is helpful for CLH organisations to adopt methods for dealing with them at a time when disputes are not happening.

A resident dispute is defined as when a resident makes a complaint about the behaviour of another resident or their guests. Resident disputes can also be characterised by the resident complained about may also raise complaints about the complainant. Some of the issues raised may be considered under the Anti-social Behaviour Policy. Some issues raised may be breaches of tenancy or lease and may need to be handled in accordance with Tenancy Breach Policy.

The CLH organisation may wish to keep full records of all communications, actions and letters relating to resident disputes, including where agreements are made verbally.

Informal approach

Unless there is clear evidence of a serious tenancy or lease breach, the CLH organisation may initially propose that a resident dispute be resolved informally between the parties concerned.

Where it may assist in resolving a resident dispute informally, the CLH organisation may identify someone who is not party to the dispute to act impartially to assist in resolutions.

Sending letters to all parties clarifying behaviour expected of residents may be an appropriate response to resident disputes involving minor tenancy or lease issues.

Formal resident dispute handling

Formal resident disputes need to be investigated and considered non-judgementally. This will include interviews with the initial complainant, other parties to the dispute and anyone else who has relevant information about it.

Potential actions

Where the dispute involves tenancy or lease breaches, the CLH organisation may take action in accordance with the Tenancy Breach Policy. Where the dispute does not involve a breach, or where the dispute needs resolution as well as dealing with the breach, resolution of the dispute through mediation may be offered. Resolution of a resident dispute may include asking parties to a dispute to sign up to an agreement between them about acceptable behaviour. Where appropriate, consideration may be given to how the CLH organisation checks that any commitments signed up to are being complied with.



Potential risks to be avoided

- A resident dispute escalates and starts to affect many people and activities in a CLH organisation
- Not ensuring sufficient objectivity in the management or investigation of a resident dispute by asking someone too close to the dispute to manage it

Procedure

Delegated authority

The CLH organisation needs to consider who would manage a residents dispute, particularly bearing in mind the need for impartiality.

Procedure

The CLH organisation would need to have procedures to:

- how resident disputes will be reported
- how disputes will be managed
- what actions can be taken
- how the CLH organisation's equality and diversity policy will be complied in terms of ensuring that all parties to any dispute are provided support if they have need of it.



Racial harassment policy

Aims of the racial harassment policy

The following may be aims of the racial harassment policy:

- To ensure that no resident, volunteer or staff member lives in fear of racial harassment or violence
- To make a strong statement that the CLH organisation will not tolerate racial harassment or violence and will take steps to eradicate it

Identifying racial harassment

The report on the Stephen Lawrence Inquiry (1999) defines a racist incident as “any incident which is perceived to be racist by the victim or any other person”. Racial harassment and abuse can occur in a variety of forms. Whilst this list is not exhaustive it indicates the range of unacceptable behaviour:

- racial abuse - verbal and written
- racially abusive behaviour such as spitting, threats, theft, offensive items left on doors and posted through letterbox
- physical assaults on victims, their dependants and relatives
- incitement - stirring up racial hatred by a variety of means such as petitions, leaflets and stickers
- damage to property - such as racist graffiti and slogans, bricks through windows and doors, damage to cars, other possessions and arson
- threats to wellbeing or life - such as lighted matches or rags being put through a letterbox
- behaviour such as wearing racist badges or insignia. Circulating racist material or material from groups known to be racist via social media.
- racist graffiti.

Statement

The CLH organisation should make a strong statement that it will not tolerate any level of racial harassment or violence affecting its residents, volunteers or staff. All CLH members, residents, volunteers, staff and others should be encouraged to establish a climate where harassment is unacceptable to help deter perpetrators.

No one should live in fear of racial harassment or violence. The CLH organisation should commit itself to ensuring the safety and security of all people involved in the organisation. It should also recognise that some, particularly those from black and minority ethnic communities, are more likely to experience racial harassment. To this end, the CLH organisation should take firm action to eradicate any form of racial harassment.

Victim centred approach

Racial harassment should be defined by reference to the victim’s perceptions of the cause of their harassment. The CLH organisation should take every effort to ensure that victims of racial harassment are aware of their rights and what remedies are available to protect them. The support and advice of community groups and agencies should be sought to enable an effective response.

Tenancy or lease breach

Racial harassment should be considered a serious breach of tenancy or lease agreements which can lead to their termination.



The CLH organisation should deal vigorously with racial attacks and harassment and use every available legal action against perpetrators, including prosecution and eviction. It should also provide practical support for victims of racial harassment to protect them from further harassment and work in partnership with other agencies to create an environment which encourages racial harmony.

Criminal proceedings

If a crime has been committed and the person wishes to pursue the matter, the Police should be contacted immediately since delay may prejudice the outcome of criminal procedures.

Learning from experience

Governing bodies of CLH organisations should carefully monitor any incidents of racial harassment and, having sought feedback from victims, learn from any experiences. The CLH organisation should ensure that it publicises its commitment to combating all harassment.

