

Coastline Housing Ltd



INCOME MANAGEMENT POLICY & PROCEDURE

Contacting us

Customer Services Team

Coastline Housing Ltd
Ferris House
Dolcoath Avenue
Camborne
Cornwall
TR14 8SD

Customer Services Line: 08082 027728
Text: 07800 140 997
Fax: 01209 722 472
Email: customer.services@coastlinehousing.co.uk
Web site: www.coastlinehousing.co.uk

You can also contact us using our online reporting forms.

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Getting our information in other formats

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Bengali

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

Chinese

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Gujarati

જો તમને આ દસ્તાવેજ બીજી ભાષા અથવા રચનામાં જોઈતો હોય, અથવા જો તમને ઈ-ટરમિટરની સેવાઓ જોઈતી હોય તો, કૃપા કરી અમારો સંપર્ક સાધો.

Polish

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Urdu

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

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1. INTRODUCTION

It is a critical element of the service in terms of ensuring that Coastline Housing Ltd maximises income to both the business plan but also to individual tenants.

The process in relation to collection of current arrears focuses on ensuring contact is made with tenants in arrears and that staff focus on resolving problems.

It is critical that early contact is made and then this is followed up with consistent and fair action in relation to continued arrears.

1.1 How to use these procedures

These procedures are set out to clarify how CHL staff should act in relation to rent arrears, as a training tool and as a reference guide for staff. The thrust of the procedures is replicated within the Universal Housing Management (UHM) System's arrears process.

The procedures set out the following:

Coastline Housing Ltd's Procedure

How managers will manage the service and seek to continue to improve both delivery and the system

An overview of the process with a focus on the desired outcomes

Detailed procedural notes to guide staff through the process and the critical moments within that process

The procedures also provide a number of documents to assist staff in getting the desired outcomes whether it is a watertight agreement with a tenant or a resolution of a Housing Benefit issue.

Staff should be aware of the Coastline Housing Ltd Policy and standards in relation to recovery of rent arrears. In essence the Coastline Housing Ltd is looking for

Early resolution of non-payment through effective contact with tenants.

To maximise income and minimise debt.

Timely action within identified performance indicators.

Working in partnership with other agencies to resolve complex issues or continued non payment

A fair and consistent approach that takes into account the individual circumstances of tenants.

The arrears recovery process has been designed to assist meeting these objectives through a series of tools assisting staff in resolution of arrears. The critical tools in relation to this are: use of the UHM and standard letters; the Housing Benefit Calculator, the Financial Statement and Agency Referral Form.

1.2 How we can continue to improve?

Coastline Housing Ltd wants to continue to improve the services we provide so any suggestions by staff in relation to these procedures will be welcomed and changes to documentation can be accommodated with the approval of the relevant manager.

2. INCOME MANAGEMENT POLICY

2.1 Overall Aim

To maximise customer’s income, reduce their arrears and manage their debts so that they can continue to live in our accommodation and improve their quality of life.

2.2 Supporting Aims

Coastline Housing Ltd’s Policy Statement on Rent Arrears and performance measures:

<p>POLICY STATEMENT</p>	<p>To maximise the payment of rent and arrears to Coastline Housing Ltd.</p> <p>This will be achieved through swift and fair action with the Company working in partnership with the local authority, individuals and local agencies with developed service level agreements, to resolve debt and arrears by agreement or legal proceedings.</p>
<p>POLICY OBJECTIVES & STANDARDS</p>	<p>Coastline Housing Ltd:</p> <p>Will make it easy for tenants to pay their rent by having a wide variety of payment methods.</p> <p>Keep the level of arrears to a minimum in order to maximise income in the interest of both CHL and its tenants.</p> <p>Will prevent rent arrears by giving good advice on debt management and by promoting the take-up of available welfare benefits both at the start of every tenancy or when tenants experience difficulty in paying their rent.</p> <p>To treat all tenants fairly, and to act lawfully.</p> <p>Will expect tenants to meet their obligation to pay the current rent weekly and to work with others to assist</p>

	<p>them to pay their rent or obtain welfare benefits</p> <p>Will attempt to make early and constructive personal contact with every tenant in arrears and make regular personal contact if arrears persist.</p> <p>Will work in partnership with organisations that can assist tenants with financial advice where genuine difficulties exist.</p> <p>Will start legal action promptly when appropriate to protect the landlord against further debt and seek to minimise individual debt.</p> <p>Will ask to the County Court for immediate possession of a tenants home against persistent non-payers who refuse to co-operate with staff or organisations that offer financial advice and assistance.</p> <p>Is committed to effective management, continual improvement and best practice in this area</p>
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2.3 Relevant Legislation

Possession Action on Assured Tenancies is covered within the Housing Act 1988.

3. Service Standards

Coastline Housing Ltd will:

- Make an appointment with you before a your tenancy starts to explain payment options, the arrears recovery process, to give you an estimate of your Housing Benefit entitlement;
- Provide help and assistance with claiming housing benefit, including with the completion of forms, and provide basic debt advice
- Provide you with easy to understand information on what to do if you get into arrears, what action we will take, and where you can get independent advice;
- Manage rent accounts efficiently and ensure that action is taken in a timely and appropriate way;
- Send you a rent statement on request, and on a quarterly basis showing the balance on your account and details of rent charges, rent paid and Housing Benefit and any other adjustments;
- Provide a wide range of payment methods and publish details on all arrears letters and the company website
- Ensure we have visited every customer in arrears by letter 2 stage
- In addition to the arrears visits being carried out by the team, make home visits to customers in arrears, available on request
- Ensure rent arrears letters are written in plain language, and available in other formats / languages on request
- Assist customers to contact an independent advice agency such as the Citizens Advice Bureau before taking legal action
- Respond to appointment requests within 5 working days
- Work with customers to find solutions to their arrears issues, and agree affordable and sustainable payment plans
- Apply for deductions from applicable benefits towards a tenants arrears wherever possible
- Consult with you over any changes to the way we collect rent and arrears.

4. PERFORMANCE TARGETS

The table below shows a section of the Company's Performance Improve Plan (PiP) relevant to Income Management. This table displays the set of Performance indicators reported to the Board, showing continuous improvement year on year, with targets for 2008-2009 shown.

The aim of the targets which have been set is to reach upper quartile performance.

	2003 /04 (actual)	2004 /05 (actual)	2005 /06 (actual)	2006 /07 (actual)	2007 /08 (actual)	2008 /09 (target)
Income Management						
Rent arrears - gross (%)	7.7	5.1	4.4	2.6	2.3	2.1
Rent arrears outstanding due to Housing Benefit (%)	2	1.7	1.6	0.1	0.0	0.1
Rent arrears - current net of anticipated Housing Benefit (%)	4	3.4	2.8	2.5	2.3	2.0
Former tenant arrears (%)	1.7	1.1	0.7	0.5	0.6	0.5
Rent written off (%)	0.2	0.4	0.6	0.2	0.3	0.2
Garage arrears (%)	-	2.1	2.5	3.7	1.5	3.0

5. MANAGING THE SERVICE

In order to manage the quality and effectiveness of the arrears prevention and recovery service provided by Coastline Housing Ltd.

We will ensure that we check performance target figures each month relating to this area of service. Regular one to one meetings with individual staff and teams will be carried out to review specific targets. Income Management Staff will provide monthly reports detailing all arrears cases on their patch that have arrears over £1,000, detailing the current status of the case, and all cases over £300 where NOSPS have not been served. This 'exception' reporting focuses attention on our performance in dealing with individual cases. These reports will be given to the Income Manager, who will also monitor the service in the following way.

On a day to day basis when carrying out authorisation of legal actions that they will thoroughly check for compliance to policy, procedures and effectiveness.

Where appropriate the manager will record identified quality problems and seek to rectify them.

5.1- Day to Day Management

Action	Frequency	Responsible
Authorisation of weekly rent arrears actions (excluding warrant, court or eviction applications)	When action required	Income Management Officers
Authorisation of warrant, court or eviction applications	When action required	Income Manager
Authorisation of legal action	When action required	Income Manager
Checking stay of execution hearing instructions	In accordance with court hearings	Income Manager
Authorising Garage Arrears evictions	When action required	Income Manager

Please note that all authorisations of NOSPs, Garage re-possession, rent default actions, former tenants rent default actions, former tenant write offs, applications for Court hearings and authority to begin eviction proceedings will be recorded by the Income Management Team.

5.2- Planned Service Monitoring

On a planned basis the Income Manager will review compliance with and the effectiveness of working procedures. The aim being to highlight good practice and identify quality problems.

If performance targets are not being met then the team manager will identify areas where this is the case and carry out actions to address the problem.

The Income Management Team will review the information available on UHM to help identify possible issues that might lead to the need for corrective and preventative action. This assists in the development of an organisational culture of continuous improvement.

