

Regulation
& Inspection



Communities
Scotland

thematic
study

**evictions
in practice**

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Executive summary

This thematic study aimed to establish reasons for varying eviction rates between different landlords and to identify examples of good practice in managing and preventing eviction. The first part of the study included an examination of evictions at the national level and this provided the context for the next stage, nine thematic inspections/case studies of RSLs and local authority landlords.

In 2003/04 social landlords carried out 1,537 evictions. In another 1,911 cases tenants abandoned their homes following an eviction decree. These figures are equivalent to around 0.5 per cent of all tenancies in the social rented sector. Most evictions are for rent arrears, with only around two in every hundred happening as a result of antisocial behaviour. The last three years have seen a small reduction in the eviction rate among local authority landlords, while RSL evictions increased slightly over the same period.

Eviction rates were highest in large, urban local authorities. Variations were less clear on the basis of size or location within the RSL sector. The research found some relationship between the level of demand for housing and eviction rates, with eviction being higher in areas where demand was lower. The research also showed a relationship between levels of rent arrears and eviction rates – above average levels of rent arrears were associated with eviction rates in the upper range, and lower rent arrears with lower eviction rates.

The first stage also highlighted questions about the kind of households being evicted, the level of rent arrears that triggers court action, communication with tenants and the impact of advice services. These were explored in the nine case studies, which found that

- most of the organisations were contacting tenants quickly when they fell into arrears;
- the quality of written information was generally good;
- in most cases, however, there was a lack of sustained personal contact with tenants, and this hampered effective management of the situation.

While a range of support and advice services and referral mechanisms were in place, support needs and vulnerability were only rarely identified. This meant the services were not being used to best effect. In many cases, joint working between housing management and arrears staff and services such as housing benefit, homelessness, support and social work services happened too infrequently and too late to prevent eviction.

Once cases reached the stage of court action there was more evidence that staff were actively managing cases, monitoring agreements to pay and trying to prevent homelessness.

Of the 149 eviction case files examined, 43 per cent involved households with children, just over a third were single-person households aged 25-60, and 12 per cent were young single people. Households with dependent children made up nearly a third of those who were actually evicted, abandoned or terminated their tenancy following an eviction decree.

We found a wide range of practice and approaches among the nine landlord organisations. The features that marked out those where eviction seemed to be genuinely a last resort from those where it appeared much more routine included:

- early and sustained personal contact with tenants throughout the arrears recovery process;
- a strong focus on preventing homelessness and taking account of individual households' needs and circumstances;
- good links to the housing benefit team;
- good arrangements to offer advice and support to tenants and early referrals to homelessness, social work, benefits and money advice services;
- realistic repayment agreements based on ability to pay, and a quick response to any missed payments; and
- a good awareness of the consequences of their actions and of areas where their practice needed to improve.

The report recommends that, at a corporate level, local authorities should review their homelessness strategies and operational practice to ensure that they are actively working with landlords to prevent eviction occurring wherever possible. It also makes a number of recommendations for RSLs and local authority landlords.

1. Landlords need to make, maintain and record personal contact with tenants who have fallen into arrears or other difficulties with their tenancy. Contact should be tailored to meet tenants' individual needs and circumstances and sustained throughout the arrears recovery and court action processes, including the post-decree stage. The aim should be to prevent unnecessary abandonments and terminations as well as actual eviction.
2. Landlords must carry out checks to identify qualifying occupiers before they issue a Notice of Proceedings. There should be a full assessment of advice and support needs for every tenant threatened with eviction before a Notice of Proceedings is issued, and landlords should provide appropriate information, advice and assistance throughout the process.
3. Landlords need to contact the relevant homelessness service before starting any court action for recovery of possession. They should make sure the homelessness staff are fully aware of the household's circumstances and that they are at risk of homelessness, and homelessness services need to act on the information.
4. Social work services must also be actively involved if there are children or other vulnerable household members.
5. Landlords should work closely with the housing benefit service to address any difficulties arising from benefit payment issues. People should not face eviction action when rent arrears result from delays in the benefit system.

6. Landlords should refer tenants with rent arrears to a debt counselling/money advice service. A referral would be defined as involving a debt counselling interview appointment being made on the tenant's behalf, or passing on the tenant's contact details to a debt counselling service for the purpose of setting up such an appointment.
7. Landlords should record and monitor the outcomes from referrals to advice and support services, and periodically evaluate the effectiveness of the services.
8. Strategic level analysis examining the types of households facing eviction action, the factors that contribute to their difficulties and the overall costs of eviction is rarely carried out. Landlords should focus on incorporating this kind of analysis into their routine monitoring systems.

The report also recommends the following changes to national data collection and performance indicators.

1. Statistical data collection on possession actions and evictions should be harmonised between the local authority and RSL sectors. This would facilitate more useful comparisons between the two sectors.
2. Consideration should be given to replacing, or supplementing, the performance indicators measuring current tenants' arrears with one that encompasses the total amount owed to landlords (including former tenants' arrears and arrears written off during the financial year). This would provide a fuller picture of landlords' performance.

1 - Introduction

1.1 Background

Evictions in Practice is the third in a series of thematic studies by the Regulation and Inspection Division of Communities Scotland (R & I). Thematic studies complement R & I's programme of cyclical inspections of registered social landlords (RSLs) and local authorities (LAs). Where cyclical inspections look at the delivery of a spectrum of services within individual organisations, thematic studies look at a single area of practice across the sector.

There were a number of reasons for carrying out a study of evictions. First, evicting a tenant is an extreme step and one that may well lead to homelessness or repeat homelessness. The Homelessness Task Force (2002) has said eviction should only be used as a last resort. Figures collected by the Scottish Executive and Communities Scotland, however, show wide variations in eviction rates between different landlords. These in turn suggest variations in practice and a lack of clarity on what constitutes 'good' practice in this area.

The financial costs of eviction can be high. Eviction not only makes matters worse for households struggling with debt, it rarely solves the problem for landlords. The debt may simply be shifted from the current tenants' rent arrears account onto former tenants' arrears. The cost of court action also has to be met. And if the evicted household has to be rehoused in temporary or permanent accommodation the social and financial costs can be a high price to pay. One local authority recently estimated the cost of evicting and rehousing a tenant at over £17,000.¹

A third reason for the study is to provide a baseline picture of evictions in Scotland. Three or four years ago little was known about social landlords' use of eviction. In 2000/01 the Scottish Executive began collecting and publishing figures on evictions by local authority landlords for the first time, and the figures attracted some comment in the housing press and elsewhere. However, RSL figures have not been published until now and there was no overall picture of how eviction is being used in the sector or who is being evicted.

1.2 The causes of eviction

In 2003/04 social landlords carried out 1,537 evictions. In another 1,911 cases tenants abandoned their homes following an eviction decree. These figures are equivalent to around 0.5 per cent of all tenancies in the social rented sector. Most evictions are for rent arrears, with only around two in every hundred evictions happening as a result of antisocial behaviour. So although the study was about evictions not rent arrears, it often touched on the management of rent arrears.

A 1998 study by the Joseph Rowntree Foundation (Ford & Seavers, 1998) found that the key factors underlying rent arrears were low income and/or intermittent work. Housing benefit administration, particularly the payment of benefit in arrears, was also a significant factor. The same study found that tenants were concerned about their debts

¹ Based on information kindly provided by North Lanarkshire Council

and believed they should pay on time – yet their circumstances often left them little alternative to living with debt.

A Scottish Executive literature review of good practice in housing management, drawing on a number of studies examining the problem of rent arrears in the 1980s and 1990s, concluded that

'The picture is generally of people on marginal incomes who were struggling to cope. There is evidence also that moving in and out of entitlement to housing benefit, due to changing circumstances, had an impact on arrears. Most households in arrears said they gave a high priority to rent payment and there is little evidence of feckless behaviour' (Scottish Executive, 2001: page 75).

