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CORPORATE FIT	
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Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as electronic file, tape, large print, and Braille. These can be obtained by contacting the Association's offices.

Rent Management Policy

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Context & Policy objectives

Tenant rent is the primary source of income for the Association. The efficiency in collecting rent and preventing arrears is strategically critical for day to day operations, property investment and longer term viability of the organisation.

This policy sets out how Tollcross Housing Association (the association) will provide an arrears and rent management service. Our aim is to ensure efficient and effective collection of rent. We will provide information and advice at every stage to tenants on how to pay their rent and how to maximise their income and pay their rent along with other debt they may have.

It is the tenant's responsibility to pay their rent in full and on time every month in advance.

We recognise where a tenant's circumstances may result in them accruing rent arrears. We will at all times act in accordance with the policy and promote a preventative arrears culture. We will employ discretion and support where required depending on individual circumstances. Where necessary, we will take court action up to and including the eviction of the tenant (as a last resort) to safeguard the Association's interests in being able to operate, improve conditions and develop new homes.

As part of our commitment to preventing homelessness caused by eviction for rent arrears, we commit to:

- Only act in accordance with the current regulatory and legal framework outlined by the Scottish government and Scottish Housing Regulator
- Preventing rent arrears from the start of a tenancy and throughout the tenancy
- Engage with tenants in arrears through telephone, email, letter and personal visits
- Adopt a fair but firm approach treating tenants with dignity and not acting a threatening way
- Be open honest and transparent on the steps the Association may take and impact this may have on the tenant
- Promote our welfare rights and money advice service along with other agencies who can help tenants with debt in every contact regarding rent arrears.
- Actively promote income maximisation and take an individual approach to assisting, where possible, a tenant experiencing financial hardship.
- We will only evict a tenant as a last resort where all other avenues of assistance and engagement have failed.

Equality

We are committed to providing fair and equal service both as an employer and social landlord to our stakeholders including tenant's staff and the wider community. With reference to the Equality Act 2010, we will try to ensure that no person is

discriminated against including the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Where English is not the first language of our tenants, or for those who are hearing or sight impaired for example, we will take steps to communicate taking account of individual needs.

Legal and regulatory requirements

Through this policy and detailed working procedures for Rent Management, our staff will comply with the legislative and regulatory requirements of the Scottish Government and the Scottish Housing Regulator. Staff will receive ongoing training and development to ensure the overarching aims of the policy of reducing rent arrears and preventing homelessness is maintained whilst following the statutory requirements outlined in the following legislation.

Legislative framework

Schedule 2 of the Housing (Scotland) Act 2001 and section 155 of the Housing (Scotland) Act 2010 provides the legal framework in relation to rent and arrears management. The 2001 Act outlines the grounds in which we can initiate legal action to recover possession of a tenancy, including for rent arrears. The 2010 Act sets out the pre-action requirements that we must satisfy before serving a notice and raising legal action (see section 6.3). The 2010 Act also clarifies the Association's position following the court granting a decree for eviction. The Scottish Secure Tenancy agreement contains the contractual obligations each tenant is required to observe. It includes the rental charge, any services charges and the frequency of payment. Appendix 1 includes a summary of further legislation relative to the recovery of rent and arrears.

Charter obligations

The Scottish Social Housing Charter sets out outcomes a registered social landlord is expected to achieve in their business. The following table outlines outcomes and how we will achieve them as part of our Rent Management policy

Outcome	How we will achieve this
1: Equalities Social landlords perform all aspects of their housing services so that: <i>every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing service</i>	Where English is not the first language of our tenants, or for those who are hearing or sight impaired for example, we will take steps to communicate taking account of individual needs. We will work with tenant's representatives where authorised to do so where there are health issues which effect the tenant. Our offices are equipped to assist tenants who are mobility or hearing impaired.