5.2.1 Examples of Planned Service Monitoring

Action	Frequency/How	Responsible
Audit all cases over £300 or 4 weeks arrears (whichever is higher) where a NOSP has not been served.	Monthly through 121's & team meetings	Income Manager
Audit all cases over £1000 where an application for a court hearing has not been made	Monthly through 121's & team meetings	Income Manager
Audit all cases in breach of Suspended Possession Order where eviction proceedings have not been instigated.	Monthly through 121's & team meetings	Income Manager
Review all cases over £1,000	Monthly through 121's & team meetings	Income Manager
Sample 5 cases under £100	Monthly audit check*	Income Manager
Sample 5 cases between £100 and £300	Monthly audit check*	Income Manager

The Income Manager will also carry out systematic checks on other areas of Income Management, such as garage arrears and recharges.

*The sampling techniques used may lead the Income Manager to consider the need to review further cases if systematic problems are identified by the sample of cases monitored.

In addition to the above the Income Manager may carry out further service monitoring in order to achieve continuing performance improvements in this service area.

6. INCOME MANAGEMENT PROCEDURES

6.1- General guidance on the resolution of rent arrears, process map and all UHM actions

Key to the Effective management of rent arrears is providing tenants with good advice in relation to paying rent, financial difficulties and welfare benefits allied to consistent and early action when rent is not paid.

Coastline Housing Ltd's policy, working procedures and documentation intends to assist in this process.

6.1-1. Prevention

Prevention is a critical element in the arrears process. The Pre-tenancy Interview is designed to prevent the rent account falling into arrears in the first place. This will ensure that Coastline Housing Ltd will be able to maximise its revenue from rental income which will have a direct impact on the service level that it can provide to all of its tenants.

6.1-2. Review of accounts in arrears

The performance target for reviewing accounts in arrears is that all accounts should be reviewed once every two weeks.

Officers should ensure that UHM suggested actions are confirmed, overridden or disregarded each week. It should be the exception rather than the rule that accounts in arrears are not reviewed. If there is an unplanned absence within the team, then arrangements should be made by the Income Manager to ensure adequate cover is in place to review accounts. In cases of planned absence it is the responsibility of that officer, to ensure their workload has been delegated amongst the remaining members of the team prior to going on leave.

The objective of taking action is to obtain payment and resolution of the arrears and officers should be mindful of this when taking action.

6.1-3. Recording Action

All action taken should be confirmed and recorded on the UHM arrears actions screen, should a member of staff decide to over-ride a suggested course of action then the suggested action should be amended.

UHM is a live system, this should record

- The name and address of the tenant and a contact telephone number;

- Full details of all forms of contact with tenants by all staff including details of any agreements made, conversations etc;
- Comments by managers and staff regarding intentions and or instructions regarding the case; and
- Record of authorisation of legal action by managers.

Household details should be kept up to date on the system with accurate dates of birth. Income and expenditure details may be recorded on an income & expenditure form kept on the house file until UHM has provision for this. Officers should review tenants' circumstances on contact to ensure no relevant change has occurred.

6.1-4. Taking appropriate action

It is for staff to decide what is the most appropriate action to take, in light of the options at their disposal. This can rank from a whole range of standard letters to the simple decision to either make a telephone call or carry out a home visit.

Staff should always seek to make contact and not seek to short cut procedures for contact with a tenant unless the tenant has a consistent record of non-payment. However staff should also be mindful of the need to assess the risk of a rapid increase in an arrears and ensure they take the best action to either prevent such an increase or to protect the Company's interest by early legal action if prevention cannot be achieved.

It is critical that staff are always mindful of the need to:

- Maximise income through appropriate and effective benefit claims;
- Referral to appropriate advice agencies as early as possible; and
- Take consistent and prompt action in relation to failure to pay the rent or claim appropriate benefits.

6.2- Pre-action protocol for possession claims based on rent arrears – from Oct 2006

6.2-1. Pre-Court action

A member of staff must contact the tenant at the earliest opportunity to discuss:

- (i) Cause of arrears;
- (ii) Tenant's financial circumstances;
- (iii) Entitlement to benefit; and
- (iv) Repayment of arrears.

If contact is by letter – staff should write separately to each person named as the Tenant.

- staff should try and agree an affordable payment plan (bearing in mind tenant's income and expenditure). Letter confirming agreement should be sent to Tenant for signing and returning and retained on the file. Letter will clearly state when payments are due, and should also refer to further action being considered should the agreement not be adhered to;
- staff should send Tenants rent statements on quarterly basis showing all sums for previous 13 weeks. Information contained in rent statement should be as comprehensive as possible;
- Upon request, staff should send complete copy of rent statement from the time arrears first arose;
- If staff believe Tenants have difficulties in reading or understanding information, they should take reasonable steps to ensure information can be understood by Tenant e.g. personal visit; personal visit with Tenant and carer/relative etc. Details of visits to be recorded on UHM;
- If Tenant is under 18 or there are disability issues, staff should consider whether Tenant has capacity to defend proceedings. If in reasonable doubt, matter should be referred to legal for advice;
- Staff should arrange direct deductions from Benefit where appropriate criteria can be met;
- Staff should offer to assist the Tenant with benefit claims, and a record of any assistance given will be recorded on UHM. Where a Tenant has provided necessary evidence to process a Benefit Claim, has a reasonable expectation of benefit, and has paid all sums due not covered by Benefit, possession proceedings should not be started;
- Staff should make every effort to liaise with Housing Benefit before taking action, and be able to evidence this from notes recorded on UHM. Staff should work with the Tenant to resolve benefit problems, or refer them to a relevant agency for assistance; and

- Throughout the process Staff should actively encourage Tenants to obtain advice from CAB, Shelter or other Agencies and be able to evidence this from records kept on the UHM arrears actions screen.

6.3- Pre-Action Protocol

6.3-1. Service of NOSP

After service of NOSP, Staff should make reasonable attempts to contact the Tenant to discuss:

- (i) Amount of arrears;
- (ii) Cause of arrears;
- (iii) Repayment of arrears; and
- (iv) Housing benefit situation.

If an agreement to pay is reached, Staff should agree to postpone proceedings so long as Tenant complies. If agreement is broken, Staff should contact Tenant to advise that proceedings are being contemplated, and give the Tenant time limits within which they should resume complying with the Agreement. This must be recorded on UHM.

6.3-2. Alternative dispute resolution

Officers will need to consider whether it is possible to resolve the arrears issue by discussion and negotiation rather than Court action. Claims should not be issued prematurely when a settlement is actively being explored.

6.3-3. Court proceedings

No less than 10 days before the Hearing Staff shall:

- (i) Provide tenant with up to date rent statement;
- (ii) Disclose his or her knowledge of the Tenant's benefit claim; and
- (iii) Inform Tenant of date and time of hearing and advise Tenant to attend as home is at risk.

Record of this communication should be kept on the file

- If, after issue of proceedings and before Hearing, Tenant complies with agreement to pay a reasonable amount towards arrears, Staff should agree to postpone court proceedings; and
- If Tenant ceases to comply with any agreement above, Staff will advise the Tenant of his or her intention to restore proceedings and evidence of this will be recorded on UHM.

N.B. If Landlord unreasonably fails to comply with the protocol the Court may impose an order for costs, adjourn, strike out or dismiss claims.

6.4- The Pre-Tenancy Interview & Sign Up

6.4-1. When to make the appointment

The pre-tenancy interview will be carried out for every prospective tenant.

Before the appointment date the relevant member of staff should obtain all the relevant information about the prospective tenant by referring to the housing application form and if necessary by speaking to the allocations team, or the relevant Tenancy Management Officer if an existing tenant.

6.4-2. The Purpose of the pre-tenancy appointment, relating to Income Management

The purpose of the pre-tenancy appointment is:-

- To meet the prospective tenant in person and introduce yourself as the Income Management Officer responsible for managing their rent account and dealing with any issues in connection with their account;
- To establish an early relationship between the prospective tenant and the Income Management Officer in order to encourage early contact if there is likely to be a problem;
- To explain the expectations regarding rent payments and instil in the prospective tenant the importance of making rent payments in a timely manner in accordance with the Terms and Conditions of their Tenancy Agreement. Explain the ultimate sanction should they fail to meet their rent obligations or fail to make arrangements to clear any arrears;
- To encourage the prospective tenant to contact their Income Management Officer before they are likely to miss a rent payment;
- To explain to the tenant the various payment methods to assist them in making timely rent payments. The prospective tenant should always be encouraged to pay by Direct Debit if possible;
- To gather information about the prospective tenant's financial situation. It may be appropriate if the tenant has multiple debt problems to refer them to an outside agency for debt counselling which will enable them to manage their finances more effectively and assist them with meeting their rent obligations;
- To complete a housing benefit form and collect the evidence to support the application. All evidence should be verified by a duly appointed Verification Officer. The purpose of completing the form at this stage is to enable the housing benefit to be assessed more quickly once the Tenancy Agreement has been signed. This will help minimise arrears accruing on the account. If the prospective tenant is unable to supply

all evidence of income at this stage the documents required should be listed and a copy of this should be given to the tenant as a reminder;

- To do a provisional housing benefit calculation and advise the prospective tenant of how much rent they are likely to pay for the property. A copy of the assessment should be placed on File so that the Tenancy Management Officers can advise the tenant to start making these rent payments once the Tenancy Agreement has been signed which will minimise the arrears accruing on their rent account. Provisional Assessments can be carried out using the benefits calculator on the Coastline Housing Ltd website:

www.coastlinehousing.co.uk

- To complete the pre-tenancy interview form which will give a customer profile. Prospective tenants should be encouraged to answer questions on the form relating to Diversity. The purpose of requesting this information should be explained to them. However, this is voluntary information and they do not have to disclose the information if they do not wish to; and
- To explain what to do if their account is in arrears and provide details of agencies that they can contact for assistance. They will also be advised on what will happen should they fail to pay their arrears or make an arrangement to do so including the legal process through to eviction.