Potential risks to be avoided

- Residents, volunteers, staff or others may become victims of racial harassment
- The CLH organisation is not perceived to take a firm enough stand against racial harassment and therefore may be perceived to potentially condone it
- The CLH organisation does not establish a culture of being against racial harassment

Procedure

The CLH organisation will need to manage complaints of racial harassment in accordance with:

- Its Anti-social Behaviour and Harassment Policy if the complaint is about residents or their guests
- Its Disciplinary Procedures if the complaint is about staff
- Its codes of conduct and agreements with contractors if the complaint is about contractors
- Its Code of Conduct if the complaint is about a governing body member or a general member

The CLH organisation will need to carefully consider who carries out investigations into complaints of racial harassment to ensure appropriate impartiality and experience and knowledge of racial harassment. The CLH organisation should consider approaching specialist agencies to manage racial harassment complaints.

The CLH organisation may wish to carry out repairs, including the removal of graffiti, arising as a result of racial harassment as an emergency, and where appropriate should provide additional security measures as necessary. Where the perpetrators have been identified the CLH organisation should charge the cost of any repairs that are required as a result of racial harassment to them.



Domestic violence & abuse policy

Aims of the domestic violence & abuse policy

The following may be aims of the domestic violence policy:

- To ensure that the CLH organisation responds appropriately and sensitively to reports of domestic violence and abuse
- To ensure protection for the victims of domestic violence
- To publicise the issue of domestic violence

Statistics drawn from the Crime Survey for England and Wales show that:

“Some 7.5% of women and 4.4% of men were estimated to have experienced domestic abuse in 2016/17, equivalent to an estimated 1.2 million female and 713,000 male victims. Overall, 26% of women and 15% of men aged 16 to 59 had experienced some form of domestic abuse since the age of 16. These figures were equivalent to an estimated 4.3 million female and 2.4 million male victims.”

Sensitive responses to domestic violence and abuse

People living in CLH organisation homes, volunteers, members and staff should not live in fear of domestic violence or abuse. CLH organisations should be committed to providing a sensitive response to anyone asking for assistance in cases of domestic violence and abuse. CLH organisations should ensure that they have access to people or organisations with expertise in managing domestic violence and abuse cases.

Domestic violence and abuse can happen to anyone regardless of gender or transgender status, social group, class, economic status, age, race, disability, religion or geographic location. Domestic violence and abuse are under-reported.

DASH risk assessments

CLH organisations should ensure:

- that victims know they can meet CLH organisation officers in confidence at an agreed choice of safe venue
- that a risk assessment using the DASH (Domestic Abuse, Stalking and Honour-based Violence) Risk Identification Checklist is carried out alongside safety planning to provide support for the victim and any children involved.

MARACs and serious domestic abuse cases

The CLH organisation should share information with Multi-Agency Risk Assessment Conferences (MARAC), at which information is shared between agencies involved in domestic abuse cases, which produce multi-agency action plans in response to high risk cases. For cases which meet the MARAC risk rating threshold or if there are child protection concerns, CLH organisations have a legal duty to share information with agencies. In cases where the threshold is not met, with the agreement of the victim, the CLH organisation should make referrals to other relevant agencies.

Action planning

CLH organisations should agree an action plan with the victim, monitor the situation and review at a frequency agreed with them. They should assist people experiencing domestic abuse to access



appropriate services as early as possible and help them to receive advice to allow them to make choices about what to do next.

Security and safety

CLH organisations should provide improved security to a victim's home (e.g. security lights, window locks) where a need is identified. If a history of domestic abuse is known about in the allocation of a property, additional security measures should be considered.

CLH organisations should make use of civil laws to offer maximum protection to all victims to stop the abuse reoccurring. They should follow the relevant child protection procedures if there is reason to believe a child is at risk due to an abusive relationship.

Dependent on circumstances, CLH organisations should assist victims to remain in their homes or be placed in alternative accommodation. Where appropriate, CLH organisations should take possession action against perpetrators of domestic abuse.

Supporting employees

CLH organisations should provide support and guidance to any employees experiencing domestic abuse and should take action in accordance with HR policies regarding staff who are convicted of domestic abuse.

Publicity

CLH organisations should publicise their approach to raise awareness amongst residents, members, governing body members and staff, with the aim of increasing reports of domestic abuse.

Potential risks to be avoided

- Residents or others may not be properly supported regarding domestic violence and abuse cases
- Those suffering domestic violence and abuse – many of whom may not have the confidence or strength to report incidents – do not come forward because they do not perceive that they will receive a sensitive response
- The CLH organisation does not comply with its legal requirements regarding domestic violence and abuse

Procedure

Delegated authority

The CLH organisation will need to consider who has delegated authority to manage incidents of domestic violence and abuse. The CLH organisation should ensure that it has access to an organisation that has expertise in managing such cases.

Definition

The CLH organisation needs to either familiarise itself with the UK's cross-government definition of domestic abuse or ensure that it takes advice from an organisation that has expertise in the area. The



CLH organisation needs to be aware of the types of possible domestic violence and abuse, including physical abuse, sexual abuse, financial abuse and psychological and emotional violence and abuse.

IDVAs and MARACs

CLH organisations need to be aware of what Independent Domestic Violence Advocates (IDVA) and Multi-Agency Risk Assessment Conferences (MARACs) are and the role they play.

The procedure to manage domestic violence and abuse should be operated in conjunction with the Anti-Social Behaviour Policy and other relevant policies.