More recent research by the Citizen's Advice Bureau (Phelps & Carter, 2003) also found poverty and failures in the housing benefit system were the main factors leading people to fall into rent arrears. The study found some tenants were still facing eviction action even when arrears resulted from delays in the administration of housing benefit. A third key factor was changes in tenants' personal circumstances, leading to a sudden drop in income. Sometimes, tenants' problems were compounded by poor physical or mental health, literacy or numeracy problems. Although these factors can make it particularly difficult to cope with the pressures of debt, few of these tenants had received support to help them avoid getting into arrears.

Changes in the housing benefit regime, including the introduction of the verification framework, have made the system more complicated for tenants and can cause delays in payments being processed. A study for the Office of the Deputy Prime Minister (Pawson et al, forthcoming, 2005) has found that preventing benefit fraud can come at a high price in terms of the indirect impact on rent arrears. Landlords clearly have a difficult balance to strike and the need for co-ordinated working between different departments and agencies is critical.

The **Code of Guidance on Homelessness** stresses that 'All local authority departments and all relevant local agencies should work together to prevent homelessness occurring wherever possible' (Scottish Executive, 2004, paragraph 15). This advice is particularly relevant to the issue of eviction and the Code also emphasises that, through their homelessness strategies, local authorities should provide intensive support programmes for people threatened with eviction and that they should take a corporate approach to tackling both rent arrears and antisocial behaviour.

1.3 Aim and objectives

The aim of the study was to establish reasons for the variations in eviction rates between different landlords, and to identify examples of good practice in the use of eviction and alternatives to eviction. Objectives included

- carrying out an analysis of national evictions data;
- considering the influence of national policy objectives on evictions in practice;
- gathering information through a number of case studies on landlords' practice on eviction - including examples of good practice; and

- agreeing and implementing recommendations for future data collection on evictions.

1.4 Study methods

The study was carried out in two stages. The first was an examination of evictions at the national level. We commissioned DTZ Piedad Consulting to carry out this part of the work, which included

- desktop analysis of national evictions statistics;
- reviewing the way national data on evictions is collected;
- an e-mail questionnaire distributed to RSLs and LAs; and
- focus groups with landlords and representatives of national stakeholder groups.

A full report on this part of the work will be published separately on the Communities Scotland Research website at www.communitiesscotland.gov.uk.

The second stage included a number of thematic inspections or case studies, carried out in August 2004. Inspectors from R & I carried out the inspections, which covered six RSLs and three local authorities (Appendix 1). Tony Cain, Inspection Manager, led the team and Iain Fitheridge, Inspection Officer, provided support. The Inspectors were Robert Fraser, Marie Savage, Fiona Selkirk, Joyce Stewart and Lindsay Stother.

1.5 Structure of the report

Chapter Two summarises the findings from the first stage of the study. It gives an overview of what is happening at the national level, providing the context for the following chapters – findings from the case studies. The final chapter draws together key findings and conclusions from both parts of the study and makes a number of recommendations.

2 – Evictions in Scotland 2001-2004

2.1 Introduction

This chapter summarises the national research carried out by DTZ Pineda. It looks at the use of evictions by local authorities and RSLs at the Scotland-wide level based on

- an analysis of eviction statistics for the last three years;
- an e-mail questionnaire distributed to 29 local authorities and 96 RSLs; and
- three focus groups, one with staff from local authorities, one with staff from RSLs and the third with representatives of national stakeholder organisations.

Details of the data sources and definitions used in the statistical analysis and charts are given in Appendix 2. Survey respondents are listed in Appendix 3 and focus group participants in Appendix 4.

Beginning with an overview of the number and pattern of evictions over the last three years, the analysis also considered other factors that may influence eviction rates. These include the size and location of landlords, operational practice and organisational structure.

2.2 Evictions and eviction rates

Throughout this chapter the term ‘evictions’ refers, unless otherwise stated, both to actual evictions and to abandonments that occur after a sheriff has granted an eviction decree. This is because the effect of a post-decree abandonment is the same as an eviction – a tenant loses his or her home. Some charts however show abandonments and evictions separately in order to highlight the level of post-decree abandonment.

The Scottish Executive collects data on local authority evictions while RSLs provide information on the number of evictions they carry out each year in the Annual Performance and Statistical Returns to Communities Scotland (APSR).

The measure used in this study to make comparisons between the two sectors, and between individual organisations, is the **eviction rate**. The eviction rate is **the number of evictions, including post-decree abandonments, as a percentage of total housing stock**.

Three organisations that have recently carried out large-scale voluntary transfers of their stock (LSVT)² were excluded from the data analysis. If they had been included it would not have been possible to determine trends, as fluctuations could have been due to the movement of stock between the local authority and RSL sectors.

² Glasgow Housing Association, Dumfries and Galloway Housing Partnership and Scottish Borders Housing Association. Together, these three organisations carried out 102 evictions in 2003/04 and a further 136 properties were abandoned following a decree.

Similarly, to try to limit the impact of small random fluctuations in data, the analysis of evictions in the RSL sector excluded 96 RSLs from the following APSR peer groups:

- those providing highly supported accommodation;
- urban RSLs with fewer than 250 units; and
- rural RSLs with fewer than 150 units

The analysis was based on the 134 RSLs in the other five peer groups.

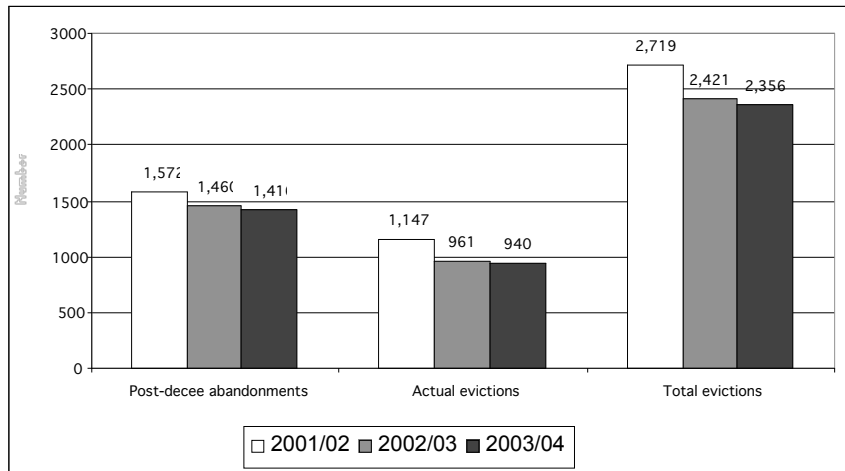
The evictions data was only available for the last three years we should be cautious about drawing conclusions about trends in eviction. These will become clearer when data has been collected over a longer time frame.

2.3 Number and pattern of evictions

Social landlords in Scotland, excluding those mentioned in paragraph 2.2, evicted 3,213 households in 2003/04. More than half these households (1,788) abandoned their home, following an eviction decree, without an actual eviction. Local authority landlords were responsible for 2,356 evictions - an eviction rate of 0.59 per cent - and RSLs for 857, an eviction rate of 0.54 per cent.