6.4-3. Documents to be completed at pre-tenancy interview or sign up

- Pre-tenancy Income Management Information checklist;
- Pre-tenancy interview form;
- Relevant Housing benefit Forms; and
- Housing benefit information checklist (if all evidence not supplied at interview).

6.5- How to Pay Your Rent

The ways in which tenants can pay their rent is stated on the reverse side of every rent arrears letters and is also included in the tenancy offer letter.

Tenants can pay their rent by the following methods:

- At any **Post Office** in the UK by presenting a Rent Payment Card and paying by cash, debit card or cheque, officers must inform tenants that there can be a delay in the payments reaching the account;
- By **Direct Debit**; weekly or monthly;
- By **Standing Order**; monthly, Weekly or fortnightly;
- By **voluntary deductions** in wages mutually agreed with the tenants and his/her employer. (CHL employees provided with housing are housed on condition that rent is paid monthly in advance through their wages);
- **At the office.** Cash or Cheques can be taken over the desk at Ferris House if there are exceptional circumstances eg the customer is waiting for a payment card. If cash or cheques are taken a receipt **MUST** be given to the tenant;
- By **DSS direct** (deductions from Income Support or Job Seekers Allowance) by agreement with the benefit agency (rent arrears only). NOTE: The account must be in arrears by four weeks rent before the benefits agency will allow this;
- **Internet Payments** – through the Online Payment facility on the Coastline Housing Ltd website using a debit / credit card in conjunction with a Rent Payment Card;
- **Telephone Payments** – Using a debit / credit card;
- **PayPoint** – with a Rent Payment Card, officers must inform tenants that there can be a delay in the payments reaching the account; and
- By **Post** – Cheques can be posted to our Ferris House office, ensure tenants name, address and account number are on the back of the cheque.

Officers must take into consideration tenants' circumstances when advising on the best payment method.

7. ARREARS ACTION RECORDING

7.1- Introduction

Personal contact enables staff to build a relationship with tenants. Staff are able to gather information regarding personal finances and circumstances that enables them to make informed decisions on action to be taken or agreements to be made.

Understanding Tenants circumstances can help staff to:

- Recover arrears in line with policy and the pre-action protocol;
- Make fair and affordable agreements;
- Make good decisions and accurate assessments; and
- Resolve Issues.

Completed documentation can also be used as evidence at the County Court when obtaining orders or enforcing them to show that officers have acted reasonably and may also prevent the Human Rights Act being used to delay or stop enforcement action.

The format of the information on the arrears action screen is designed to promote consistency, fairness and act as a measurable indicator of quality.

7.2- How to use the Arrears Action Screen

7.2-1. Process stage

The Arrears Action Screen should be updated as soon as the account goes into arrears and contact has been made and at the latest, on service of the NOSP. *However, as long as reasonable steps have been taken to contact the tenant and complete the arrears action screen, NOSP and other action should be taken.*

The screen should be updated with each contact and before each action is taken. Attempt to complete the arrears action screen wherever there is an indicator of changing circumstances affecting income and expenditure.

If interviewing by phone the notes should be recorded on the arrears action screen. Confirmation of any agreements made should then follow by letter.

Focus on completion of the arrears actions screen and other documentation including:

- Financial statement;

- HB information checklist;
- Advice Agency Referral Form; and
- Housing Benefit Provisional Assessment.

Staff should also consider use of the following documentation:

- Wages direct letter;
- DSS direct payment letter;
- Direct debit form; and
- Standing order form.

7.3- Provisional Assessment of Housing Benefit

A provisional assessment of Housing Benefit should always be made when waiting for a claim to be assessed where the tenant or any member of the household is working or is a non-dependant.

Provisional Assessments can be carried out using the link to the benefits calculation website on the Coastline Housing Ltd Website

www.coastlinehousing.co.uk

Confirmation of the calculation should be printed off and given to the tenant. It should be made clear that this is only an estimate, based on the information given, and the actual calculation of benefit may be more or less than this estimate.

7.4- Recording customer information

Personal details

UHM stores the following information within its household, arrears actions and rent history screens:-

- | | |
|--------------------------------|--|
| Names of all household members | - Take care to obtain full name and be aware of nicknames or casual references / known as |
| Address | - Tenancy address in full |
| Telephone number | - Try to obtain work, home and mobile |
| Family / Next of Kin | - List all names and other occupiers of the property and update UHM where differences found |
| Language | - Ask the tenant or take lead from tenant: do not presume |
| Health | - Be sensitive and look for links to income maximization and additional benefits to be claimed, keep tenant involved and informed if referral to outside agencies is necessary. Use agency referral form |

- Other formats - Details of any other format required by the tenant eg large print
- Income, benefits - Type, how much and frequency. Use financial statement for more detailed assessment.
- Rent / action - Record Housing Benefit received, rent due and any further payments to reduce arrears

Record referrals made to other agencies, and the referral must be agreed to. The Tenant should be given a copy of the form or sent one in the post.

7.5- Conclusion

You should now have an agreed action plan with dates for completion or review Both tenants and staff should be clear about what has been agreed and the consequences of non compliance for the tenant.

8. HOUSING BENEFIT APPLICATION

- 8.1 Housing Benefit forms must be available to tenants at all times and tenants assisted with completing forms wherever necessary. Staff can provide relatively accurate advice concerning the level of Housing Benefit applicable, and the option of other welfare benefits, by using the calculator on the company Website at <http://www.coastlinehousing.co.uk> Calculators are available at a number of other websites also, for example www.entitleto.co.uk.
- 8.2 It is important that staff do not make assumptions or encourage the tenants to make assumptions that because they had not qualified in the past, they will not qualify again. Circumstances are always changing (for example rent levels, benefit regulations, entitlement levels etc.). Always encourage tenants to apply and use available software to give tenants accurate welfare benefits advice.
- 8.3 Housing Benefit forms must be completed at or before the sign up. If taken away by the tenant an agreement must be made for its prompt return. If tenant is already on housing benefit, the change of circumstances form should be used. Contact with the tenant should be maintained to ensure that deadlines for the return of evidence are understood and adhered to.
- 8.4 Some tenants will not be aware of the importance of returning a review form and supporting evidence. It is the staffs' responsibility to make sure that they appreciate how important it is. Staff are not always aware of when a Housing Benefit review takes place. If the Housing Benefit stops being paid to the rent account staff should contact housing benefit immediately to find out why. Contact with the tenant is also essential at this stage. The Arrears Action Screen should be completed and the tenant should be advised what they need to do and within what timescale; they should be told that it is their responsibility to ensure a successful claim. Staff discretion should be used in this instance. Tenants should also be advised to contact any support worker they have and/or be referred to a supporting agency.
- 8.5 A completed application for housing benefit should be assessed within 14 days of receipt of all requested information by the Benefits Section. If a housing benefit application has not been assessed within 14 days, find out from the Benefits Section why not. It could be that the Benefits Section has requested additional information from a tenant, and if this has not been received within 28 days then the housing benefit application will lapse and possible benefit entitlement lost. It is therefore essential that we liaise with the Benefits Section to ensure that the tenant supplies the required information within the given timescale.

Where a tenant is coming off Income Support or Job Seekers Allowance tenants should complete the relevant form in order to request the 4 weeks run on benefit.

- 8.6 The maximisation of housing benefit and other welfare benefits for tenants will greatly assist staff in ensuring arrears are kept to a minimum and tenants have every opportunity to afford and pay the rent due. It is essential to be clear with tenants about the requirements of Housing Benefit and the consequences of not providing evidence to them on time.

9. WHAT ACTION DO I TAKE WHILE WAITING FOR THE HB APPLICATION TO BE ASSESSED?

9.1- Introduction

Any delay in Housing Benefit can lead to rent arrears building up on the account. Even if all information requested *appears* to have been provided by the tenant, there will still be a delay of up to 14 days whilst the claim is processed by the Housing Benefits section.