<p>2: Communication Social landlords manage their businesses so that: <i>tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.</i></p>	<p>We will utilize technology to communicate effectively with tenants based on their needs and wishes including translation into community languages. Before letting the property we will explain how they need to pay their rent and how entitlement to help with rent costs can change. We will publish in our newsletters to tenants how their rent is spent and how we perform in collecting monies due. We will actively engage with tenants at an early stage to assist them with paying their rent.</p>
<p>Access to housing and support 7, 8 and 9: Housing options Social landlords work together to ensure that: <i>people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them. Tenants and people on housing lists can review their housing options. Social landlords ensure that: people at risk of losing their homes get advice on preventing homelessness.</i></p>	<p>Our allocations policy sets out clearly the circumstances where we will accept an application if the person has rent arrears. We will advise in advance what the rent charge and other costs are in advance of offering a tenancy. We are open honest and transparent in working with tenants who have accrued arrears. All engagement with tenants will detail how they can access free independent money and benefit advice. Where rent arrears are increasing and we are taking steps to legally recover possession of the home, we will provide clear information and warning of steps being taken along with the risk that the tenant may lose their home. We will work with the Council homelessness team and social work department where we intend to evict a tenant from their home.</p>
<p>11: Tenancy sustainment Social landlords ensure that: <i>tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.</i></p>	<p>We are open honest and transparent in working with tenants who have accrued arrears. All engagement with tenants will detail how they can access free independent money and benefit advice. Where we issue notice that we are considering taking legal action, we will advise tenants to seek independent legal advice</p>
<p>13: Value for money Social landlords manage all aspects of their businesses so that: <i>tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.</i></p>	<p>We will actively manage all rent accounts to ensure the small minority of tenant accounts which are in arrears and progressed by staff to achieve repayment of debt and sustainment of the tenancy. We will only consider court action and ultimate eviction where absolutely necessary for tenants who won't pay their rent. In turn this will ensure projected income is generated to sustain the business.</p>
<p>14 and 15: Rents and service charges Social landlords set rents and service charges in consultation</p>	<p>We will consult with tenants each year before considering any increase in the rent or service charge. We aim to provide low cost rent and efficiency in all aspects of our operations to keep costs manageable.</p>

with their tenants and other customers so that:
a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them. Tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.

We publish how we have spent the rental income in tenant newsletters and the annual performance report to the Scottish Housing Regulator.

Allocations where tenant has arrears

Applicants for housing to the association who have rent or other outstanding arrears which are less than one month's liability, will still be eligible for an offer being made.

Applicants with significant rent and service charge arrears including rechargeable repairs. We will only consider making an offer where the applicant has made and continued to meet an arrangement to pay the debt which they have fully maintained for a minimum of three consecutive months.

Technical arrears (for example where Housing Benefit is paid after the rent charge date) will be regarded as a zero balance where the applicant has evidenced this.

Tenants who wish to transfer from one association property to another (transfers) or wish to complete a mutual exchange, must have an arrangement to repay the debt in place. This needs be prior to the transfer being approved. Payments must be maintained for at least three consecutive months and be reconfirmed before commences their new tenancy. Where the debt is over £500, the Housing Manager must consider whether the application can be approved.

Section 5 Homeless Referrals - where a former tenant has been referred back to us for permanent accommodation an arrangement to repay the debt should be agreed at the earliest opportunity available. As above, the arrangement must be maintained for at least three consecutive months and be reconfirmed at the time their new tenancy starts and for a balance of less than £500.

We recognise that there may be situations where our tenant or an applicant, who owes us money may require to be rehoused due to exceptional circumstances. In such instances, the Housing Director will have the discretion to approve an offer of housing.

Prevention of rent arrears

The effect of homelessness on an individual or family and the wider community and financial impact on a landlord and wider economy cannot be understated. Our first priority is to achieve sustainable communities and individual tenancy sustainment to help tenants keep their home. The most common reason for seeking an eviction is non-payment of rent. With this in mind we have established the following requirements for prospective and existing tenants.

Before an offer of tenancy, we will provide clear information relating to our tenants' obligations to pay their rent from the earliest stage possible. This includes discussion during the application interview with prospective applicants, and at the home visit their obligations as a tenant. Details of the requirement to pay rent (and service charges) will be confirmed in the offer letter and accompanied viewing. Tenants will be asked to pay one month rent in advance of commencing their tenancy. Where this is not possible, we will ask for an arrangement to achieve this. Having rent paid one month in advance will assist tenants should their circumstances change in the future.

For new tenants, we aim to complete a settling-in visit within six weeks of the start of tenancy. At this visit we will ensure rent payments have been set up and help the tenant with Housing Benefit or Universal Credit claims and encourage the tenant to have their rent paid direct to the association.

Throughout the tenancy we will engage with tenants through our website, quarterly newsletters, and with personal contact where a tenant is identified as being in arrears or asks for help. Our communication with tenants will be in plain English. Where English is not the tenants' first language we will provide a translation service.

Debt recovery of arrears

We will adopt a firm but fair approach to debt recovery of rent arrears. This will involve intervention at the earliest stage. We will take into account the financial pressures placed upon our tenants and the stress coping with rent arrears can cause.