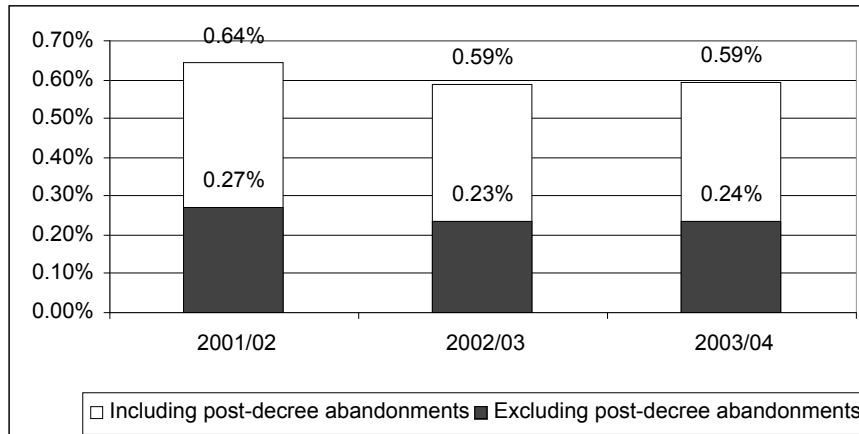
Over the last three years there has been a slight reduction in the *number* of local authority evictions, as shown in figure 2.1. Some, but not all, of this reduction can be explained by the loss of stock through the Right to Buy, demolition and stock transfer. However, the *eviction rate* – which takes stock numbers into account – also marginally reduced between 2001/02 and the following two years (figure 2.2).

Figure 2.1 - number of local authority evictions 2001/02-2003/04



Source: Scottish Executive Statistical Returns HSG/2004/2

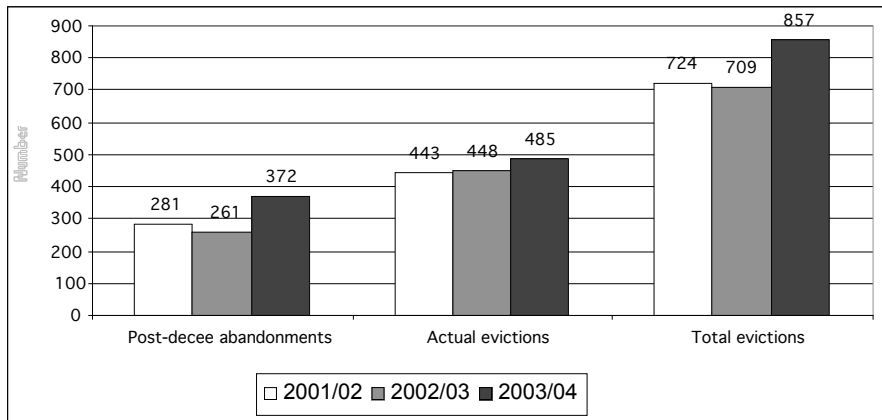
Figure 2.2 - eviction rates in the local authority sector



Source: Scottish Executive Statistical Returns HSG/2004/2

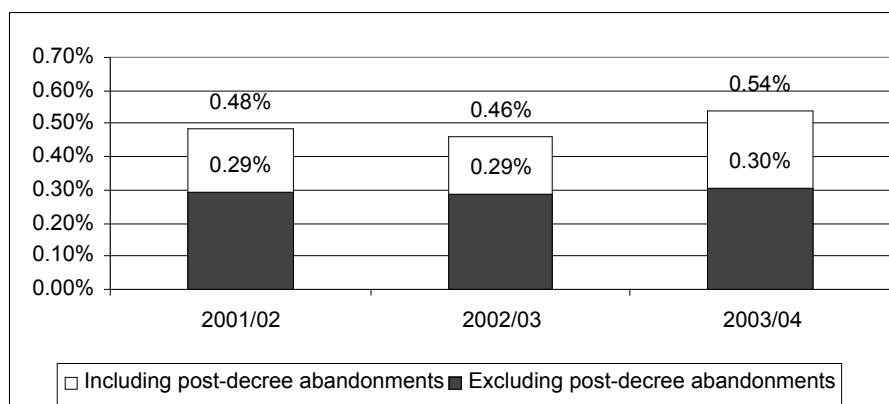
The picture is different among RSLs, where the number of evictions increased in 2003/04. (figure 2.3). Some of this increase can be explained by a twelve per cent increase in stock numbers through new development etc over this period; however, figure 2.4 shows that the eviction *rate* also increased. In spite of this increase the RSL eviction rate remained lower overall than the rate for local authorities.

Figure 2.3 - number of RSL evictions



Source: Communities Scotland, APSR

Figure 2.4 - eviction rates in the RSL sector



Source: Communities Scotland, APSR

Participants at the focus groups discussed possible reasons for the lower eviction rates among RSLs. Some, in the local authority as well as the RSL group, felt that RSLs were less “bureaucratic” than local authorities and had more opportunity to incorporate specialist support and interventions into their daily practice. The extent to which people saw RSLs and local authorities as different types of organisation was particularly interesting given that the difference in eviction rates between the two sectors seems to be decreasing. However, the difference on sectoral lines was not emphasised by all participants, particularly within the stakeholders’ focus group.

How landlords perceived change fitted broadly with the actual trends. The e-mail survey indicated that local authorities were more likely to think the number of evictions has decreased in recent years 39 per cent thought evictions had decreased, compared to 17 per cent of RSLs.

Both RSL and local authority landlords thought the main factors influencing changing eviction rates were

- changes to internal policy or procedures;
- administration of housing benefit;
- the changing profile of tenants; and
- changes in factors underlying tenancy breaches, for example changing attitudes to debt.

Not all court action results in an eviction. In 2003/04 local authorities raised 19,146 court actions; only 13 per cent of these resulted in an eviction. The estimated figure for RSLs, based on the survey data, was only eight per cent. In both sectors, the organisations operating in urban areas were more likely than their rural counterparts to raise actions that actually result in eviction. This could be interpreted as suggesting that urban landlords do not issue notices as ‘warning shots’ to the same extent as their rural or mixed counterparts. It may also relate to the higher levels of deprivation within urban areas.

2.4 Eviction rates by landlord profile

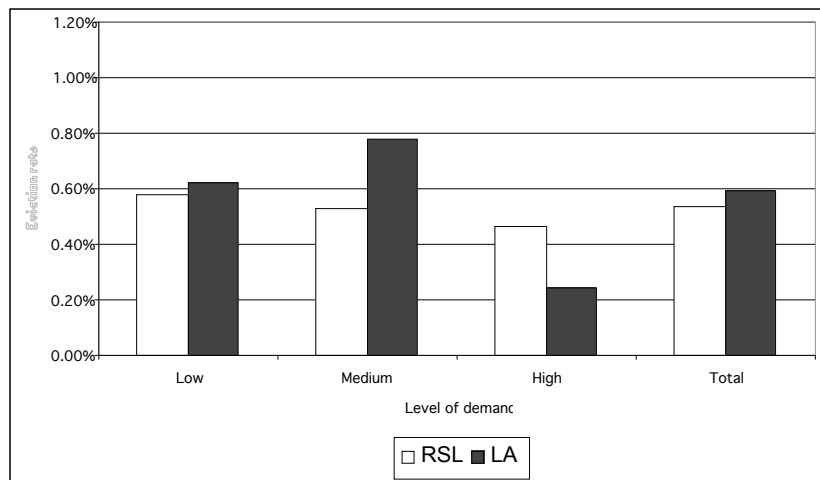
In 2003/04, eviction rates among urban local authorities were generally higher than those for mixed or rural authorities. Among RSLs, the highest eviction rates were found in large urban RSLs – particular those with older stock. Larger rural and national RSLs had lower than average eviction rates.

There was also an association between size and eviction rates, but this was different for RSLs and local authorities. Among local authorities, greater stock numbers were associated with higher than average eviction rates. The relationship between size and eviction rate was less clear among the RSLs.

It seemed that the level of demand for housing stock has some influence on eviction rates across the sector, although the relationship was less strong for RSLs (figure 2.5). RSLs with very little low demand stock had an eviction rate of 0.46 per cent in 2003/04, lower than the sector average of 0.54 per cent. Local authorities with a very small proportion of low demand stock had an eviction rate less than half the average (0.24 per cent compared to 0.59 per cent).