Remember at the end of the 14 days Housing Benefit may decide that further information is required or have identified some discrepancy that needs resolution with the claimant and benefit may not be paid at the end of this period.

There are things you can do to minimise the delay in Housing Benefit being paid and also minimise the level of arrears. At the same time you need to consider whether to proceed with the recovery process and legal action. To do this you need to find out about the claim and make *effective* contact with the tenant to agree what they need to pay.

9.2- Contact

Every effort should be made to speak to the tenant personally, preferably by visiting or telephoning, or at least by writing. On contact, the 'Arrears Action Screen' should be completed with details of any relevant changes in circumstances.

Complete the Arrears Action Screen:

Where possible use the free benefits calculator on the Coastline Housing Ltd Website

Make an agreement on:

- What the tenant should pay: this should be based on the estimate carried out, plus an amount off the arrears, which must be affordable taking into account the tenant's financial statement;
- What further information, if any, should be provided to Housing Benefits.

Advice on independent help and advice available through agencies such as the Citizens Advice Bureau, CAB, Shelter or KDC housing options team. Independent help should be advised especially if the claim is complex, involves proving 'good cause' for a backdate claim or if the tenant wishes to appeal against a Housing Benefit decision.

- Ensure agreements made are entered on to the Arrears Action Screen and confirmation sent in writing for the tenant to sign;
- Finally ensure that the tenant understands the legal position, and what legal action is being taken or what the next step will be if the agreement is broken. Again tenants should be reminded that the onus is on them to make a successful claim; and
- Ensure that contact is maintained with Housing Benefit section.

9.3- Legal Action

Further recovery or legal action should not automatically be halted just because a Housing Benefits claim is pending. The claim may take a long time to resolve, or be disallowed, by which time the arrears will have increased dramatically.

Your decision on whether to proceed should take into account the following factors:

Is the tenant co-operative?: Have they responded to attempts to contact, or were they willing to make an agreement when you did make contact?

Previous payment record and claims history: Is this the first time the tenant has been in arrears? Does the tenant have a poor record of paying and keeping to agreements, or a poor record of returning review forms on time or returning information requested by Housing Benefits?

Level of the debt: Are the arrears at a level where action should be taken, for example over £300 but no NOSP has been served yet?

Is the Benefit Likely to be Paid? If a claim is for backdating, it is best to assume it won't be paid unless there are obviously very good grounds, likewise if you think that the tenant will be unlikely to satisfy a reasonable request for information

How Much Benefit is Likely to be Paid? Is estimated entitlement too small to impact significantly on the arrears?

Any Special Circumstances? Consider whether the tenant is able to understand the situation or needs extra help – do they have learning difficulties, are they very elderly, have poor literacy, or non-English speaking. Consider whether action is appropriate under the circumstances and seek help from other agencies if necessary e.g. Social Services, relatives, translation services etc. It should be noted that any tenant who comes under this category may be in receipt of floating support. If not, a referral may be made to a relevant scheme or agency.

If in doubt, then proceed, ensuring that the tenant is adequately advised and understands the reason why action is still being taken. You can for example adjourn

or withdraw Possession proceedings if the benefit is paid, and taking further action will act as an incentive to the tenant to resolve the matter, whilst protecting the Company's interests.

Remember:

All cases over £300 or 4 weeks arrears (whichever is higher) should be under a NOSF

All cases over £600 or 8 weeks arrears (whichever is higher) should have an SPO or PPO or Possession Proceedings commenced.

Unless there are exceptional circumstances.

10. TAKING A FINANCIAL STATEMENT

The aim of a financial statement is to see how much money is coming into the household and how much is going out. It will enable the tenant and officer to make an affordable agreement to repay their rent debt. It may also assist them in making a decision to seek independent financial advice in relation to other creditors and seek advice on long term money management. If a tenant has multiple debts or is experiencing difficulties in managing their money they should be referred to an appropriate advice agency such CAB which has trained advice workers.

10.1- Developing a financial statement or personal budget.

The Financial Statement should be completed and findings recorded on arrears actions.

10.2- Identifying Priority Debt.

It is important for a person with debt to realise that creditors have different powers and that it is important for them to act quickly to avoid action such as:

Eviction

Distrain removal of goods

Imprisonment

10.3- Debts and action that can be taken by creditors

Debt	
Rent Arrears	Eviction
TV Licence	Fine/Court/Distrain/Imprisonment
Council Tax Community Charge	Distrain/Deduction from wages, income support/JSA /imprisonment
Water Rates	Disconnection
Gas or Electricity	Disconnection
Magistrates Court Fines	Distrain/Deduction from wages, income support/JSA /imprisonment
Maintenance	Distrain/Deduction from wages, income support/JSA /imprisonment
Income Tax, National Insurance or VAT	Distrain Bankruptcy
Hire Purchase	Repossession of goods

The Citizens Advice Bureau identify the above as priority debts and officers should advise tenants to make agreement to settle these debts first. If they feel unable to do so officers should refer to an appropriate advice agency.

VAT and Income Tax can send bailiffs without a court order. Other priority creditors can only take action after a court order.

Staff should tell the tenant not to panic but to take action to resolve the problem.

If the tenant has multiple debts, the tenant should be referred to CAB. The referral should be made as soon as possible.

10.4- Golden Rules in dealing with debts.

(Adapted from “Dealing with Debts” Money Advice Trust ref: NDL/MAT)

Do not ignore the problem: it won't go away and the longer it is left the worse it gets

Do not borrow to pay off the debt. Get advice first. Borrowing could lead to further difficulties.

If you have lost your job, or are off work because of illness, check whether payments are covered by a payment protection plan. Check you are receiving all the benefits you are entitled to.

Contact an advice agency such as CAB or Shelter, at least get the self help booklet “Dealing with Your debts” or book to see an advisor.

Get in touch with the people you owe money to straight away and explain your situation. Go and see them, phone or write to them.

Make sure you tackle your priority debts first. For example debts that could mean losing your home or being disconnected from gas or electricity.

Work out a reasonable offer to repay the money. Don't worry if it is small amount creditors prefer regular payments.

Contact everyone you owe money to. If you only make arrangements with some people you owe money to you could run into problems later.

If the first person you speak to is unhelpful, ask to speak to someone else more senior.

Fill in reply forms to Court Papers and let the court have all the facts. The information you provide will be used to decide if you owe the money work out what you should pay.

Always attend court hearings. Take a copy of your personal budget with you.

Always keep copies of any letters or court forms you send or receive. If you have difficulty reading or understanding letters always seek advice.

Remember there are a number of agencies that can help you with debt issues and money advice.

Kerrier Citizens Advice Bureau	3-4 Station Hill, Redruth	Tel. 01209 210121
Shelter	48 West End, Redruth	Tel.01209 314844
KDC Housing Advice	Dolcoath Avenue, Camborne	Tel.01209 614000

11. NOTICE OF SEEKING POSSESSION

11.1- What is a Notice of Seeking Possession?

It is the first step towards a tenant being required to give up possession of their home
It is a legal document. Failure to ensure that it is completed and served correctly will have serious implications, the case will be 'struck off' and legal action will have to be re-started. It is a Notice advising the tenant that the landlord intends to apply to the County Court for possession of their property.

The Notice will clearly detail on which grounds possession is being sought. In the case of non-payment of rent the grounds used may be:-

Ground 10 which states:-

Some rent lawfully due from the tenant—

(a)

is unpaid on the date on which the proceedings for possession are begun;

(b)

except where subsection (1)(b) of section 8 of this Act applies, was in arrears at the date of the service of the notice under that section relating to those proceedings.

Ground 11 which states:-

Whether or not any rent is in arrears on the date on which proceedings for possession are begun, the tenant has persistently delayed paying rent which has become lawfully due.

Ground 8 which states:-

Both at the date of the service of the notice under section 8 of this Act relating to the proceedings for possession and at the date of the hearing—

(a)if rent is payable weekly or fortnightly, at least thirteen weeks' rent is unpaid;

(b)if rent is payable monthly, at least three months' rent is unpaid;

(c)if rent is payable quarterly, at least one quarter's rent is more than three months in arrears; and

(d)if rent is payable yearly, at least three months' rent is more than three months in arrears;

and for the purpose of this ground "rent" means rent lawfully due from the tenant.

However, if other breaches have occurred these may also be included with details of the rent owing.

The Notice will clearly state the date and amount of rent due.

The Notice will inform the tenant of the date in which the landlord can apply for possession proceedings. This is the expiry date, which will always be a Sunday; a minimum of 28 days after the Notice was served.

The Notice will also advise the tenant that court action can be instigated anytime within 12 months following the date of service.

When the 12 months are up the Notice will lapse unless an order has been obtained from the County Court.

In the event of an account being cleared in full at any point during the 12 month period, Coastline Housing Ltd will treat the Notice as null and void, and will remove it from the customer's record. The arrears procedure will be re-started and if necessary, a new Notice will be served should the account fall back into arrears.