Arrangements to repay debt

In our recovery of rent arrears we expect the following:

- Any debt accrued will be required to be repaid in a single payment.
- Where a tenant is unable to pay the debt in full, we will complete an income and expenditure assessment with the tenant to determine how much they can afford to pay.

- All arrangements will be expected to clear the debt within 12 months. The Housing Manager can authorise an extended period where this is not affordable to the tenant
- Agreements must be both manageable for our tenant and acceptable to us.
- We acknowledge that tenants may have a limited income and an acceptable arrangement to clear the debt may not always be possible. In such cases we will use discretion to accept regular nominal payments towards the debt and review circumstances regularly. Providing the debt continues to reduce, we will not normally initiate court action.

Early intervention

Our debt management process will begin as soon as a missed payment is identified by the member of staff responsible for that property. Staff will be provided with a report after the monthly rent charge has been applied. Staff will follow a comprehensive set of procedures which places personal contact as crucial to effective recovery and sets out timescales and priorities for engaging with tenants. We will offer support and assistance to maximise income and improve our tenants' ability to pay and manage debts. This will include our staff working closely with our in-house Welfare Rights and Money Advice team and external agencies the tenant has mandated for us to deal with.

Legal and court action

Our intention is to commence legal action for recovery of the property only when all other reasonable steps to recover the rent arrears have failed. The initial stage of legal action is to serve a Notice of Proceedings (NOP) on the tenant, joint tenant and any qualifying occupiers (persons over the age of 16 who are not the tenant) who reside in the property.

Before we serve a NOP, we will record what actions we have taken to address the issue with the tenant in accordance with pre-action requirements set out in legislation

We will keep the tenant informed at all stages of the process taking account of any support or communication needs the tenant has. Where we are unable to reach a reasonable solution from the tenant to repay their debt and maintain their ongoing rent, we will seek a decree to bring the tenancy to an end and recover the property.

At each stage we will encourage the tenant to come to an arrangement and offer support and advice if they want to keep their home.

If the sheriff court grants an order for possession of the property for rent lawfully due, we will end the tenancy on the date we recover possession. This is the final opportunity for the tenant to resolve the arrears up to the date of the eviction. Where a tenant makes a significant payment of the debt, we will make our Management Committee aware before the decision to enforce the decree.

Operational Procedures

We will implement and maintain comprehensive rent management procedures based on the overarching principles and obligations on this policy. Staff will receive adequate and ongoing training as part of their continuous professional development. The Housing Manager has delegated authority to interpret and implement the policy following approval by the Management Committee. Key areas of responsibilities for Staff are as follows:

Action	Delegated Authority
Prevention & control of arrears actions up to issuing a Notice of Proceedings for Recovery of Possession	Housing Assistant/Housing Officer Welfare Rights Officer
Making a decision to issue a Notice of Proceedings for Recovery of Possession. Preparation and signing of Notice of Proceedings for Recovery of Possession	Housing Officer
Serving of Notice of Proceedings for Recovery of Possession	Sheriff Officers as instructed by Housing Officer. In some cases, served by Housing Officer with Housing Managers authorisation.
Instruction to Solicitor to raise Legal Action	Housing Officer with the authority of the Housing Manager or Director of Housing Services
Instruction to Solicitor at court hearing (<i>e.g. dismiss; continue; sist; or seek Decree for payment of arrears and/or seek Decree for Recovery of the Property, and/or expenses</i>)	Housing Officer with the authority of the Housing Manager or Director of Housing Services
Instruction to Solicitor to re-call a sisted case	Housing Officer with the authority of the Housing Manager or Director of Housing Services
Instruction to Solicitor to enforce Decree for payment of arrears (<i>e.g. wages arrestment</i>)	Housing Officer with authority of the Housing Manager or Director of Housing Services
Instruction to solicitor to enforce Decree for Recovery of Possession of the Property	Housing Officer with authority of the Housing Manager following approval/authorisation of the Management Committee (<i>or delegated authority of two office bearers of the management committee if there is no meeting scheduled.</i>)
Decision not to enforce decree despite approval/authorisation from the Management Committee having been granted	Housing Manager or Director of Housing Services (see 6.5 above)
Enforcement of Decree by Eviction of tenant from the property	Sheriff Officers with a Housing Officer and another member of staff present.

Former tenant arrears

The association will fully pursue all legal debt owed including legal costs awarded from former tenants. The Former Tenant Arrears policy contains further details of this.