Focus group participants suggested possible reasons for this relationship between demand and eviction rates. Both local authority and RSL participants agreed that low demand properties may be allocated to those households less able to exercise choice – for example, those presenting as homeless or with high levels of need on the housing list. It could be that this contributes to the concentration of the most vulnerable households in low demand areas.

Figure 2.5 - LA and RSL eviction rate by level of demand for housing stock, 2003/04



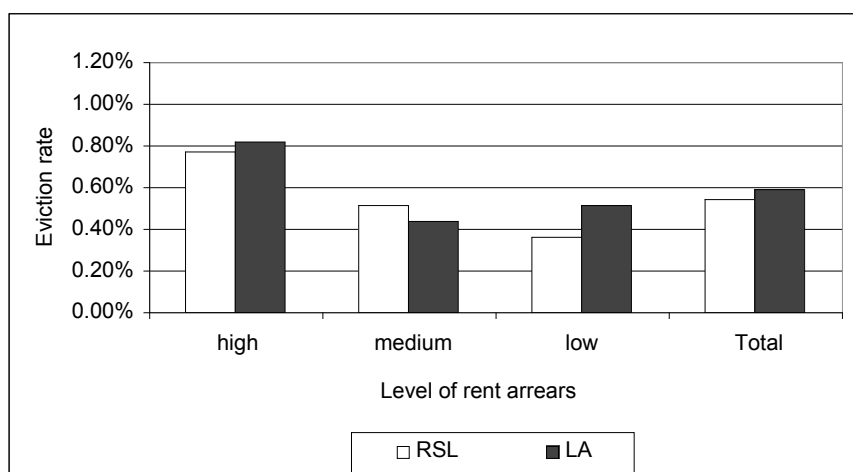
Source: Communities Scotland, APSR, SE statistical returns and Audit Scotland PIs

2.5 Eviction rates and rent arrears

Most evictions are on the ground of rent arrears. In 2003/04, 94 per cent of RSL evictions were the result of non-payment of rent; while the equivalent figure for local authorities was 98 per cent. Figure 2.6 shows the relationship between eviction rates and average levels of rent arrears.

Participants in the three focus groups explored some of the difficulties experienced by social landlords in attempting to collect rent arrears. First, it was noted that it is not uncommon for households to “repeatedly make and break agreements”. However, participants realised that although this was a chronic problem, it was not recent. They did however think the problem of debt was increasing among the general population and that the stigma attached to debt has reduced. They also thought the “more aggressive” tactics employed by debt collection agencies often mean that debtors give non-housing debts priority over rent arrears.

Figure 2.6 – LA and RSL eviction rates by level of rent arrears, 2003/04



Source: Communities Scotland, APSR, Scottish Executive Statistical Returns and Audit Scotland PIs

Participants at the two focus groups with landlord organisations thought households falling into rent arrears and at risk of eviction action were generally the most vulnerable tenants such as young households, previously homeless households or those with mental health difficulties. However, they agreed landlords need to understand more about their debt – its profile, causes, who is most likely to succumb and what practice works best.

All three focus groups noted that landlords do not routinely analyse information on the type of households facing eviction action. There was a view that this kind of information is hard to collect. Data was said to be especially poor in relation to households “moving around the sector” – being evicted and then re-housed by another landlord. There was

evidence of some social landlords sharing information about evictions but this was not universal.

Generally speaking, the focus groups revealed that many social landlords adopted a case-focused or reactive approach to tackling rent arrears, with little evidence they are strategically examining the problem.

The focus groups also highlighted the impact that wider policy issues can have on how landlords tackle arrears and evictions. All participants acknowledged that the strong focus on preventing homelessness is important. However, landlord participants emphasised that tenants have a responsibility to pay their rent, and if they do not, they must face eviction action. Housing benefit added further complexity to the issue of rent arrears as the system was seen as overly complex for tenants, especially those moving in and out of work.

The majority of local authorities and RSLs who took part in the e-mail survey offered a debt counselling service. This was most commonly delivered through a referral agreement with an external agency such as the Citizens' Advice Bureau.

2.6 Evictions and antisocial behaviour

Evictions resulting from antisocial behaviour (ASB) account for a very small proportion of the total number. It has been suggested that the figures may understate the real impact of ASB on eviction levels as social landlords may prefer to cite rent arrears as the main ground for eviction. Members of the focus groups thought this belief was mistaken. They concluded that while this may have happened in the past, social landlords now realise the need to make it explicit where a tenant is being evicted for antisocial behaviour.

There appears to be a growing recognition that eviction of a household on the ground of antisocial behaviour can simply displace the problem. There is certainly change in how local authorities tackle ASB. All landlords who took part in the e-mail survey have changed their approach to ASB in the last three years, with most of the new approaches involving the development of specialist ways of working or other initiatives such as preventative work or new policies and procedures.

2.7 Organisational structure

How landlords manage rent arrears and antisocial behaviour could potentially have an impact on eviction rates. Organisational structure and practice were therefore explored through the e-mail survey of local authorities and RSLs.

Among the local authorities there was a roughly equal split between generic, specialist and combined (generic and specialist) structures to manage rent arrears. Generic working was far more common among RSLs, perhaps reflecting the size of the organisations. In all but five organisations the rent arrears function was managed within the housing service.

Only a minority of local authorities and RSLs had any plans to make changes to the management of rent arrears.

Nine of the twenty-two local authorities responding to the e-mail questionnaire managed antisocial behaviour through a generic function, with officers responsible for a range of housing management duties. Only four had specialist antisocial behaviour teams. The remaining nine used a combination of generic and specialist functions. However, a number of authorities said they were considering changes to their management of ASB, with ten planning a move from a generic to a specialist structure.

Participants in the RSL and local authority focus groups also mentioned a range of organisational structures for managing rent arrears and ASB. There was no consensus on what worked best, and participants emphasised the need to continuously review practice – particularly in rapidly-changing areas such as housing benefit. The implication seemed to be that the skills and knowledge of the staff delivering the service are more important than organisational structure.

2.8 Decision-making

The majority of local authority respondents to the e-mail survey said there was no requirement within their organisation for individual evictions to be authorised by elected members. More than three-quarters of RSL respondents, in contrast, required individual evictions to be authorised by committee members.

2.9 Conclusions

The data analysis highlighted important differences between the LA and RSL sectors and significant variations within each sector. Over each of the three years the average eviction rate among RSLs was lower than the local authority average, but the difference has narrowed. While the LA eviction rate has slightly reduced, the RSL rate increased in the last year.

Eviction rates were highest in large, urban local authorities. Variations were less clear on the basis of size or location within the RSL sector. The research found a relationship between the level of demand for housing and eviction rates, with higher eviction rates in areas where demand was lower. The research also showed a relationship between levels of rent arrears and eviction rates – above average levels of rent arrears were associated with eviction rates in the upper range, and lower rent arrears with lower eviction rates. While the reasons may not be straightforward this finding does call into question the idea that eviction action is an effective way of managing rent arrears.

The focus groups suggested that changes in housing benefit administration and changing attitudes to debt in society as a whole are important influences on eviction rates. In managing rent arrears and antisocial behaviour, the internal management structure of organisations was considered less significant than the skills and knowledge of staff delivering the service.

To a certain extent the findings from the research highlighted more questions than answers. For example, they suggested a need to understand better who is being evicted. Other questions included:

- What kind of arrears level usually triggers eviction action?
- How much emphasis is put on making personal contact with tenants in rent arrears?
- How do landlords maintain communication with tenants after the first contact?
- How are referrals made for benefits advice and other tenancy support services, and to what extent has the impact of these services been evaluated?
- Do welfare rights and money advice services help to prevent eviction?