11.2- Indicators for Action

NOSP must be served before debt reaches £300 or 4 weeks rent (whichever is higher) unless exceptional circumstances exist. These may include awaiting the posting of Housing Benefit, or when dealing with an elderly person or someone with a serious/terminal illness, where action has been taken to support that person and resolve the non-payment of rent.

Staff will need to consider Serving Notices below £100 where persistent non-payment is an issue and/or where a tenant has a low net rent. Officers need to take account of payment pattern, the element of risk involved if action is not taken and how quickly they can implement the next stage of action when considering the service of NOSP.

11.3- Authorisation and Service.

The NOSP must be authorised and signed by the Income Manager (or another manager) prior to being served.

The person delivering the notice must date and sign the office copy to confirm delivery. There must be 4 clear weeks between when the NOSP was served and the expiry date of the notice as well as the start of proceedings (application for a court hearing). Only in exceptional circumstances should a NOSP be served without prior contact with the tenant.

Contact should be made upon service and the tenant's circumstances recorded and updated on the Arrears Actions Screen, upon returning to the office. This may include details such as the housing benefit situation etc.

Contact should seek to ensure an action plan is in place to ensure payment of the rent and or Housing benefit. If contact is not made with the tenant on service of the notice the officer must carry out the following actions over the subsequent four-week period until contact is made and agreement is made:

- Telephone contact
- Personal visit
- Office interview
- RA4b application for possession letter (two weeks following service of NOSP)

Staff should seek to take the course of action that will obtain the earliest result, failing this all the above actions must be taken so that Coastline Housing Ltd is able to prove it has been reasonable in trying to recover the debt owing to it.

11.4- NOSP checklist

The NOSP must show:

The Tenants Full names – correct surname(s) and at least one first name for each tenant

If there is a joint tenancy then all tenants must be sent a copy

Full address details

The correct debt and date

Expiry Date – this is the date after which legal proceedings can commence and must be a Sunday and a clear 28 days after the date of service.

The inclusion of additional non-arrears related grounds such as Ground 12 (which is used for seeking possession on other ground e.g. nuisance) should be discussed with the relevant Tenancy Management Officer, and the ground struck through or taken out if not required.

ALSO

The NOSP should be enclosed with the RA3 NOSP letter, and a rent statement.

The NOSP must be authorised and signed by the manager (Income Manager or equivalent).

Service

- The first copy should be served personally on the tenant(s), by hand, at the address. Do not hand the notice to someone who isn't the tenant.
- If the tenant is not at home, the Notice must be served on the property eg through the letterbox.



- The second copy must be signed and dated on the last page, certifying who served it, how it was served, the date it was served and placed on the house file.
- Update the Arrears Action Screen fully prior to service.

12. APPLYING TO COURT AND WHAT ACTION TO TAKE IN THE MEAN TIME

Application for legal action should occur when previous action and contacts have failed to resolve the arrears. Procedures for the service of a NOSP and subsequent action means that staff should have made reasonable attempts to contact and resolve the issue before commencing possession proceedings, and complied with the pre-action protocol. If the tenant has a pending Housing Benefit claim, there is reasonable expectation of backdate and award of H/B, **and** all information required for the claim has been provided, then action **must not be taken**. **Tenants must not have court proceedings taken against them if they are in receipt of full housing benefit and are paying by DSS deductions**. Legal action must no longer be used to protect the debt in all circumstances the Court will expect there to have been a significant amount of work to resolve the case prior to court and legal action is the only where cases cannot be concluded by other means.

12.1- Indicators for Action

Applications to court should have been made on cases before they reach £600 (or 8 weeks rent whichever is higher) but compliance with pre-action protocol is essential so the target may vary.

If the tenant is in receipt of Housing Benefit and the net rent is low legal action can be considered earlier than the above indicator, the decision needs to be made in light of the extent of contact, the attempts by the tenant to resolve the issue. Staff should note that the County Court is unlikely to grant an order for less than £600. Failure to pay 8 weeks rent is another guideline when looking at rents with Housing Benefit in payment.

In cases where a tenant is a persistent non-payer and the arrears may be varying greatly a member of staff may wish to initiate action under the above indicator figures. The officer needs to be able to justify this decision and this should be recorded on the UHM Arrears Action Screen.

Only in exceptional circumstances should these indicators be ignored and the member of staff should advise their manager of the reasons why action is not being taken the reasons should be recorded on the Arrears Action Screen.

12.2- Making an application to court

Having decided to initiate legal action the member of staff should check UHM and the house file to ensure no legal action has been taken in past and is still in force. If a Court order exists, consideration should be given as to the age of it. Orders over six year old may need to be re-enforced through an application to the county court.

If no order is in force an online application to Court should be made through the Possession Claims Online (PCOL) website. In addition to the application process the member of staff will be required to:

- Visit the customer to deliver the standard 'RA4b' letter to the customer giving them 14 days notice of our intention to apply to court;
- Include with the RA4b letter, a statement of the account;
- Provide the customer with an update on their housing benefit situation using the 'Hb status form', and provide this with the RA4b letter;
- Update UHM Arrears Actions with all details regarding the application; and
- Notify the local authority's housing team and any other relevant support agency, such as social services or floating support workers.

Staff should ensure they check with the tenant that there are no outstanding issues or complaints that might lead to counterclaim by the tenant. For example disrepair or allegations of failure to deal with neighbour nuisance. Should any issues be highlighted then the member of staff should take reasonable steps to resolve the issue. Should the potential for a counter claim exist then the relevant department needs to be advised of the issue and steps taken to resolve it.

Having completed a payment request form for payment of the court fee, the form should be passed to the manager for authorisation.

The Member of Staff should ensure copies of documentation are placed upon the house file.

12.3- What to do whilst awaiting a hearing

Once all the necessary information is submitted, it should take between 6- 8 weeks to obtain a hearing. Over this period the following actions must be carried out to obtain contact with the tenant and seek to resolve the issues and get payment of rent and or benefit in place.

Staff should use their knowledge of the tenant to choose the action that they feel is likely to provide the swiftest resolution, and failing early resolution, use all the recommended actions in order to prove that Coastline Housing Ltd has acted reasonably.

The recommendations may include the following:

- Home visit;
- Referral to Advice Agency;
- Office Interview;
- Telephone Contact; and
- Letter (which includes option for a home visit).

12.4- What action should be taken in relation to total non-payment or failure resolve Housing Benefits issues?

Staff should consider obtaining attachment of earnings orders to resolve continual non-payment. If this is not possible or will not fully resolve the situation an immediate or fixed date possession order should be sought and the tenant should be notified of this. Letters reflecting this should be sent out at various stages in the process to alert the tenant to the implication of failing to work with officers to resolve any issues.

It is presumed that legal action will not be delayed merely because of non-payment of benefit. However officers have to consider cases on their own merits in terms of history and an assessment of the risk of escalation of the arrears. Staff should seek to have a clear action plan agreed with a tenant and or their representative that will resolve outstanding benefit issues in a reasonable timescale.

It is critical that, where a pattern of non-payment or failure to resolve benefits issues exists, an effective referral to an advice agency takes place and that staff seek to make contact with advice agencies when interviewing tenants to book appointments. A request for the local authority's housing benefit visiting officer may also be made if the officer feels the tenant is struggling with a claim for housing benefit and is unable to get to the housing benefit office.

12.5- Attending Court

Staff will be advised on the need to attend court, generally the staff member dealing with the case will attend, and liaison should occur between the relevant Income Management Officer and Income Manager prior to the hearings giving adequate time to review all cases.

13. LEGAL TERMINOLOGY EXPLAINED

13.1 Suspended Court Orders (SPO) were applied for by Coastline Housing Ltd to the county courts prior to October 2006. They are a court order that grants the claimant possession of a property (based on the grounds set out in the 1985 Housing Act), but suspended the right to apply for possession while the tenant maintains an agreement, i.e. current rent plus £5.00 per week. These orders are still in existence but are rarely used, and have been largely superseded by Postponed Possession Orders.

13.2 Postponed Possession Orders (PPO) The court will provide an order without fixing a date for possession. The order will set out the terms of which the tenant has to pay, and if the order is breached the Landlord has to write to the Court requesting a date be fixed for possession. It is at the discretion of the Judge as to whether the date is fixed in writing, or following a court hearing.

The Landlord can also request a money judgement for payment of the arrears and court costs, which are recoverable from the tenant.

Breach of the SPO, or following the fixing of a date for possession for breach of a PPO, the Landlord can apply for a Warrant of Possession to evict the Tenant.

13.3 Outright Possession Orders. In extreme circumstances the court may be asked to grant an outright possession order. This gives the Landlord possession of the property after a set period, usually 14 or 28 days. If the tenant has not vacated by the date given, the Landlord can apply for a Warrant of Possession to evict the tenant.