Procedure

The CLH organisation will need to have procedures to:

- Enable reporting of domestic violence and abuse – for victims, for third party organisations, and for people who are concerned that domestic violence and abuse may be occurring
- Treat reports of domestic violence and abuse as emergency matters supporting the victim to contact appropriate services (i.e. the police) as soon as possible; contacting the police directly if there is a reason to believe the safety of the victim may be at risk; particularly taking action if there are children involved with the domestic violence or abuse; providing additional security measures at a victim's home if the victim lives in a CLH organisation home
- Ensure that its volunteers and staff are aware of domestic violence and abuse issues
- Respond sensitively to domestic violence and abuse cases
- Carry out interviews using a DASH risk identification checklist
- Provide advice of support available
- Agree with the victim what action will be taken
- Determine the severity of the risk and act accordingly
- Ensure that the victim is safely housed, either in their existing home or elsewhere if there is a need to move the victim
- Take action in relation to honour based violence or forced marriage
- Respond to adolescent to Parent Violence



Safeguarding vulnerable adults & children policy

Aims of the safeguarding vulnerable adults & children policy

The aims of the safeguarding vulnerable adults & children policy should be to ensure that the six principles set out in the Care Act 2014 are implemented:

- **Empowerment** – people being supported & encouraged to make their own decisions and informed consent
- **Prevention** – it is better to take action before harm occurs
- **Proportionality** – the least intrusive response appropriate to the risk presented
- **Protection** – support and representation for those in greatest need
- **Partnership** – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability** – accountability and transparency in delivering safeguarding

Care Act responsibilities

CLH organisations may house a wide range of people some of who may, at some point, be vulnerable to abuse or neglect. The Care Act places responsibilities on housing organisations that are specifically set up to cater to vulnerable adults and children, but there is a proportionate responsibility for all housing providers to detect and respond to issues of neglect and abuse.

Social Services

CLH organisations have a duty to inform Social Services if there are any safeguarding concerns about any of their residents.

Definitions

The Children Act 1989 defines a child as being anyone who has not yet reached their 18th birthday. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services because of:

- a physical disability
- a physical or mental illness
- a learning difficulty
- a reduced physical or mental capacity due to older age
- a dependency on alcohol, illegal drugs or medication.

A vulnerable adult may also be somebody who is or maybe unable to take care of themselves, or unable to safeguard themselves against significant harm or exploitation. Whether or not a person is vulnerable in these cases will depend upon surrounding circumstances, environment and each case must be judged on its own merits.

Abuse is a violation of an individual's human and civil rights by any other person or persons. Friends, strangers, family members, and professional staff can all be guilty of abuse. Abuse can include physical, mental, sexual, financial, discriminatory abuse and neglect.



Reporting abuse

CLH organisations have a duty to:

- report reports of abuse or neglect to vulnerable adults or children through appropriate agencies and channels – in the first instance to Social Services and, where appropriate, to the Police
- document and record any discussions or actions carried out following reports of abuse or neglect
- fully co-operate with any agencies involved with cases of alleged abuse or neglect
- work with other agencies to investigate any alleged breach of tenancy agreement and take action through policies and procedures where appropriate.

CLH organisation should ensure that those entering homes on behalf of the organisation who may see evidence of abuse or neglect, report any concerns they have to the appropriate agency such as Social Services. CLH organisations should work in partnership with local authorities and support their safeguarding strategies.

Checks on personnel

All people in a CLH organisation who have regular contact with vulnerable adults and/or children:

- should be subject to employment checks and Criminal Records Bureau / Independent Safeguarding Authority (ISA) checks, where appropriate. It is an offence for any organisation to use someone, paid or unpaid, in a regulated activity when that person is known to have been barred by the ISA.
- should be trained in the implications and processes involved with the safeguarding of vulnerable adults and children, and in how to identify signs of abuse and neglect
- should protect themselves from allegations of abuse, or situations that could be misunderstood, by maintaining strong professional boundaries.

A CLH organisation should carry out an immediate investigation if any of its volunteers or staff are alleged to have carried out abuse or neglect relating to a vulnerable adult or child.

Data sharing

A CLH organisation should comply with the General Data Protection Regulations if it receives a report of neglect or abuse relating to a vulnerable adult or child, only sharing information if:

- the CLH organisation is required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders
- there is an information sharing protocol, contract or confidentiality agreement in place
- the person who gave the information is happy for it to be shared
- not sharing the information would place a child or adult at increased risk of significant harm; would prejudice the prevention, detection or prosecution of a serious crime; or would lead to unjustified delay in making enquiries about allegations of significant harm or serious harm.

Photos and film

A CLH organisation is required to seek written consent from parents, guardians or carers before publicly using photographic material that includes vulnerable adults or children. They should also get verbal consent from the child or vulnerable adult if they can communicate verbally. Photographic material should not contain personal information about them that could identify their whereabouts. Children and vulnerable adults should never be portrayed in a demeaning or tasteless way.



Potential risks to be avoided

- A CLH organisation does not take appropriate action in relation to a vulnerable adult or child
- A CLH organisation set up to provide support to vulnerable adults or children assumes that its community orientated nature means that it does not have a duty to report abuse or neglect to the appropriate authorities
- A CLH organisation does not carry out appropriate checks on its personnel or it circulates data or photographic material inappropriately

Procedure

The CLH organisation will need procedures relating to reporting cases of neglect and abuse of vulnerable adults and children and for managing any use of photographic material.