Some of these questions were explored in the inspection case studies.

3 – The inspection framework and selection of case studies

3.1 Introduction

This chapter outlines the framework inspectors used to assess evictions in practice in the six RSLs and three local authority landlords and explains how we selected the case study organisations.

3.2 Legal framework and good practice guidance

Section 14 of the Housing (Scotland) Act 2001 entitles a landlord under a Scottish secure tenancy (SST) to seek a court order for recovery of possession of a house. The landlord must serve a notice in the prescribed form - a 'Notice of Proceedings' or NOP - on the tenant before starting legal action. Before serving a notice, the Act requires landlords to make enquiries to establish who else lives in the house as their main or only residence – for example, adult family members or lodgers. The landlord must also serve a notice on these 'qualifying occupiers' before raising court action.

The notice must include the ground on which the court order will be sought. The Act sets out fifteen such grounds in Part 1 of schedule 2. The court has to consider the facts of each case when deciding whether to grant an order for recovery of possession. There are no mandatory grounds for recovering possession of a SST and all actions are subject to the test of reasonableness.

Good practice guidance (for example Homelessness Task Force, 2002; Phelps and Carter, 2003) suggests landlords should use proceedings for recovery of possession only as a last resort. Before resorting to court proceedings they should be using a range of responses to manage problems of rent arrears, antisocial behaviour and other tenancy breaches. Their responses need to be both effective and proportionate to the problem. There may, however, be some circumstances where landlords are justified in resorting immediately to proceedings for the recovery of possession. Examples might be very serious antisocial behaviour or racial harassment. In deciding what is a 'proportionate' response, landlords should consider the costs of their action. This means considering not only the immediate cost of unpaid rent but also the cost of legal action and costs that may fall in the longer term on other parts of the service or on other organisations – for example the cost of re-housing a homeless household. They should consider the social, as well as the financial, cost of homelessness. Once homeless it is more difficult to find work and maintain relationships and, where children are involved, their education is likely to be disrupted. Homelessness can have an adverse effect on both physical and mental health.

Section 11 of the Homelessness etc (Scotland) Act 2003 places a duty on landlords to give notice to the local authority when they are raising proceedings for possession. This is to allow the local authority to take action to prevent homelessness occurring and to take account of this when planning homelessness services. This section of the Act will be commenced towards the end of 2005, along with regulations specifying the form and manner of this notice and guidance to local authorities on what action they should take when they receive such notices.

3.3 Selection of case study organisations

The consultants selected a long list of possible case studies, based on their findings from the analysis of national evictions data. Our final list excluded any organisations we had previously inspected or were due to inspect over the coming year. Appendix 1 gives details of the case study organisations.

Our aim in selecting the case study organisations was to include landlords with a range of eviction rates, as well as different types and sizes of organisations in a range of different geographic areas.

The RSLs were in a mix of rural and urban areas, but - apart from GHA – all had a broadly similar level of stock (within the 1,001-2,500 units range). Eviction rates for this size group were similar to the sector-wide eviction rates for RSLs. There was one large urban local authority, one large mixed (urban/rural) and one small mixed authority.

3.4 What inspectors were looking for

Inspectors carried out the case study work using the inspection framework for evictions (box 1). Essentially, they asked whether landlord organisations were actively managing tenancies in a way that positively helped to prevent homelessness.

Before they visited each organisation the inspectors collected and reviewed a range of written material such as policy and strategy documents, examples of standard letters and forms, newsletters and other information for tenants.

Their on-site work was based on an examination of 149 case files for tenants who had been through eviction proceedings – 80 from the RSLs and 69 from the local authorities. The number of cases examined ranged from 10 in the smaller organisations to 30 in the largest. The inspectors asked each organisation to provide the files for their most recent cases where decree had been granted. They were not, therefore, designed to be a statistically representative sample, and indeed were not representative of all arrears or antisocial behaviour cases. The number of cases examined was however large enough to give a broad picture of practice in relation to evictions across the nine organisations. They included cases where eviction was ultimately avoided as well as cases that resulted in an eviction or abandonment. In two cases action had been taken on the ground of antisocial behaviour. One was a ‘technical eviction’ on the basis that the house was scheduled for demolition. All the others were for rent arrears. The inspectors also interviewed staff to help them assess

- how the landlords were using eviction as a response to tenancy breaches;
- how they made judgements about the suitability of alternatives to eviction;
- how they managed individual cases;
- who took the decision to evict; and
- how landlords managed the consequences of eviction.

They also considered how well landlords understood the service quality and value-for-money issues involved in eviction action.

The inspectors spent between one and three days at each organisation’s offices. They worked individually in smaller organisations and in pairs in the larger organisations.

3.5 The inspection framework for eviction

Inspectors look for:

- **early contact and intervention** – it is good practice for a landlord to make immediate contact with a tenant if their rent is unpaid or the landlord becomes aware of a possible tenancy breach;
- **regular and sustained contact** to follow up the first contact. Landlords should closely monitor behaviour/repayments etc to be able to act quickly if the problem recurs;
- **clear advice**, offered in a variety of formats, in a way that meets the needs of individual tenants;
- **provision of access to specialist advice and services** such as welfare benefits, money advice, support services;
- **proportionate use and escalation of action** for rent arrears, disputes and antisocial behaviour - reflected in the tone and contents of standard letters, the intensity of contact with the tenant, how the possibility of court action and eviction is introduced, the way and at what point a Notice of Proceedings (NOP) is served and the use of alternative ways of collecting rent arrears such as Rent Direct or other options;
- **appropriate use of suspension of legal action** - landlords should make sure their staff have clear guidelines on when it is appropriate to suspend (sist) court action;
- **approval and review of actions and progress** – landlords should have in place appropriate arrangements for the reporting (including reporting to committee) and review of cases and confirmation of further action at key stages of the process;
- **appropriate arrangements for managing occupancy** after an order of repossession has been made; and
- **an assessment of the consequences** – landlords should make sure they properly understand the likely outcome from any decision to evict. Action should be balanced against their duties in respect of prevention of homelessness or duties to dependent children or other vulnerable household members.

Landlords should be able to demonstrate at every stage that they are actively managing tenancies and considering alternatives to eviction where these may provide a better outcome for both tenant and landlord. Inspectors also look for an understanding and active management of the service quality and Best Value issues arising from eviction action – for example, are landlords weighing up the costs and benefits of using court action as a tool to manage rent arrears?

4 – Responding to breaches of tenancy

4.1 Introduction

This chapter looks at how landlords respond to breaches of tenancy, how they communicate with tenants after the initial intervention and what advice and support they offer to tenants in difficulty. The initial response to and subsequent management of tenancy breaches can be critical in determining the final outcome and helping to prevent an eviction taking place.

The focus group participants noted that households falling into arrears are often the most vulnerable tenants. Our case studies included landlords working in three of the most deprived areas in Scotland, according to the Scottish Index of Deprivation³. The tenant population in these areas is likely to include people who are vulnerable for a range of reasons that may well include literacy and numeracy difficulties. It has been estimated that around one in five adults in Scotland have some difficulty with literacy and numeracy. A high proportion of those with low levels of literacy and numeracy skills are found among people living in disadvantaged areas and those on low incomes (Scottish Executive and Communities Scotland, 2001).

4.2 Making contact

Published good practice guidance suggests landlords should contact tenants as soon as possible after a missed rent payment (or other breach of tenancy). The Accounts Commission (2000), for example, recommends making contact with tenants within two weeks of the first missed payment, and interviewing them by the time they are eight weeks in arrears with their rent.