13.4 Warrants can only be applied for if the tenant is in breach of a court order.

PPO's are valid until the judgement debt is satisfied this includes payment of the court costs and the arrears on the account. SPOs cannot be cleared on clearance of the costs and arrears, as upon granting a SPO, the tenant becomes a 'blameless tolerated trespasser' and upon clearing the costs and arrears, they will be granted a new tenancy in order to re-gain their rights as a tenant.

Both SPOs and PPOs cease to be enforceable after six years have lapsed, without a request being made by the Landlord to the court to re-enforce the order.

13.5 To adjourn generally means the Landlord can (is at liberty to) return the case to court within 12 months of the judge's agreement to adjourn the case.

Cases can also adjourned generally on terms i.e. current rent plus an amount off the arrears, cost may be included, or to the next available date i.e. if awaiting a Housing Benefit assessment.

To withdraw a case from court results in no court costs for the tenant, but this will only be done if the account has been cleared and court costs are met by the tenant, or for other exceptional circumstances.

13.6 Money Judgements are court orders to keep to a financial arrangement, i.e. current rent plus £50.00, but without the suspended possession order to the Company. If the tenant defaults, the case must be returned to court to ask the judge for possession. If possession is granted CHL must then apply for a warrant to evict.

13.7 Application to suspend a warrant ('Stay'). Once a warrant has been issued a tenant can apply to the county court to **suspend the warrant**. A suspension will normally be granted with conditions as to payment. If the conditions are not met, CHL must apply to re-issue the Warrant (obtain a new eviction date). There is no limit on the number of suspensions a tenant can apply for, although the Court may occasionally restrict this.

13.8 Court Orders (including Money Judgement, PPO's and SPO's) can be altered by tenants applying to the County Court for a variation order, current rent + £5.00 could be reduced to current rent + £3.00, if the tenant provides the court with evidence that £5.00 is unreasonable due to a change of circumstances. Tenants can also apply to the court to set aside a court order where they feel that CHL has been oppressive. In this circumstance the court will consider the case and determine if our actions have been unreasonable.

13.9 When CHL applies for rent default for former tenancy arrears it means that we are asking the court for a money judgement only. Failure by the tenant to observe that court order can result in an application to the Court for:-

- The tenant to be orally examined (questioned by a court officer) as to his/her financial status;
- Bailiffs to visit the tenant and recover goods to the value of the outstanding debt (Warrant of Execution); and
- An attachment of earnings order whereby amounts are deducted from the tenants wages direct by the employer and sent to the court. This is obviously only available if the tenant is employed.

In each case, **court costs** are recoverable from the tenant.

14. COURT INFORMATION CHECKLIST

- The Income Management Officer will advise that a court date has been set;
- Make further attempts to make personal contact with tenant to secure a repayment agreement, and confirm this in writing;
- Establish what type of order we are applying for (See “which order shall I apply for”); and
- Ensure that the tenant is informed of the court hearing at least 10 days before the court hearing.

Remember: Court should be applied for before the debt reaches £600 or 8 weeks arrears (whichever is higher) but it is most important that the pre-action protocol is complied with as the case will be thrown out of court if it is not, unless exceptional circumstances exist. These may include awaiting the posting of Housing Benefit that has been confirmed by a Benefits officer, or when dealing with an elderly person or someone with a serious/terminal illness where action has been taken to support that person and resolve the non-payment of rent.

15. EVICTION

15.1- If a tenant breaches their court order, what should you do?

Give the tenant 7 days to rectify the default

If the default is resolved: no further action

If the default cannot be remedied the Income Management Officer has two choices:

Accept that the tenant has done everything possible to control the situation and/or it is a small default. The decision is not to proceed with eviction proceedings but amend payments to 'catch up' with the order.

The default is so large and/or increasing and case history indicates that eviction proceedings should continue.

Establish why the breach has occurred and liaise with the housing benefit section at the local authority where required.

If the issue is not resolved by this, the matter is referred to the Income Manager.

Income Manger will:

- Update the local authority;
- Update other relevant agencies;
- Ensure that the tenant receives a visit where the full implications of what is happening are explained and the tenant is advised to seek legal advice; and
- Sign off the eviction request.

16. APPLYING FOR AN EVICTION

16.1- Introduction

Applying for an eviction can be the last stage in the arrears procedures, barring the actual eviction. It is critical that officers should have acted reasonably prior to this stage attempting to resolve any issues, ensure payment of arrears and sustain the tenancy.

16.2- Contact

Every reasonable effort should be made to contact the tenant before you apply for an Eviction Warrant to establish why there has been a breach of the Court Order.

An Eviction Warrant should always be applied for unless the tenant agrees to clear the breached amount, or if an agreement is made between yourself and the tenant that will bring the tenant back in to line with the order. In cases of repeated breaches of an order, or substantial breach that cannot be resolved, staff need to treat each case on its own merits. However as a guide, enforcement should be considered as an option if the default is for more than 4 weeks net rent or over £150, whichever is the lesser amount.

The presumption should be to enforce the order by applying for an eviction warrant, but there may be cases where this is seen to be inappropriate, eg recent bereavement or terminal illness. However these will be the exceptions to the rule and action plans will still be need to ensure payment of current liabilities and reduction in the debt. The aim is to exert control over the build up of arrears, in the interests of both the tenant and CHL, and overwhelmingly this will be achieved by early intervention.

If resolution cannot be achieved, then the tenant should be informed that action will continue. If contact is made, every effort should be made to achieve a referral to an advice agency to assist the tenant, and contact should be made directly with the local authority's housing options team, by the relevant Income Management Officer. Whilst a standard document is sent out, staff should also contact the local authority and other relevant support agencies by telephone or e-mail to brief them on the forthcoming action.

16.3- How and when to apply for the Eviction Warrant

An application to court for an Eviction Warrant should only be applied for when the tenant is in breach of their Court Order, and there is no reasonable prospect of sustaining the tenancy, or if you have been awarded an immediate Possession Order by the County Court.

The warrant will be applied for and letters will be sent to the tenant, Social Services, the local authority's housing options team and any other relevant support agency, giving full details of the names and address of the family subject to the Eviction Warrant.

As with every stage of the arrears process, details of the actions taken will be recorded on the UHM Arrears Action Screens.

16.4- If the tenant applies to Suspend the Warrant

When an Eviction Warrant has been applied for, the tenant has the right to apply for a hearing to request the suspension of the warrant. This means that they are asking the Judge for their permission to remain in the property.

Income Management Officers should prepare up to date information and attend the hearing, in order to defend the application. If there are outstanding housing benefit issues, a stay may be used to get the tenant and any agency assisting them to do the necessary work over a fixed period adjournment.

16.5- When can the Notice of Eviction Application be cancelled?

An Eviction Warrant can only be cancelled when either the Judge grants an application to suspend the warrant or if the rent account is cleared in full. At no time must the Eviction Warrant be cancelled when a tenant promises to clear the breached Court Order or clear arrears in full. Income Management Officers should keep their managers informed of all developments in relation to Eviction proceedings

16.6- Checklist when applying for an Eviction Warrant

- Have you been awarded a Possession Order by the County Court **or** has the tenant breached a Suspended Possession Order?
- Is the Order less than 6 years old?
- Has the tenant responded to the RA7 letter? If not apply for an Eviction Warrant?
- Have you applied for Board Approval, if so did the Board approve the application for an Eviction Warrant?
- Has the Eviction Application been authorised by the Income Manager?



- If you can answer yes to the above questions you can apply for an Eviction Warrant.
- If you are unable to answer yes to any of these questions do not continue with your application and refer back to the arrears procedures.

17. CARRYING OUT AN EVICTION

On receipt of the eviction warrant from the County Court you should do the following:-

- Send receipt back to County Court (keeping a copy on the house-file) confirming that eviction will take place and whether or not you feel will need Police attendance at the eviction. Police attendance at an eviction is only necessary if you think there may be problems with the eviction.
- Arrange for an Income Management Officer to attend eviction and carry out a lock change, work to be ordered through the Repairs Helpdesk.
- Send letter/visit to advise them of when warrant will be executed and how to put an appeal to the county court to ask for the warrant to be suspended.
- On the day of the eviction the Income Management Officer should attend the property with the Court Bailiff Officer and carpenter from CSL.
- Once entry has been made the Income Management Officer will need to sign the Bailiffs warrant as confirmation of property being handed back to CHL.
- If there are belongings in the property a full inventory must be taken along with photographs. Belongings should be stored in either an empty garage or in storage.

After 28 days and after all reasonable attempts, including writing to new address, have been made to contact former tenant, arrange for the disposal of the goods.

17.1- Considerations in the Arrears Process

Due regard should be taken in recovering rent arrears as set out below:

- You must ensure that agreements to pay rent arrears are affordable and take account of the financial circumstances of the customer and their ability to pay;
- If the tenant is on Income Support/Job Seekers Allowance, deductions from these benefits should be obtained;
- Advice should be given on possible benefit entitlement to help maximise the client's income – a provisional assessment of Housing Benefit should be carried out if appropriate;
- Referrals to relevant advice agencies should be made where appropriate, for example for money advice and/or advice regarding benefit entitlement;

- Should tenants pay over and above the prescribed guidelines, they are free to do so, but arrangements should be monitored and the officer must be satisfied that this does not cause hardship; and
- No encouragement or pressure should ever be placed on a tenant to obtain a loan.