Succession policy

Aims of the succession policy

The following may be aims of the succession policy:

- To ensure that there is clarity regarding when a tenant can succeed to a tenancy following the death of a tenant

Succession rights

Social housing tenancies can sometimes be inherited by partners and relatives. This depends on the type of tenancy and the potential successor's relationship with the tenant who has died.

Partners and spouses (husband, wife, civil partner or cohabitee) and other family members (if the relevant family relationships are listed in the tenancy agreement) of Assured tenants have a statutory right to succession as long as it was their home when the tenant died and they had lived there usually for at least 12 months.

Usually relatives who may be able to inherit the tenancy are one of the tenant's parent or grandparent, child or grandchild, brother or sister, uncle, aunt, nephew or niece, step-relations, half-relations and in-laws. However foster children are not usually included.

Those who may succeed to a fully mutual housing co-op tenancy are set out in the co-op contractual tenancy agreement, but co-ops often mirror Assured tenancy succession rights in their tenancy agreements.

A variety of succession arrangements applied before 2011, with some succession rights being statutory and some being contractual and set out in tenancy agreements.

Various succession rights exist in relation to Assured Shorthold Tenancies and Fixed Term Tenancies.

The CLH organisation will need to determine what succession rights its tenants can legally have and what succession rights they want to give them. For most tenants with succession rights, the tenancy can only be inherited once and where a joint tenant dies, the remaining tenant succeeds to the tenancy and this is usually considered the one right of succession.

Where succession rights are statutory, the existing tenancy is transferred to the successor and no new tenancy agreement needs to be issued. The successor tenant will pay the same rent and have the same rights as the person they are succeeding.

Potential risks to be avoided

- A CLH organisation inadvertently grants a succession to someone who should not be entitled to succeed
- A CLH organisation does not grant succession to someone who most would agree it would be appropriate to grant succession to.

Procedure

The CLH organisation will need to determine how succession claims will be managed.



Joint tenancies policy

Aims of the joint tenancies policy

The following may be aims of the joint tenancies policy:

- To ensure that joint tenancies are created and terminated legally
- To ensure that requests for joint or sole tenancies are dealt with in a consistent manner
- To ensure that the CLH organisation identifies abuse experienced by tenants and assists tenants when they make a request for a joint or sole tenancy

Scope

The CLH organisation will need to decide its approach regarding:

- changing a sole tenancy into a joint tenancy
- changing a joint tenancy into a sole tenancy
- ending a joint tenancy
- cases where domestic abuse is present.

Usually such a policy would not cover intermediate market rent or market rent tenants, leaseholders, freeholders or licence holders.

Definitions

A **sole tenancy** is where only one person signed the tenancy agreement; a **joint tenancy** is where two people have signed the tenancy agreement and have equal responsibility for maintaining the tenancy, including the payment of rent. Joint tenants are both entitled to live in the home and cannot legally exclude the other without a court order.

Granting joint tenancies at sign up

Usually a CLH organisation would grant a joint tenancy to new tenants where the application is made by a married couple, a cohabiting couple or a civil partnership. Usually joint tenancies would not be granted to more than two people or to family members other than spouses or civil partners, unless exceptional circumstances apply. Both tenants would need to be present at sign up of the tenancy to grant a joint tenancy.

Changing a sole to a joint tenancy

The CLH organisation will need to decide under what circumstances it would agree to change a sole to a joint tenancy. Such a change would normally be agreed where a request was made by an existing tenant who was getting married or entering into a civil partnership or cohabiting. Usually most CLH organisations would not agree to change a sole to a joint tenancy if the existing tenant is in rent arrears.

A CLH organisation may not wish to change a sole tenancy to a joint tenancy if the new joint tenant has an existing negative tenancy record with the organisation – ie. they have a rent debt or some other record of tenancy breach from a former tenancy in the CLH organisation.

Changing a joint to a sole tenancy

Usually a CLH organisation cannot transfer a tenancy from joint to sole unless both parties agree and there is a formal deed of assignment. Where only one tenant wants a sole tenancy, such as in relationship breakdown, the CLH organisation will be unable to fulfil this without a Court Order.



Usually under succession rights when a joint tenant dies, the surviving joint tenant will become the sole remaining tenant as long as they were living in the dwelling and remain living in the dwelling as their only or principal home.

Where one of two joint tenants serves a Notice to Quit to end the tenancy or there is an absent tenant, the CLH organisation could consider granting the remaining tenant a sole tenancy where no breaches of tenancy have taken place.

Ending a joint tenancy

A joint tenancy may be ended where:

- one joint tenant leaves and the remaining tenant wishes to remain a tenant. If the tenancy is an Assured tenancy, a CLH organisation would not be able to evict the remaining tenant unless there are grounds for possession. A CLH organisation that issues contractual tenancies is unlikely to want to evict the remaining joint tenant.
- either or both joint tenants wish to terminate the tenancy. Either tenant can end the tenancy for both tenants by serving a valid Notice to Quit, but the CLH organisation should usually inform the other tenant if a Notice to Quit is served, unless this would put the tenant at risk in situations of domestic abuse.

Domestic abuse

A CLH organisation should support court orders in relation to cases of domestic abuse regarding who remains in the property.

Where a departing joint tenant would be at risk by not leaving the property, a CLH organisation should refer the case for re-housing to the local authority through a Multi-Agency Risk Assessment Conference (MARAC).