In its guidance on dealing with rent arrears the **Code of Guidance on Homelessness** notes that:

'The lower the level of debt, the more likely the local authority is to recover the arrears. So it is important for a local authority to identify difficulties quickly and to arrange to discuss matters with tenants. Reliance solely on routine procedures (such as successive computer-produced letters) is less likely to secure the results desired.' (Scottish Executive, 2004, paragraph 64).

A telephone conversation or interview can often be far more effective than a letter because

- two-way communication should help staff to understand the reasons for the arrears and to identify support needs;
- it provides an opportunity to emphasise the seriousness of the situation and the importance of a response from the tenant;

³ Glasgow, South Lanarkshire and Dundee

- it should also help to establish a rapport between the tenant and the landlord which could be essential in resolving the problems; and
- it is harder to ignore than a letter.

An interview also provides an opportunity to carry out a housing benefit check, identify qualifying occupiers in the household and set up a repayment agreement with the tenant.

We found that all but two of the case study organisations were trying to contact tenants within two weeks of a missed rent payment. The first contact in every case was through a standard letter and – with one exception – this was followed up one or two weeks later with a second standard letter.

However, we found clear evidence in only three organisations of serious efforts to make personal contact, either face-to-face or by telephone, by the time tenants were eight weeks in arrears. The other case study organisations appeared to be relying heavily on written communication and there was little evidence in the files of personal contact. This meant tenants were building up significant arrears before any personal contact was made, increasing the likelihood of eviction as an outcome. It also meant staff were not easily able to identify vulnerable tenants. Vulnerability may not always be obvious or readily disclosed and it is important to record all contact with tenants to help to build up a fuller picture of what is happening in each case.

4.3 Follow-up action

It is also important to keep in touch with tenants after the initial contact. This will help to resolve any outstanding problems and will also help landlords to monitor the situation so they can act quickly if the problem recurs. Again, it is helpful to keep a record of contact with the tenant and to note any follow-up action that is needed.

We found evidence in only two organisations of a consistently high level of personal contact with tenants (by telephone, home visits and interviews as well as letter) throughout the arrears recovery process. In a third, while there was also a high level of contact, it was not always consistent or sustained. The other six continued to rely on written communication, with little evidence of personal contact. In some cases there appeared to have been no face-to-face contact at all with the tenant. In one organisation tenants had been sent as many as four copies of the same standard letter, with only the date and level of arrears having been changed. There was evidence in a number of cases that staff had tried unsuccessfully to visit tenants at home but no record of subsequent attempts to make alternative arrangements such as a visit outwith standard office hours.

Where there had been personal contact it was often difficult to tell from the information recorded in files who had initiated it (for example whether a member of staff or the tenant had made a phone call). Without careful recording of what happens after a letter has been sent it is impossible to know whether or not the letter has been effective in prompting a response.

In cases where there was a good record of sustained personal contact, however, this appeared to be very effective – suggesting it is well worth the extra effort involved.

What works - contact with tenants

Cunninghame Housing Association makes early contact with tenants and staff make sure they try to make personal contact on several occasions before serving a Notice of Proceedings. The Association is also good at making and recording contact with tenants throughout the arrears process. Staff use a good range of methods of communication - phone calls and visits as well as letters. Contact is tailored to the needs of individual tenants and staff visit outwith normal office hours if necessary. In cases we looked at, the balance between face-to-face and written contact was about one (face-to-face) to three (written). This suggested fairly intensive personal contact supported by written confirmation of agreed decisions and arrangements.

In the absence of personal contact with tenants it is difficult for staff to set up and monitor repayment agreements. Without accurate information about tenants' income and expenditure they are not in a position to agree realistic and affordable repayment arrangements based on ability to pay. Monitoring payments in this situation becomes a mechanistic process based on standard letters triggered automatically by a missed payment. What is missing is feedback from the tenant that they have not only received, but understood, the information being sent to them and that they are able to act on it. We found, for example, one or two case files where notes suggested the tenants were suffering ill-health, yet there was no evidence of communication being targeted to meet their individual needs or circumstances.

4.4 Advice and information

Advice to tenants about their tenancy rights and responsibilities, and where to turn to in case of difficulties, can help to prevent tenancy breaches.

The quality of written information for tenants in the case studies was generally good. Nearly all the organisations provided tenants' packs or handbooks and leaflets on how to pay rent and avoid getting into arrears. On the whole, the information was clear and well written. Most of the organisations could offer information, on request, in translation or alternative formats such as Braille. Some were also making good use of tenancy sign-up interviews and settling-in visits to explain tenants' rights and responsibilities and highlight the consequences of non-payment of rent.

There was scope for improvement in some organisations in terms of

- making sure information is accurate and up-to-date;
- including full contact details for advice and support agencies at an early stage (some provided only telephone numbers, or gave this information only after arrears had built up and court proceedings were about to start);
- providing clear information, in plain language, about the eviction process itself;

- providing advice about tenants' rights and options once the legal process has started.

All organisations should be able to provide information in translation or alternative formats, if required (one had no arrangements in place to do this at the time of our visit).

What works – making information accessible

Dundee City Council is proactive in tackling equalities issues. Its letters and information leaflets include information in four languages (as well as English) explaining how to contact the Dundee Translation Service for translations. They also offer large print versions of information leaflets.

4.5 Access to advice and support services

It seems likely that the information these landlords are providing meets the needs of many of their tenants – the majority who do not get into serious difficulty with their rent payments. Tenants who are vulnerable, because of problems with literacy or numeracy, learning or mental health difficulties or a range of other problems, will need more tailored information, advice and support. Young people and households with dependent children will also need access to good advice and support services if they get into difficulties with their tenancies.

The Homelessness Task Force (2002, paragraph 57) recommended that local authorities' homelessness strategies should provide for '*specific, concentrated support programmes for those threatened with eviction across all tenures. These programmes should include the provision of access to independent advice and representation.*' The Task Force emphasised that local authorities should be proactive in making sure people at risk of homelessness know what support is available and in helping them to access it.

What works – advice and support

South Lanarkshire Council has good arrangements in place to offer advice and support to tenants. Standard arrears reminder letters include details of specialist advice agencies such as Shelter, the Legal Services Agency and Citizens' Advice Bureau. The Council makes early referrals to its specialist money advice team for tenants in rent arrears. Our review of case files showed that referrals were made to the Money Matters Advice Team in every case. The Council also records and monitors the outcome of the referrals.

The Council's Benefits and Revenue Control Teams process applications and provide specialist benefits advice as well as dealing with arrears. Benefits and Revenue staff are located in each area office and are accessible to tenants. The integration of benefits and arrears functions creates a one-stop service, making it easier for tenants to get support in dealing with arrears where there are housing benefit issues.

Statutory performance indicators show South Lanarkshire has an excellent performance in processing housing benefit claims and that it had the lowest level of current tenants' rent arrears among city and urban councils in 2003/04. Its eviction rate was also well below the average for mixed authorities and for the sector as a whole.

We found a range of advice and support services in place among the case study organisations. Examples included

- a Housing Plus Officer, whose role was to provide support for tenants identified as vulnerable;
- a Housing Support Co-ordinator, with a specific role to assist tenants in arrears (who had not previously been identified as vulnerable);
- in-house money advice and welfare rights services;
- housing officers trained to help applicants complete benefit claim forms;
- referral arrangements to external agencies including Citizens Advice Bureau, welfare rights, money advice and legal services; and
- in-court advice, representation and advocacy projects.

It was difficult to assess the effectiveness of these services because, in most of the case files we looked at, there was little information about the tenants' support needs and little evidence of the services having been used. Only two organisations had any formal procedure for identifying vulnerable tenants during the arrears recovery and eviction processes. Others were making attempts to identify tenants with support needs but

were not doing this in a consistent and systematic way. One organisation was identifying elderly tenants in supported housing while another was identifying households with dependent children. A third was identifying support needs informally through discussions between staff. In all these examples, it is likely that a number of people with support needs slipped through the net: for example, the organisation that identified elderly tenants as vulnerable also had a high percentage of young tenants who were probably in their first tenancy. Indeed, this organisation evicted a number of under-25 year-olds and households with dependent children.