You can take account of savings available - it is not unreasonable to expect tenants to clear arrears through savings.

18. FORMER TENANT ARREARS

18.1- Procedures

18.1.1 Purpose of the Procedure

- To ensure recovery of debts from unpaid rent, service charges or recharges for damage to property
- To comply with the requirements of the Housing Corporation's Regulatory Code
- To ensure that monies owing to the Company are recovered wherever possible in order to maximise the resources available to complete the Company's core function as a housing provider

18.1.2 Responsible Officers

- Income Management Team

18.1.3 Introduction

Former Tenant Arrears (FTA's) are a static debt (they do not increase). At any time the former tenant may dispute the debt, therefore the responsible member of staff must record on the file any correspondence or communication with the former tenant.

The former tenant will be advised that if they fail to make regular payments to reduce the debt the Company will take legal action to recover the debt and that Court costs may be awarded against them. They may also be refused housing in the future by another Social Landlord.

If a debt is unrecoverable, it should be written off. All debts to be written off must be authorised by the relevant manager and write off's over £1000.00 require the approval of the Board.

Should a debtor wish to clear the debt in the future, we will accept the payment.

18.1.4 Procedure

When a tenancy ends, and there is a balance outstanding on the account staff will pass the file with the completed Tenancy End Form to the Income Management Officer for action. The Income Management Officer should obtain the account details from UHM and confirm the balance against the Former Tenant spreadsheet within the Housing Team Folder.on K drive.

The responsible member of staff must check all former tenant arrears accounts on a monthly basis and all actions recorded on the UHM system. If no action is taken, this must also be recorded.

At the close of the tenancy, a tenancy end form should be completed and put with the paper file, the paper file should be removed from the 'live' system and moved to the 'dead' filing system, where they will be retained for a minimum of 5 years. All documents relating to the tenancy to be kept on the paper file, including the tenancy end form. All documents relating solely to the property should be permanently retained in the live system.

Where arrears are present on the account, investigations will be undertaken to try to ascertain the current whereabouts of the former tenant. It may be possible to ascertain these from records relating to:

- When the tenancy originally started (i.e. parents address);
- From a pre Court interview; and
- From a pre tenancy termination visit.

All tenants terminating their tenancy must be encouraged to supply the Company with a forwarding address. If a forwarding address is known, or if we have the address of a relative, **letter one** should be sent to that address within one month of the tenancy ending.

The full details of the debt should be included i.e.

- The amount of rent arrears: and
- Notification of Rechargeable Repairs (if applicable).

18.1.5 Disputes

Should the former tenant dispute any charges that have been made (ie rechargeable repairs at the close of the tenancy or outstanding Housing Benefit) the account must be investigated thoroughly to ensure that the charges and amount of the debt are correct.

- If the amount of the debt is reduced, a letter will be sent to the former tenant informing them of the outcome of the investigation and the new amount of the debt;
- If the debt is found to be correct, a letter must be sent informing the former tenant that the original amount is correct;
- If the tenant further disputes the amount, the dispute must be passed to the Complaints Officer as an official complaint;
- Outstanding Housing Benefits can be referred to the Customer Welfare Officer (CWO) through the normal referral procedure.

18.1.6 Tenant agrees with the debt

- An agreement should be made with the former tenant to clear the account within a reasonable timescale. If possible, a standing order must be implemented;
- A payment card can be requested for the former tenant and the cards can be used to make payment anywhere in the Country not just in the Kerrier district;
- In the case of the former tenant being deceased, letters will be addressed to the next of kin, stating 'the Estate of' and the name of the deceased;
- The former tenants' next of kin is not responsible for the debt; claims will be made against the former tenants' Estate. However, if the tenancy was a joint tenancy the surviving tenant will be responsible for the debt;
- Staff must advise the former tenant of the availability and responsibilities of the CAB or other relevant advice services if they are having difficulty in making payments, and make referral, if appropriate;
- If full payment of the arrears is received, the tenant must be sent a letter thanking them for clearing their account.

18.1.7 Failure to respond to letter one

- If the former tenant fails to respond to letter one within 28 days, no contact is made, or the tenant refuses to pay in the second month of the tenancy ending, the tenant will be sent letter two;
- The former tenant has 7 days to respond to letter two.

18.1.8 Failure to make payment after letter two

- Further failure to respond or to make payments as requested will result in the former tenant being sent letter three. The former tenant has 7 days to respond to letter three;
- If the forwarding address of the debtor is known, letter three must be sent prior to the issue of the Court Warning letter informing them of the action being taken and giving them a further 7 days to respond;
- Letter three should state the dates that letters one and two were sent and the reasons for the debt.

18.1.9 County Court Procedures

If there is no satisfactory response to letter three, staff should send a Court Warning letter. The Court Warning letter states that due to lack of payment of the debt we intend to apply to the County Court for a County Court Judgement (CCJ). It should be stated that a CCJ may affect the individual's credit rating in the future. They have a further 7 days to contact us, failure to do so will result in legal action being taken without further warning.

Detailed information on how to make a claim through the County Court is available

through the following website link: www.hmcourts-service.gov.uk. Penzance County Court holds an account on behalf of CHL and any costs relating to proceedings for possession and civil recovery including the nominated fee are debited from this account. Claims can also be lodged via the following website www.moneyclaim.gov.uk and charges can be paid using the Company debit card.

The table below details the varying levels of the fee.

(a) debt does not exceed £300	£30.00
(b) debt exceeds £300 but not £500	£50.00
(c) debt exceeds £500 but not £1,000	£80.00
(d) debt exceeds £1,000 but not £5,000	£120.00

All small claims for the Court must be signed by the Housing Services Manager

If awarded a CCJ will stay in place until either the debt is cleared, for 7 years or until the death of the customer. NB: If the debt is cleared within 28 days of the judgement the CCJ will not be recorded.

If payment has not been received after 28 days the judgement can be enforced via the County Court bailiffs. It is the policy of the Company to use the County Court bailiffs only as a last resort and at the discretion of the Housing Services Manager except in respect of Commercial Property.

It is the responsibility of the responsible officer to recover the debt and any of the following methods may be used:

- attachment of earnings;
- garnishee orders;
- charges against property owned by the former tenant.

Further details on attachment of earnings and garnishee orders can be obtained from Her Majesty's Courts Service website www.hmcourts-service.gov.uk

18.2- Notes on using UHM

As soon as a tenancy is ended, it is essential, that at the time of ending the tenancy certain details are input onto UHM. These include a correspondence address or a forwarding address and the tenancy termination reason. Based on the reason for the end of tenancy, the Income Management Officer will send the appropriate letter as detailed in the former tenant procedure.

To enter Correspondence Address:

- From Account Enquiry: Tenancy Info > Address Details > Correspondence > Add
- The Name line of the address should only be completed where correspondence is to be sent to either an executor or someone who is

dealing with the affairs on the behalf of the tenant. If correspondence is going to the tenant this line should be left blank;

- Complete Address details and enter the effective date that this is from. These can subsequently be amended should the tenant move etc;

To enter an end date and termination reason:

- Open the tenancy agreement screen;
- Click 'Edit' on the UHM toolbar, turning the screen yellow;
- Enter a termination reason description using the dropdown;
- Enter a termination date taking into account key return date, notice given etc (end dates must always be Sundays);
- Click accept on the UHM toolbar.

18.3- Write-offs

In respect of debts where, despite efforts to trace, there is no forwarding address available the debt should be put forward for write off. The audit checklist should be completed to verify that all reasonable steps to trace the debtor have been taken; this includes checking the Housing Benefit & Council Tax system.

19. RECHARGES

19.1- Introduction

Where a customer has damaged the property or has caused disrepair or left belongings in a property at the end of the tenancy, the cost of the repairs or the cost of clearing contents from the property at the end of the tenancy are recharged to them.

All debts are recovered in full and the customer will receive an invoice with full details of the work that has occurred and the amount of monies due.

The Company will act in a fair and equitable manner in this respect and will assist the customer as much as possible, especially where the customer is vulnerable.

The customer is responsible for the conduct of all household members and invited guests to the property and any damage or disrepair caused by these persons is the responsibility of the tenant.

The company will pursue action through the County Court when any rechargeable repairs are not fully paid and will always seek an award for costs.

19.2- What is rechargeable?