Where it is identified that a tenant requesting a change between a joint or sole tenancy may be being pressured to do so, a CLH organisation should refer to its Domestic Abuse Policy.

Potential risks to be avoided

- Granting a joint tenancy to a former tenant with debt or some other negative history with the CLH organisation
- Inadvertently getting drawn into a partnership dispute
- Not providing appropriate support to a victim of domestic violence and abuse

Procedure

Delegated authority

The CLH organisation will need to draw up policies relating to change sole to joint tenancies and from joint to sole tenancies – taking into account the legal methods of doing this and liability for existing rent arrears.



Abandoned properties policy

Aims of the abandoned properties policy

The following may be aims of the abandoned properties policy:

- To ensure that the CLH organisation has an approach to dealing with abandoned and unoccupied properties
- To ensure that the CLH organisation regains possession of abandoned properties in accordance with legislation

Dealing with abandoned properties

Outright owned or market rented CLH homes may be left empty by the resident and the property would not be considered abandoned unless a tenant or leaseholder was no longer paying their rent or other charges. However, there is a need to ensure that a CLH organisation deals effectively with publicly funded low-income rental or shared ownership homes that have been abandoned or stand empty due to an expired notice, eviction or resident deaths where there are no next of kin. The guidance below largely refers to low income rental homes. Shared ownership homes are leased to low income people to enable them to access a form of home ownership and as such terms in their leases will require occupancy of the home.

Unlawful repossession

The approach used needs to ensure that the CLH organisation is protected from inadvertently taking unlawful possession of a property and that tenant security of tenure is safeguarded.

Giving notice

At tenancy sign up, and subsequently where appropriate, tenants should be made aware that they are required to give a period of notice (usually four weeks) to end tenancies; that they should give vacant possession at the end of the tenancy; and, if the home is social rented housing, they are required to occupy the property as their only and principal home.

Investigating abandoned properties

A CLH organisation will need to respond promptly where reports from neighbours or people in the community, rising rent arrears, no response to communications, forwarding address enquiries, bad odours, blacked out windows or other issues suggest that a property may have been abandoned.

A suspected abandoned property should be investigated and secured as soon as a report is received. Enquiries should be made to establish if the tenant intends to return to the property. Possession should be taken of the property where it is clear that the tenant does not intend to return, and the tenancy has been surrendered.

Repossessing properties

Where it is unclear whether a tenancy has been surrendered, a Notice to Quit should be issued and the CLH organisation should take legal action to repossess the property on expiry of the notice.

Death of a tenant

Where a sole tenant dies, contact should be made with the next of kin regarding the tenant's belongings. Where there are no known next of kin, reasonable enquiries should establish whether the tenant made a



will and beneficiaries will be contacted regarding the tenant's belongings. The terms of probate should be complied with.

The CLH organisation will need to determine whether tenant belongings left in a property due to abandonment, eviction or death should be held in storage for 28 days.

Potential risks to be avoided

- A tenant is illegally evicted. Unlawfully depriving a tenant of their home is a criminal offence, which could result in a CLH organisation and/or the officer taking the decision being prosecuted and the tenant taking a civil action.
- an abandoned property is squatted or illegally occupied because it has been left empty for too long.
- an abandoned property is damaged as a result of action not being taken soon enough to secure it.

Procedure

The CLH organisation will need to have procedures in relation to:

- Investigating a suspected abandoned or unoccupied property
- Serving notices relating to an abandoned or unoccupied property
- Deciding whether court action is necessary to safeguard the CLH organisation against possible unlawful eviction
- Dealing with a resident's property left at a property
- Managing the death of a tenant, a leaseholder or a shared owner where there is no succession to the tenancy



Squatting and unauthorised occupation policy

Aims of the squatting and unauthorised occupation policy

The following may be aims of the squatting and unauthorised occupation policy:

- To ensure that the CLH organisation manages cases of squatting and unauthorised occupation quickly and in accordance with the law

Squatting

Squatting is a criminal act which can lead to six month's imprisonment, a fine of £5,000 or both. It is usually a crime not to leave a property when instructed to do so by the owner, the police, the council or by a repossession order. A squatter is someone who enters a building as a trespasser, in the knowledge that they are a trespasser, with the intention to live in the building for a period of time.

Removal of squatters

It may be possible to remove squatters by reporting squatting to the police, particularly if it is reported to them shortly after the squatting has started and/or if there is evidence of criminal damage to gain entry, such as broken windows or doors. The police should be contacted immediately if they become aware of squatting in a CLH organisation property or if a squatter has been stealing from or damaging the property, using utilities like electricity or gas without permission, flytipping or not obeying a noise abatement order.

Interim Possession Order

If the police are unable or unwilling to remove squatters immediately, the squatter should formally be given a notice that they must leave the property. The CLH organisation may decide if action should be taken to remove them by applying to the County Court for an Interim Possession Order (IPO). This needs to be done within 28 days or less from the initial awareness of squatting. If the court makes an order, anybody occupying the premises without consent must leave within 24 hours of a copy of the order being served on them.

Unauthorised occupier

An unauthorised occupier is not a squatter. They are someone who occupies a property with the consent of absent tenants or who remains in the property after the tenancy has ended. This includes where the tenant has died and the person(s) remaining has a reasonable belief that they are entitled to succeed or to remain in the property. Unauthorised occupancy can also occur where a mutual exchange has taken place without consent.