Overall, support needs were identified in only nine of the 149 cases we examined; eight of these were in a single organisation.

We also found opportunities were being missed through failure to share information between different services. It is vital that services like housing management, social work and homelessness work closely with the housing benefit and rent arrears services.

In one organisation relevant information collected through tenancy sign-up interviews and settling-in visits wasn't being passed on to the rent arrears team. This in turn meant that although there were sometimes good links to advice and support services, both internally and externally provided, these were often not being used as effectively as they might have been. This limited the impact of potentially valuable services in terms of preventing eviction and helping both tenants and landlords to manage rent arrears.

Most of the organisations also had no way of knowing how effective any referrals were, as they were not recording or monitoring the outcomes. Only one was actively monitoring referrals to its money advice team.

4.6 Conclusion

The conclusions to be drawn from this chapter are mixed. Most of the case study organisations were following good practice in trying to contact tenants within two weeks of a missed rent payment. The quality of written information about paying rent in tenants handbooks and leaflets was generally good. We also found a number of potentially useful support and advice services and referral arrangements in place.

There were, however, some serious weaknesses at the individual case level. Perhaps most significant were the lack of sustained personal contact with tenants, in most of the organisations, and the absence of assessment procedures that could have highlighted specific information and support needs among the tenants involved. These two issues are closely linked, since it is only through personal contact and knowledge of the individual tenants that needs can be identified, appropriate referrals made to services that can help, and realistic repayment arrangements agreed. We found the organisations that were successful in making and maintaining personal contact were also the ones making most effective use of advice and support services.

Better recording and monitoring of referrals to advice and support services would also help landlords to evaluate the effectiveness of these services at a strategic level, as well as the individual case level.

5 – Managing the legal process

5.1 Introduction

This chapter focuses on the legal process: what triggers court action, how long the process takes, how decisions are made and how cases are managed.

Starting legal action for recovery of possession is a serious step that should only be taken when other avenues have been exhausted. As noted in chapter 3, Section 11 of the Homelessness etc (Scotland) Act 2003 – due to commence in 2005 - places a duty on landlords to give notice to the local authority when they are raising proceedings for possession. Landlords should therefore be contacting the relevant homelessness service, if they have not already done so, before starting legal action. They should alert the homelessness staff that the household is potentially homeless so that a formal assessment can be carried out and all possible steps taken to prevent homelessness.

Preventing homelessness is a corporate responsibility for local authorities, as are their duties to safeguard the welfare of children in need under the Children (Scotland) Act 1995.

5.2 Use of Notice of Proceedings

The first step towards starting formal court action is to issue a Notice of Proceedings for Recovery of Possession (NOP/notice). Before they serve a notice, Section 14 of the 2001 Housing (Scotland) Act requires landlords to make enquiries to establish the identity of any qualifying occupiers (such as adult family members) in the house. All qualifying occupiers are entitled to receive a notice as well as the tenant.

Good practice advice suggests landlords should only issue a notice at the point when they genuinely mean to begin legal proceedings. The Chartered Institute of Housing, for example, says notice should not be served as a formality or to provoke a response from tenants, but should be served only when the landlord intends to start legal action (CIH, 2001). The routine use of notices can reduce their effectiveness and cause unnecessary distress to tenants - particularly if the landlord is then reluctant to take court action or repeatedly issues renewal notices. It can also lead to unnecessary abandonments.

Nationally, the small percentage of actions resulting in eviction, highlighted in chapter 2, suggests that inappropriate use of notices and court action is widespread. This may reflect the idea, expressed by some focus group participants, that court action is a necessary recovery tool. Landlords should consider other ways of impressing the seriousness of the situation on their tenants.

All but one of the case study organisations had clear procedures on managing arrears that included guidelines for issuing NOPs. The trigger for a notice was usually a specific level of arrears, although this ranged quite widely from a fixed amount (£200) in one organisation to two or three months' rent in others. The level of arrears we found in file

checks at the point when a notice was issued ranged from less than £200 to nearly £900. Two organisations were sending an NOP with the second reminder letter about a missed payment. We think this is too early, particularly if staff have not been able to interview the tenant by this stage.

Some procedures emphasised that a visit should take place before a notice is issued. In a number of cases however file checks suggested that the procedures were not always being followed in practice. Other organisations appeared to have no requirement for a visit before issuing a notice or – in one case – the requirement applied only to tenants already identified as vulnerable. The risk of abandonment may be increased if direct personal contact has been lacking. We found a number of cases where the tenant had not been interviewed before the notice was served. There was often no record of checks to identify qualifying occupiers, although landlords are legally required to do this. Only two organisations were consistently identifying qualifying occupiers.

What works – recording household details

Dundee City Council is good at updating household details and identifying qualifying occupiers before taking legal action. The Council does this on a continuous basis throughout the arrears recovery process, beginning with the first reminder letter stage.

The procedure in at least two organisations allowed for NOPs to be withheld in situations where arrears resulted from delays in processing housing benefit applications and/or where they related to a new tenancy. This is good practice. Another had recently revised its procedure to take account of housing benefit delays.

In some of the other organisations, however, we found cases where NOPs were being issued even when a claim was pending. One was still issuing NOPs to tenants who were maintaining agreed repayment arrangements if they still had an outstanding debt on their account. Such a mechanistic approach is likely to reduce the effectiveness of the NOP and of the arrears management process. It is crucial for landlords to work closely with housing benefit services and avoid eviction action when a benefit claim is outstanding.

In two organisations the procedure specifically stated that notices should only be issued at the point when legal action is genuinely being started – again, this reflected good practice. File checks showed that practice in both was consistent with the procedure, with a single notice leading directly to court action in a majority of cases. In some of the other organisations, however, use of NOPs seemed to be much more routine with multiple notices having been issued in several cases. Overall, we found more than one NOP had been issued in about 44 per cent of the cases we looked at.

5.3 Joint working

We found only a few examples of effective joint working with homelessness, social work, housing benefit and housing support services. Apart from these examples, contact with the homelessness service was generally too little, too late. Some landlords were sending a memo to the homelessness service informing them when a decree had been

granted and a date appointed for eviction. It was not apparent in many of the cases we looked at that there had been any response from the homelessness team.

What works – joint working and information-sharing

Cunninghame Housing Association has a strong focus on the prevention of homelessness and considers individual households' circumstances when taking decisions about court action for eviction. In the cases we examined, the Association always told the relevant social work department about pending eviction action when there were children in the household.

South Lanarkshire Council has established formal protocols between its Housing and Social Work services to manage areas of joint concern when working with vulnerable tenants. The Council already has good joint working and information-sharing arrangements in respect of families with dependent children and those subject to eviction action for antisocial behaviour.

When the court assigns a date for legal proceedings the Council's Court Team advises Social Work of the pending action and the date of the hearing. If they consider the household is vulnerable they enclose a case summary, a copy of the NOP, details of Money Matters advice and copies of any other correspondence. In all other cases a copy of the court card is attached to the memo to Social Work. The protocol outlines follow-up action to be taken if a response is not received from Social Work within seven days.

If further action is needed on receiving the response from Social Work, the Court Team sends this information by e-mail to the appropriate Principal Officer, with a copy to the Area Team Leader, with a requirement to respond within three working days. The Court Team then advises Social Work of the agreed action.

If a decree is granted the Court Team will follow a similar procedure, this time advising the Homelessness Team as well as Social Work of the decision and liaising closely with Social Work about any follow-up action.