Customers will be charged for the following. This list is not exhaustive and there will be rechargeable items that are not mentioned below:

- Cost of any repairs that are due to deliberate damage, abuse, neglect and not fair wear and tear;
- Cost of removing rubbish and extensive cleaning, including both inside and outside of the property;
- Cost of storing, removing and disposing of household contents including furniture and white goods;
- Cost of replacing lost/stolen keys and cost incurred in gaining entry to change the lock including garage keys and locks;
- Cost of removing graffiti and rectifying wilful damage;
- Court costs and legal fees incurred by the company in relation to rechargeable repairs;
- Cost of rectifying alterations where an alteration has been completed without written permission of the company and where authorised but not carried out to the previously agreed standard;

- Cost of repairs to paths, sheds and garages that have been provided by the company and have been neglected;
- Cost of tidying gardens that have been neglected or left overgrown;
- Cost of call out charge where the nature of the repair was exaggerated when reported by the customer; and
- Cost of call out charge for the 2nd missed appointment.

NB. The company will endeavour at all times to gain as much information from the customer regarding the nature of the repair.

19.3- Payment options

The customer will be notified in writing of the total cost of any rechargeable repair and will be provided with a breakdown of these costs.

The customer will be able to pay using the variety of payment methods:

- Payment by Direct Debit/Standing Order;
- Pay via Payment Card at Local Pay Point Outlets;
- Using a credit card or a debit card, over the phone or online; and
- Postal payment by cheque/postal order

19.4- Disputed charges

The company will fully investigate any disputed rechargeable repairs, if after investigation the company upholds the original decision, the debtor will be encouraged to appeal through the formal complaints procedure.

19.5- Exceptions

The cost of recharging may only be waived in mitigating/exceptional circumstances. We aim to ensure that we address the different needs of our customers in accordance with the company's Equality & Diversity Policy.

Examples of mitigating/exceptional circumstances that should be considered when deciding whether to recharge are:

- If the tenant has a disclosed disability;
- If the tenant has mental health issues/learning difficulties; and
- If there are over-riding medical factors.

The tenant cannot try to avoid a charge by claiming someone else caused the damage, as the Tenancy Agreement states that the tenant is responsible for the

actions of members of their household including visitors. However, if the damage caused to the property is as a result of domestic violence/violent actions/anti-social behaviour e.g. a third party has forced their way into the property and caused damage to the property. The tenant will be advised to report the incident to the police and obtain a crime reference number. The repairs should not be recharged, but the third party will be pursued for the damage.

19.6- Writing off debts

Any debt that has been exhaustively pursued using every option available, but has not been recovered may be recommended for write off.

Bad rechargeable debts will be written off in the same way as bad rent debts, as indicated in the Write off section of this document.

19.7- How a rechargeable repair is raised

In respect of a current tenancy:

When a repair is registered, the Customer Services Advisor (CSA) will identify whether the repair is rechargeable. The CSA will ensure that the repair is put onto UHM and will put an estimated cost against the job before referring to the Income Management Team.

When the job has been completed, an administrator at Coastline Services Ltd (CSL) will put the actual cost of the job onto UHM and will notify the Income Management Team.

In the meantime the Income Management Team will have invoiced the customer with the estimated cost of the repair and, whilst advising the customer that the cost is only an estimate, encourage payment and confirm that the actual cost of the job will follow.

Upon receipt of the actual cost of the work, the Income Management Team will notify the customer.

In respect of a former tenancy:

When the void works has been costed for a void property, the administrative assistant at CSL will send a spreadsheet to the Income Management Team identifying the work that will be carried out to the property, identifying the work that is rechargeable to the customer.

These items are then put onto UHM individually, in order that the Income Management Team can raise an invoice.

The information will be sent to the Income Management Team in a timely manner in order for the IMT to effectively pursue the debt with the former tenant.

20. ACTIVELINK

20.1- Introduction

Activelink is run by Coastline Housing Ltd to assist people to remain in their own home as they grow older or become less independent.

Activelink provides customers with a variety of options to promote independent living by offering the support of telecare monitoring equipment, urgent response alarms, a repairs service and much more.

20.2- Pricing structure

Activelink offers customers 5 standards of service to customers:

ActiveLink

- Provision of telecare monitoring equipment;
- A range of emergency button options to suit you (pendants, brooches, wristbands etc.);
- At least two contacts of your choice can be contacted for an urgent response;
- 24-hour monitoring of alarm call system;
- 24-hour urgent response by Coastline staff (in case friends or relatives are not living nearby);
- Repairs and maintenance contract covering the telecare equipment.

Cost: £3.75 per week.

ActiveLink bronze

- All the benefits of the standard package plus a monthly home visit from Coastline staff to check and test equipment, update personal information and complete and update Support Plans.

Cost: £7.50 per week.

ActiveLink silver

- All the benefits of the standard package plus a weekly home visit from Coastline staff.

Cost: £15 per week.

ActiveLink gold

- All of the benefits of the standard package plus daily home visit from Coastline staff (five days a week option);
- Preferential responsive repairs service;
- 24-hour emergency repairs service.

Cost: from £30 per week.

ActiveLink gold plus

- All of the benefits of the standard package plus daily home visit from Coastline staff (seven days a week option);
- Preferential responsive repairs service;
- 24-hour emergency repairs service.

Cost: from £45 per week.

20.3- Payment options

Customers are encouraged to pay the support charge by Direct Debit. However, if they do not have access to a bank account they may also pay the support charge by credit card, debit card over the phone or online, by cheque made payable to Coastline Housing Ltd or by using a swipe card at a PayPoint location in local shops and post offices.

From time to time the support charge may be changed. However, on these occasions we will write to customers at least eight weeks before the change, telling them of the new support charge and the date from which it will apply.

20.4- Missed payments

If a customer fails to make a payment for the service, we will tell them in writing giving details of what payments have been missed and will give them fourteen days to try and rectify the situation. A copy of this letter will be sent to the Supported Housing Manager.

If the matter is not rectified in that time, we can end the Agreement immediately by writing to the customer, explaining why the agreement is being ended. We will always liaise with the Supported Housing Manager before ending an agreement.

When this Agreement comes to an end the customer must return the alarm unit to us within five days.

21. RENT ACCOUNTS IN CREDIT

21.1- Introduction

At any one time, there are a large number of rent accounts in credit. Many of these will be purely because customers are paying their rent by direct debit or standing order, monthly in advance, but there are is a large number of accounts displaying a credit that is not reducing and needs refunding to the customer.

In addition, there is a large number of former tenant rent and garage accounts that have a credit balance that require formal action.

The policy is to ensure that all current rent and garage accounts are not in credit over and above that agreed by the customer and that all former rent accounts are formally closed at the earliest opportunity.

21.2- Account credit details

Just to give an idea of the scale of the matter, the number of accounts in credit, along with the amounts at 15th August 2008 were as follows:

Current rent accounts =	£138,252	1,670 accounts
Former rent accounts=	£ 30,148	394 accounts
Current garage accounts=	£ 11,083	391 accounts
Former garage accounts=	£ 1,837	109 accounts

21.3- Account management

All accounts displaying a credit balance will be reviewed on a quarterly basis.

Current accounts:

The Income Management Team will first of all ascertain that the credit is a genuine credit as opposed to a credit that will reduce as rent becomes due. The Income Management Team will then contact the customer to notify them that there is a credit in their account and confirm that this will be refunded to them. Bank details will be obtained and the finance section will be faxed the details in order to make the refund.

Former accounts:

Where an account ends and there is a credit balance, the Income Management Officer will contact the former tenant, or their representatives, in the event of the



tenant having passed away, to arrange a refund, after ensuring that there are no other debts outstanding to the Company.

In cases where the former tenant has passed away and there is no executor, or where the former tenant cannot be located, the Income Management will evidence all actions taken to secure a refund, and then email the finance section with full account and amount details, requesting that the credit is transferred from the rent account into a suspense account or something similar.

22. GARAGE ARREARS POLICY

22.1 INTRODUCTION

The purpose of this policy is to outline the stance that we will take where our tenants rent garages from the Trust and the tenant is in arrears in respect of their dwelling.

This policy stipulates the normal course of action which will be taken by the Trust, unless certain expectations are deemed to apply as outlined below.

22.2 POLICY

The Company supports the withdrawal of entitlement to renting a garage where the tenant of one of our dwellings is in true arrears of rent on their house account (ie where such arrears are not in any way caused wholly or substantially by housing benefit or other 'technical' arrears) and hence unable to fulfil their tenancy obligations regarding their home.

In all cases the tenant's records must show that they have previously consistently maintained arrangements to reduce and ultimately clear the dwelling arrears; and the Trust is satisfied as to the necessity of the garage.

The above is subject to exceptions outlined below:

- The proven need to house a vehicle to maintain employment
- The proven need to have and house a vehicle for transportation purposes specific to a disabled family member.
- The proven lack of storage space within the dwelling to meet the tenant's needs.
- Other specific exceptions may be agreed on an ad hoc basis subject to individuals' circumstances and merits of each case.
- In all cases above the tenant must also be willing to pay an additional amount off their dwelling arrears equivalent to the weekly rent of the garage, as applicable at the time.