Where there are unauthorised occupiers in a property, they should be asked to leave and signposted to appropriate housing agencies. Social Services and the Local Authority should be notified if the unauthorised occupier appears to be less than 18 years of age.

Accepting rent

The CLH organisation should not accept rent from an unauthorised occupier. Should money be received from them, a use and occupation account should be established and the money received considered "mesne profits". It should not be referred to as rent.



Potential risks to be avoided

- Homes may be occupied and/or damaged by someone who is not entitled to live in them
- There may be danger to volunteers, staff and others who are dealing with squatters or unauthorised occupiers
- The correct procedure to remove squatters or unauthorised occupiers may not be followed, or actions may not be taken quickly enough, resulting in additional costs and delays in letting homes
- A tenancy may inadvertently be established for an unauthorised occupier by accepting rent from them.

Procedure

The CLH organisation will need to have procedures in relation to:

- Informing and liaising with the police if there are squatters
- Visiting the property and engaging with occupiers
- Taking action to remove squatters or unauthorised occupiers
- Managing displaced residential occupiers
- Issuing interim possession orders and taking other possession proceedings



Subletting and lodgers policy

Aims of the subletting and lodgers policy

The following may be aims of the subletting & lodgers policy:

- To ensure that the CLH organisation considers its approach to subletting and lodgers
- To ensure that the CLH organisation takes appropriate action regarding subletting and lodgers where a request is made to sublet
- To ensure that the CLH organisation takes appropriate action where subletting occurs without permission

Subletting

Where a home is rented, the CLH organisation should ensure that the people living in their homes are the tenants who are entitled to live there.

It is against the law and a criminal offence for a tenant of a social rented home to sublet the whole of their home or for them to cease to occupy the property as their principal home. It is also against the law and a criminal offence for such a tenant to sublet part of their home without written permission. Subletting should also be a breach of a tenancy agreement for a social rented property. A CLH organisation should always take action in cases of known or suspected unlawful subletting in a social rented home.

Non-social rented tenancy agreements

A CLH organisation may wish to include conditions relating to subletting in non-social rented tenancy agreements. If the CLH organisation includes such conditions, the CLH organisation will need to consider whether some or all of the rest of this policy applies to such tenants.

Renting out a room or subletting

Dependent on the size of the property and the occupation agreement, residents may be able to rent out a room in their property either by subletting a part of it, or by taking in a lodger. In most cases, the tenant will be taking in a lodger because they will only be granting a right to the lodger to live in the property, rather than granting a legal interest in a part of the property. The CLH organisation may also allow tenants to rent out a room on a temporary basis through internet websites such as AirBnB.

Social housing tenants may have a right to sublet part of their property but must request permission to do so. Permission to sublet a part of the property should not be unreasonably withheld, but tenants are not permitted to sublet the whole property. A legal sub-tenant holds a formal tenancy agreement issued by the head tenant (the CLH organisation's tenant) which grants exclusive possession of a part of the property (usually their bedroom). Social housing tenants are usually permitted to take in lodgers without permission but are usually required to notify the CLH organisation.

Providing information to the tenant

Where a tenant sublets, takes in a lodger, or rents out a room, the tenant should be advised that:

- the CLH organisation will not get involved in any dispute between them and the subtenant or lodger
- they should obtain their own independent advice regarding subletting and lodgers
- if a social housing tenant, they must continue to occupy the property as their main or principal home



- they should let the CLH organisation know if their sub-tenant or lodger leaves or the circumstances change
- they must not overcrowd the property
- they are responsible for informing Housing Benefit, the DWP and/or HMRC regarding income received from the subtenant or lodger
- the CLH organisation has a duty to notify Housing Benefit and the DWP of the changes.

Leaseholders

The rights of leaseholders to sub-let the whole or part of their property or to take in lodgers are set out in their lease. These are likely to include that the leaseholder is responsible for the actions of any lodgers or subtenants and that leaseholders may not statutorily overcrowd their properties. Leaseholders may also have an obligation to inform their mortgage lenders about any lodgers or subtenants.

Potential risks to be avoided

- an implied tenancy is accidentally granted to an illegal subtenant
- a Registered Provider CLH organisation fails to comply with the regulatory standard that requires that they ensure that “the home continues to be occupied by the tenant” for the duration of the tenancy

Procedure

Definitions

A **subletter** is a tenant who has parted with possession of the whole or part of their property by granting a tenancy to a subtenant. A **subtenant** is the person that the tenant sublets their property to. The subtenant lives separately from and pays rent to the CLH organisation’s tenant with exclusive occupation of at least part of the property, usually their bedroom, that the head tenant does not have access to. A **lodger** is a person who rents a room from a tenant, but has a licence rather than a tenancy agreement. They stay with the tenant as part of their household and share facilities. They do not have exclusive occupation of any part of the property. They may have use of a bedroom, but the tenant still has access to it. They may also receive some services from the tenant, such as meals, laundry or cleaning. They pay a charge to the tenant for use and occupation of the property.

Procedure

The CLH organisation will need to have procedures in relation to dealing with unlawful subletting; removal of illegal sub-tenants; taking legal action; responding to requests to sublet, take in a lodger or rent a room through AirBnB, including what information or conditions are put on such requests.