Shared ownership arrears

As in the early stages of this policy, the same overarching principles will be adopted for sharing owners who have accumulated debt in the form of their occupancy charge from the association. We will work with the sharing owner and their lender as appropriate and in accordance with the shared ownership omnibus agreement terms and conditions. We will signpost sharing owners to money and appropriate legal advice. The decision to issue a notice of default will be guided by the primary lender (mortgage provider) who is first ranked in terms of debt in the standard security and ranking agreement. We will advise on current Scottish government initiatives such as Mortgage to Rent and Shared Ownership Buyback as part of the Homeowner Support Fund.

Mid-market rent arrears

Properties leased under mid-market rent arrangements are subject to a different tenancy and legal jurisdiction and are not included in our return to the Scottish Housing Regulator as a social landlord. The same overarching principles will be adopted for sharing owners who have accumulated debt in the form of their Private Rented Tenancy agreement. Further information is contained in the Mid Market Rent Management Procedure and in accordance with the associations Letting Agent Code of Practice.

Performance reporting

The association is regulated by the Scottish Housing Regulator on behalf of the Scottish Government. We are required to provide the regulator with details of our performance on an annual basis. The performance indicators we report on are based on the outcomes and standards set out in the Scottish Social Housing Charter. The Management of the association will report monthly and quarterly to the Management Committee on key performance indicators, trends and progress in managing rent arrears and preventing homelessness.

Role of Committee

Committee Members will be concerned with the overall strategy and policy to be adopted in relation to rent arrears. They will monitor performance in arrears management against Key Performance Indicators to assess the impact on financial viability and delivery of services.

Quarterly and Annual statistical reports on arrears performance will be presented to the Management Committee and the Operations Sub-Committee. The content of these reports and the amount of detailed information provided will reflect the

Association's standing orders and scheme of delegated authority between the Committees. In accordance with the scheme of delegated authority, Committee Members on either the Management Committee or the Operations Sub-Committee will be responsible for;

- Reviewing and approving the Rent Arrears Policy
- Considering and implementing as appropriate recommendations made by the Performance Monitoring groups
- Considering and implementing as appropriate recommendations made by the Director of Housing Services based on any findings in the internal and external audits.
- Scrutinising and monitoring performance in rent collection and arrears management.
- Comparing the Association's performance against targets and the performance of peers.
- Considering arrears cases where Decree for Recovery of Possession has been awarded to the Association and authorising eviction of the tenant if appropriate to do so.

Confidentiality will be observed when individual arrears cases acquire to be considered and reports will be presented without the tenant being identified.

Any Committee Member who experiences difficulty with rent payments and accumulates rent arrears will not be treated differently from other tenants in the same position.

The Housing Manager has delegated authority to interpret and implement the Rent Arrears Policy following its approval by the Management Committee. Housing staff at all levels, under the direction of the Housing Manager, will take the same action in the management and recovery of arrears from Committee Members as they would do from tenants in accordance with this Policy and its procedures.

Any Committee Member who has been served a Notice of Recovery of Possession and where legal action has been instructed and has not been dismissed will be expected to terminate their committee membership by offering their resignation under rule 44.1 of the Rules of Tollcross Housing Association.

Complaints procedure

We recognise that despite our best efforts, sometimes things go wrong. Where a tenant is dissatisfied with how we have managed their rent payments or acted in relation to their debt, they may complain to us. We will treat all complaints seriously and in accordance with our two stage Complaints Policy. Where a tenant remains dissatisfied with our response only after stage two of our complaints procedure, they may escalate their complaint to the Scottish Public Services Ombudsman.

Consultation and Review

We will review the policy every three years. Where there is a significant change in effecting the policy (for example legislation or changes to standing orders) we will complete a review sooner.

Operational Procedures will be amended from time to time as required to reflect best practice, changes to legislation or information technology improvements for example. Amendments likely to significantly affect the tenant will be subject to consultation will tenants and any registered tenant organisation in accordance with Section 54 (2)(a) of the Housing (Scotland) Act 2001.

Appendix 1 – Relevant legislation

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012
- The Scottish Secure Tenancies (Proceedings for Possession) (Preaction Requirements) Order 2012
- Debtors (Scotland) Act 1987
- Debt Arrangement and Attachment (Scotland) Act 2002
- Data Protection Act 1998
- The Children (Scotland) Act 1995
- The Human Rights Act 1998
- Disability Discrimination Act 2005
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Homelessness (Scotland) Act 2003
- Equality Act (2010)
- The Scottish Secure Tenancies (Proceedings for Possession) (Pre-Action Requirements) Order 2012
- The Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012
- The Scottish Secure Tenancies (Proceedings for Possession) (Confirmation of Compliance with Pre-Action Requirements) Regulations 2012
- The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012
- Data Protection Act 2018