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# ARREARS & WELFARE RIGHTS POLICY SUMMARY



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## INTRODUCTION

At PHA we can only provide services and improve and maintain our housing stock if we have a steady rental income and minimal arrears. Preventing and managing rent arrears is therefore crucial to the successful running of our organisation.

As a provider of social rented housing, we are also aware of the importance of developing and maintaining a sustainable community, and are obliged to provide advice and assistance to those experiencing financial difficulty.

To help our tenants avoid arrears, and other tenancy related debts, we provide a Welfare Rights service to help maximise incomes and improve the financial, social and economic inclusion of our tenants. As a result, this can reduce the impact of arrears upon the organisation. This policy outlines how PHA will prevent, manage and recover arrears of current and former tenants and sharing owners.

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## WHAT ARE THE MAIN OBJECTIVES OF THIS POLICY?

The key to successful arrears control is to try to sustain tenancies through effective prevention, management and recovery practices.

### The main objectives are therefore:

- To prevent and effectively manage arrears.
- To ensure appropriate legal action is taken against those who fail to pay rent.

### Prevention Management

#### We will:

- Ensure effective arrears management begins on day one of a tenancy.
  - Ensure new tenants are made aware of their welfare rights and entitlements, and their obligation to pay rent and maintain a clear rent account.
  - Provide appropriate support throughout a tenancy, seeking to become aware of tenants circumstances through personal contact.
  - Ensure effective communication between us, our current and potential customers, internal staff, support providers and partners.
  - Promote a positive payment culture by offering a variety of payment methods.
  - Continuously monitor all rent accounts and respond promptly to missed payments.
  - Ensure all tenants in arrears are formally referred to the Welfare Rights Officer at an early opportunity to maximise welfare benefits and prevent arrear escalation.
  - Make appropriate and realistic repayment arrangements with tenants in arrears and ensure these arrangements are monitored and escalated where necessary.
  - Ensure any notification of our intention to raise legal proceedings for repossession is raised early and in line with legislative requirements.
  - Continuously invest in staff resources and training.
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### Recovery of Possession

We will do everything we can to help tenants to sustain their tenancy. However, where a tenant fails to pay rent or co-operate with arrangements to reduce their arrear, we will take legal action to evict the tenant. We will follow legal guidance and make sure tenants are well informed of their options and the steps required before an eviction can take place.

#### If a Decree for Recovery of Possession is awarded, we will make sure the tenant is aware that:

- The Court will provide the earliest date in which an eviction can occur and an enforcement period up to six months.
- We will continue to pursue the arrear.

#### Prior to any eviction action being enforced, we will:

- Ensure all reasonable attempts to contact the tenant are made and that eviction is a last resort.
- Demonstrate that any legal action raised and its outcome is reasonable and proportionate to the circumstances of each case.
- Ensure all legal action and operational procedures comply with legislative requirements.
- Ensure effective liaison with partner agencies and support providers throughout the eviction proceedings.
- Obtain Chief Executive approval.

**We will report eviction decisions to the PHA Board annually via the Annual Return on the Charter.**

## HOW DOES THE WELFARE RIGHTS SERVICE WORK?

PHA is committed to providing a free and confidential Welfare Rights service for the benefit of its tenants and community. It has been delivering an advice, information and representation service to Partick residents since April 2004. It aims, through maximising incomes, to improve the financial, social and economic inclusion of tenants.

We fund the service ourselves as part of our commitment to the social and economic regeneration of the Partick area. The demand for the service continues to grow and we actively support the social case for investing in staff and financial resources in this service.

### Aims Of The Welfare Rights Service

We aim to provide a high quality information and advice service which will contribute to reducing tenant arrears and improve tenancy sustainability.

### This will be achieved by:

- Offering advice and information on all welfare benefits, including completing claim forms, corresponding with statutory agencies and challenging award decisions. We will also offer representation to tenants at upper and lower tier appeal tribunals.
- Offering basic, first level advice on debt/money advice issues, including negotiating repayment of council tax arrears and negotiating with utility companies. We will also offer representation to tenants at upper and lower tier appeal tribunals.
- Ensuring our service is easy to access by operating a customer-led appointment system, carrying out home visits when required and continuing to operate an outreach clinic via Glasgow West Credit Union (GWCU).
- Adhering to changes in the law relating to the welfare benefits system and maintaining an awareness of relevant social policy issues.
- Ensuring all new tenants are immediately made aware of welfare rights services and advising on other advice agencies within the area.
- Working in conjunction with Housing Officers to negotiate and agree sustainable, affordable repayment arrangements.