Tenancy breach policy

Aims of the tenancy breach policy

The following may be aims of the tenancy breach policy:

- To set out the CLH organisation's approach to preventing and resolving tenancy breaches.

Definitions

A tenancy breach can be defined as breaking any of the responsibilities set out in the tenancy agreement. Tenancy fraud, forms of anti-social behaviour, allowing the property to deteriorate, abandoning the property or illegally subletting, not providing access to contractors are all examples of breaches of a tenancy where a CLH organisation may wish to take action.

Tenancy fraud

In relation to social rented homes, examples of tenancy fraud include:

- a tenant not using the home as the only or main home
- giving false information, deception or misrepresentation in an application for a property
- false succession activity
- key selling - where a tenant moves out and is paid to hand over the tenancy to someone else
- unlawful subletting – for profit or for a friend
- Right To Buy or Right to Acquire fraud – falsely claiming the Right to Buy and associated discounts
- abandonment of the property and living elsewhere
- unauthorised exchange or assignment.

CLH organisations need to be committed to ensuring that any homes that have received public subsidy are targeted at those most in housing need and those on low incomes and with few alternative housing options.

Wilfully misrepresenting circumstances may also be a criminal offence and the CLH organisation may involve the Police or the Local Authority in bringing criminal proceedings where criminal intent appears to have been involved. The Prevention of Social Housing Fraud Act 2013 created specific criminal offences of unlawfully subletting by social housing tenants. The Act gives the Local Authority powers to prosecute in such cases and enables the Court to order the recovery of any profit made through subletting.

Dealing with tenancy breaches

Where there is a potential report of a breach of tenancy, the CLH organisation will need to investigate it. This is likely to involve interviews with the tenant and any complainants in relation to the allegation.

The following actions may be appropriate in relation to tenancy breaches:

- informal advice or verbal warnings to the tenant
- written warnings and final written warnings
- using mediation techniques and services
- asking those who are breaching tenancies to change their behaviour and give a written undertaking to behave or not behave in specified ways
- working in partnership with other agencies
- informing and liaising with the Police if the alleged breach is, or may be, criminal



- legal remedies including applying for possession, civil injunctions, and Community Protection Notices
- gathering evidence if there is a need for a legal remedy.

Potential risks to be avoided

- A tenancy breach is not appropriately responded to resulting in the breach continuing
- Insufficient evidence is gathered to enable the CLH organisation to pursue legal remedies
- An instance of tenancy fraud goes undetected or is not pursued if identified



Pets policy

Aims of the pets policy

The following may be aims of the pets policy:

- To ensure that responsible pet ownership is allowed
- To ensure that certain types of pet are prohibited
- To ensure that pet owners take responsibility for their pets

Companionship

Responsible pet ownership can be a great source of companionship and bring other benefits, but controls are needed to prevent irresponsible pet ownership which can cause suffering to animals and a nuisance to neighbours.

Legislation

Various legislation affects pet ownership in relation to protection of the members of the public, of the pets themselves, and of the environment.

Developing rules

The CLH organisation needs to decide on possible rules in relation to the following issues:

- seeking permission to keep pets
- keeping assistance dogs or animals, which would usually be allowed where there is evidence that they are needed
- withdrawing consent to keep pets if a nuisance is caused
- restricting the number of animals kept
- microchipping of dogs and keeping them on leads in communal areas
- requiring owners to clear up any animal fouling
- ensuring animals kept in the home are subject to proper control and do not cause damage, nuisance or annoyance to any other person
- pets doing damage to CLH organisation property and charging residents for any damage caused
- residents not being allowed to run animal related businesses from their home such as breeding animals for sale or kennels.

Usually appropriate pets

The CLH organisation may wish to decide what sort of pets it will give permission for. It would usually be acceptable to give permission for:

- domestic dogs and cats
- small animals such as rabbits, hamsters, guinea pigs, mice, gerbils and domestic rats
- small birds such as suitably caged canaries or budgerigars
- fish
- non-poisonous insects, spiders, snakes and reptiles (if appropriately tanked and contained).

Usually inappropriate pets

Permission might not be granted for keeping:

- farm animals – sheep, goats, pigs, cattle, horses, ducks
- animals registered under the Dangerous Wild Animals Act 1976 – such as certain breeds of venomous snake, spider or monkey



- dogs specified in the Dangerous Dogs Act 1991 - Pit Bull Terrier, Dogo Argentino, Fila Brasileiro and Japanese Tosa
- a dog or cat where the household already has two dogs or two cats or a dog and a cat
- any pets where there is an ongoing or past pet ownership problem in the household.

Permission can be granted subject to the pet receiving vaccinations and treatments such as de-fleaing and worming to reduce the risk of diseases and parasites spreading.

The CLH organisation may also wish to consider whether tenants can keep pigeons – which is likely to involve consideration of any objections made by neighbouring residents and of the proposed construction of pigeon lofts.

Nuisance

A CLH organisation should take appropriate action where pet behaviour causes nuisance to neighbours, such as stray animals, pet fouling in communal areas or neighbours gardens, excessive noise, excessive numbers of pets, unpleasant odours and aggressive animals. Resolution may be informal, but where this is not possible, permission for the pet could be withdrawn or pet numbers could be restricted; actions in the Anti-Social Behaviour Policy could be taken, such as using an Acceptable Behaviour Contract or mediation, or serving injunctions; the Police or the Local Authority could be involved (and may be requested to serve a Community Protection Notice); the RSPCA could be involved. Instances of cruelty or neglect should be reported to the RSPCA. These actions may apply equally to tenants, shared owners, leaseholders and their tenants, subject to legislation and terms of leases.