## GOING THE EXTRA MILE

As well as meeting our legal requirements, PHA will do everything it can to be as supportive and helpful as possible in managing arrears.

### This includes:

Providing tenants with detailed information about how much rent and service charges they must pay and the options for doing so.

Ensuring rent payment options are accessible and convenient.

Responding promptly to enquiries about tenancy related payments.

Preventing tenants from falling into arrears through early intervention.

Negotiating agreements to reduce arrears in realistic and affordable instalments if tenants cannot clear the arrears with one payment.

Informing tenants of the consequences of not clearing arrears debts or keeping to agreements.

Making use of all available options for arrears recovery.

Ensuring that no tenant or potential tenant with arrears of less than one month or, who has complied with an arrears repayment arrangement of 12 weeks, will be prevented from moving to another tenancy that meets their needs.

Liaising with the Housing Benefit department to ensure a quick resolution to outstanding benefit cases.

Wherever possible, securing repayment without obtaining possession of the property and using eviction only as a last resort.

Recording all actions taken and ensuring arrears management processes are applied uniformly.

Actively promoting our Welfare Rights service to maximise tenants' incomes.

## WHAT ARE THE RESPONSIBILITIES OF LANDLORDS AND RESIDENTS?

Responsibilities in relation to arrears control and management are outlined in:

- The Scottish Secure Tenancy Agreement (for tenants and landlords).
- The Occupancy Agreement (for sharing owners and landlords).

## HOW WILL PHA DEAL WITH FORMER TENANT DEBTS?

Former tenant arrears accrue when a tenancy is ended and the tenant does not pay all rent and services charges due by them to the end of the tenancy. We will do everything we can to prevent this from occurring, including:

- Pursuing tenants for outstanding arrears before the tenancy is ended.
- Obtaining information on forwarding addresses.
- Pursuing legal action against the former tenant.

## HOW DOES THIS POLICY FIT WITHIN PHA'S CORPORATE PLAN?

This policy supports two of the three key objectives defined within our Corporate Plan:

- **Homes and Services** - 'Deliver high-quality homes, better services and increased customer satisfaction' - being fair and supportive.
- **Communities and Neighbourhoods** - 'Get closer to communities, so we know, understand and respond to what our customers want and need, and support community and economic regeneration'.



## HOW WILL THE PERFORMANCE ON THIS POLICY BE MONITORED?

We will review performance against our service standards each year and publish our headline targets in our Delivery Plan. We will measure how good the service is through the internal audit process and our benchmarking group.

We will report details of our performance to our customers each year through the Annual Report and other communication channels. We will also report performance to The Scottish Housing Regulator through the Annual Return on the Charter.

## HOW TO COMPLAIN ABOUT THIS SERVICE

Anyone can complain if they feel we have not met our service standards. You can collect a copy of 'Our customer guide to making a complaint' from our office. Our complaints process is also outlined in our Complaints Policy which you can uplift from our office or download from our website at [www.partickha.org.uk](http://www.partickha.org.uk)



## THE 'SMALL PRINT'

### Updates

This policy and supporting procedures will be reviewed every three years, but it will be amended as necessary to improve service delivery or to reflect any revised legislation, guidance and/or recognised good practice published in the interim.

### Equality

We carried out an equalities screening exercise to assess if this policy has the potential to adversely affect anyone in respect to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The results showed this policy has no negative impact and so a full Equalities Impact Assessment is not required.

### Legislative & Regulatory Requirements

**This policy complies with the following pieces of legislation and statutory instruments:**

The Bankruptcy (Scotland) Act 1985; The Housing (Scotland) Act 1987, 1998, 2001, 2003, 2010; The Children (Scotland) Act 1995; The Human Rights Act 1998; The Data Protection Act 1998; The Equality Act 2010; The Freedom of Information (Scotland) Act 2002; The Homelessness (Scotland) Act 2003 (Low Income, Low Asset Debtors etc. Regulations 2008).

**PHA assesses the quality of arrears management and reports against the indicators specified in the Scottish Social housing Charter.**



A copy of our full Arrears and Welfare Rights Policy is available to collect from our office or to download from our website at [www.partickha.org.uk](http://www.partickha.org.uk)



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