Potential risks to be avoided

- Pets owned by CLH organisation residents may be dangerous to others and/or cause nuisance
- Pets may be improperly looked after resulting in concerns about the welfare of the pets
- Pets may damage the CLH organisation's property

Procedure

Legislation

The CLH organisation may need to be aware of legislation relevant to pet ownership:

- **Animal Welfare Act 2006** – this places a duty of care on pet owners to provide for their animal's basic needs such as adequate food and water, veterinary treatment and a suitable living environment. The Act imposes penalties on those who inflict serious cruelty on animals and includes a new offence that means animals do not have to suffer for owners to be prosecuted under this Act.
- **Dangerous Wild Animals Act 1976** – the CLH organisation may choose to not give permission to keep any pet registered under this Act, this includes certain types of venomous spider and snake.
- **Control of Dogs Order 1992** – this requires every dog in public to wear a collar bearing the name and address of its owner inscribed on it – it is not sufficient for the dog to be microchipped or tattooed. The owner or responsible person may be prosecuted and fined if the dog is not wearing a collar when out in public.



- **Dangerous Dogs Act 1991** (as amended by Section 106 of the **Anti-Social Behaviour, Crime & Policing Act 2014**) – the CLH organisation may choose to not give permission to keep any dog specified in this Act. Dog owners should also note that section 3 of this Act applies to all dogs and makes it a criminal offence to allow a dog to be dangerously out of control in a public or a private place (including a tenant’s home, front or back garden) and this includes where a person has reasonable grounds to be frightened that an injury might occur. Tenants need to make sure that any visitor can safely access their front door without encountering their dog. They also need to consider how their dog greets people. What may be viewed as a dog being friendly by jumping up at visitors may be seen as threatening behaviour by a stranger.
- **The Microchipping of Dogs (Regulations) 2014** – makes it obligatory for dog owners to have their dogs chipped. Dogs must be chipped and registered to an approved database by the time they are 8 weeks old. The government advises that the dog be healthy enough to be implanted (only a qualified vet can state that a dog is not healthy enough) and sufficient time is allowed for the database to process the registration in order to ensure that the dog is compliant with the regulations by the time they are 8 weeks old. The Dogs Trust may provide a free microchipping service, in some cases working with the local authority.
- **Environmental Protection Act 1990** – Section 70 states that it is an offence to keep any animal in a place or manner that is prejudicial to health, causes a nuisance or emits noise from a building that causes a nuisance. Examples of such behaviour include excessive barking, a large number of dogs running loose or keeping an excessive number of cats.

Procedure

The CLH organisation may need to have procedures in relation to:

- Asking incoming residents what pets they have
- Applications to keep a pet
- Pet ownership guidelines
- Dealing with owners whose pets cause nuisance
- Reporting cruelty to the RSPCA
- How the policy and procedure could apply to leaseholders and shared owners



Performance reporting framework

Aims of the performance reporting framework

The following may be aims of the performance reporting framework:

- To ensure that the CLH organisation, largely through the governing body, considers performance information that will help it improve its performance
- To enable the CLH organisation to benchmark its performance against other similar organisations
- To ensure that the CLH organisation is accountable to residents and the membership for its performance

Performance indicators

The CLH organisation may wish to establish a performance reporting framework. The following performance indicators could be reported periodically (perhaps on a quarterly basis to the governing body or on an annual cumulative basis where appropriate):

- rent collection and arrears**
 - the percentage of rent arrears against total rent roll
 - percentage of rent collected
 - trends of rent collection
 - analysis of action taken to tackle rent arrears
 - percentage rent arrears written off
 - percentage rent lost through voids
- allocations**
 - number of homes vacant and available for let
 - number of homes vacant but not available for let
 - total number of lettings
 - average relet time per letting
- repairs**
 - emergency repairs completed within target time
 - urgent repairs completed within target time
 - standard repairs completed within target time
 - total number of repairs and average number of repairs per property
 - average costs of repairs
 - average costs of void repairs
 - percentage of current gas safety certificates
 - numbers of repairs satisfaction returns and satisfaction percentage
- complaints**
 - numbers of management, anti-social behaviour and other complaints received

The governing body could set targets in relation to the above measures and consider relevant policies and strategies where targets are not met.

The CLH organisation may also periodically assess overall member satisfaction.



Benchmarking and value for money

The CLH organisation may investigate methods to benchmark its performance and costs against similar organisations.

To facilitate consideration of value for money, the CLH organisation may assess the following costs figures on an annual basis:

- per “unit” management costs
- per “unit” day to day maintenance costs
- per “unit” planned maintenance costs
- comparison of service costs and service charges
- professional fees

Reporting to residents/members

The CLH organisation may wish to produce an annual report to its residents/members that includes basic information on its financial and other performance in an easily understood format.



Contact Community Led Homes

Web:

CommunityLedHomes.org.uk

Tel:

020 3096 7795

Twitter:

[@CommLedHousing](https://twitter.com/CommLedHousing)

Facebook:

facebook.com/groups/CommunityLedHousing