South Lanarkshire did not evict any of the households with children among the cases we looked at.

5.4 Decision-making and escalation of the legal process

Legal action should be a carefully managed, staged process. At each point in the process landlords should be reviewing their action at the previous stage and monitoring the effectiveness of decisions at each level. As well as looking at who took decisions about legal action, inspectors considered the tone and content of standard letters, the intensity of contact with tenants and the use of alternative payment methods such as Rent Direct to help avoid eviction.

What works - decision-making and escalation of the legal process

Although **Dundee City Council** has delegated authority to the area arrears team to escalate action up to the court enrolment stage, it has a good quality assurance process for reviewing and authorising eviction cases. This process is based on a comprehensive checklist of information including:

- details of the rent and any housing benefit;
- household details;
- source of income;
- any advice or assistance the tenant has received from the Council or other agencies; and
- the outcome of the referral to Social Work.

The City Housing Manager also looks for a final benefit check to be carried out.

While decisions to issue NOPs were often taken by a housing or rent arrears officer the decision to begin court action generally had to be authorised by a senior member of staff such as a housing manager, senior housing officer or team leader. We found authorisation procedures were being properly followed in all but two organisations; in a third there was no formal authorisation procedure but action was nevertheless being authorised by a senior officer.

All but one of the RSLs required management committee authorisation to enforce a decree, while this responsibility rested with the director or another senior officer in the three local authorities. This was consistent with the findings at national level, mentioned in chapter 2.

In nearly every organisation the tone of standard letters shifted appropriately as the seriousness of the situation increased. Most were making some use of methods such as Rent Direct and Arrears Direct to help tenants clear their arrears. However, the weaknesses already identified in terms of personal contact undermined these efforts to some extent. We also found that some organisations did not always follow their own procedures for escalating action (for example the requirement to visit tenants before issuing an NOP). There was some evidence though of intensified efforts at making personal contact with tenants as the legal process escalated.

5.5 Case management

Once cases had reached the court action stage we found they were generally being managed effectively. Most organisations were sisting (suspending) action or asking for continuations when a repayment arrangement was made with the tenant, or while they were waiting for the outcome of housing benefit applications or appeals. Two organisations were perhaps making too many requests for continuations, but both were

aware that this was not the most effective way to manage repayment arrangements and were reviewing their practice. We also found that staff were actively monitoring cases, managing agreements to pay and trying to prevent homelessness at this stage.

What works – checklist for court action

When **South Lanarkshire Council** refers a case to its central Court Team for legal action the officer requesting the action must complete a detailed checklist. This must be approved and signed by the officer's team leader before the case can be passed to the Court Team. The checklist is to make sure staff have

- made contact, or attempted to make contact, with the tenant;
- referred the tenant to the Money Matters Advice Service and noted the response;
- checked out the tenant's benefit entitlement and the status of any existing claim;
- noted other debts;
- provided complete court documentation;
- detailed previous court action;
- given details of repayment arrangements; and
- highlighted if there is a vulnerable member in the household.

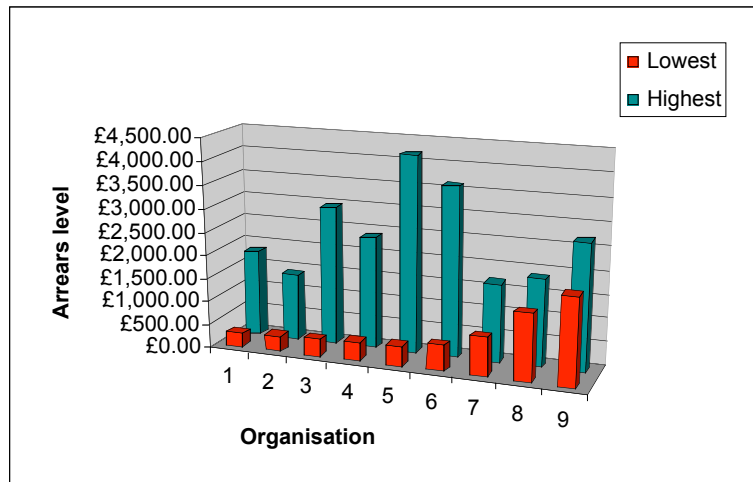
One organisation had an appeal system at the final stage in the process, after a decree had been granted. While it was clear this was helping to prevent some evictions taking place, we had reservations about this system because it placed the onus on tenants to plead their case in what could have been seen as humiliating circumstances. We also thought that if there were specific reasons for avoiding eviction these should have been identified much earlier.

5.6 Time between NOP and decree, and level of arrears at decree

The average length of time between an NOP and eviction decree was just over 35 weeks. This ranged from as little as 14 weeks to as long as 47. A number of factors, including both landlords' practice and court practice, are involved in the length of time the process takes, and there was no significant relationship between the time to decree and the level of arrears – although the organisation with the shortest time to decree did have the lowest average arrears level at the point of decree.

The average level of arrears when a decree was granted was £1,465. It ranged from less than £300 to more than £4,000. Figure 5.1 shows the lowest and highest levels of arrears we found in each organisation.

**Figure 5.1 – arrears levels at the point of eviction decree
(by case study organisation)**



5.7 Conclusion

Once again, the conclusions from this chapter are mixed. We found weaknesses in the earlier stages of the legal process. The most significant were the use of NOPs as a matter of routine, in several organisations, and the failure to communicate potential homelessness to the relevant homelessness and social work services at an early stage – or, in some cases, at all.

Once action was under way, however, there was evidence of good case management with intensified efforts to tackle arrears and prevent homelessness. Earlier and more effective liaison with housing benefits, homelessness, housing support and social work services would enhance the effectiveness of this work, and if this happened before the NOP was issued might prevent the need for cases to reach this stage. This in turn would reduce both the trauma for tenants and the costs to the landlord of taking court action.

6 - Who is being evicted?

6.1 Introduction

Chapter 2 highlighted the need to know more about the kind of households most at risk of eviction. Participants in the focus groups noted that landlords do not routinely analyse information about the kind of households facing eviction action.

The inspectors were able to collect some basic information from each of the case files and our findings are summarised here.

6.2 Breakdown of households subject to eviction decree

Among the 149 case files we looked at, there were 63 households with dependent children – 43 per cent of the total (Table 6.1). Just over a third were single people between 25 and 60 years of age. Eighteen were young single people. The thirteen 'other' cases included couples, adult siblings, households that included adult children and three where details were not recorded. There was insufficient information to provide a breakdown by ethnic group, although at least one household (who eventually abandoned their tenancy) was from a minority ethnic group.

Table 6.1 – breakdown of cases by household group

Household group	No. of cases	Percentage
Single person under 25	18	12.1%
Single person 25-60	53	35.6%
Single person over 60	2	1.3%
Household with dependent children	63	43.0%
Other	13	8.1%
Total number of cases checked	149	100.0%

Given their corporate responsibilities under the Homelessness (Scotland) Act 2003 and the Children (Scotland) Act 1995, we anticipated that the local authorities in our case studies might be less likely than RSLs to raise eviction action against households with dependent children. Further analysis showed that this was not the case among the landlords in our study. If anything, it suggested that the local authorities were more inclined to take action for recovery of possession against households with children (tables 6.2 and 6.3).

In one local authority however all the households with children in our sample retained their homes – no households with children were evicted and none terminated or abandoned their home after a decree. This reflected strong working relationships and good information-sharing between different parts of the council.

Table 6.2 - breakdown of RSL cases by household group

Household type	Number	Percentage
Single person under 25	9	11.3%
Single person 25-60	34	42.5%
Single person over 60	1	1.3%
Household with dependent children	30	37.5%
Other	6	7.5%
Total number of cases checked	80	100.0%

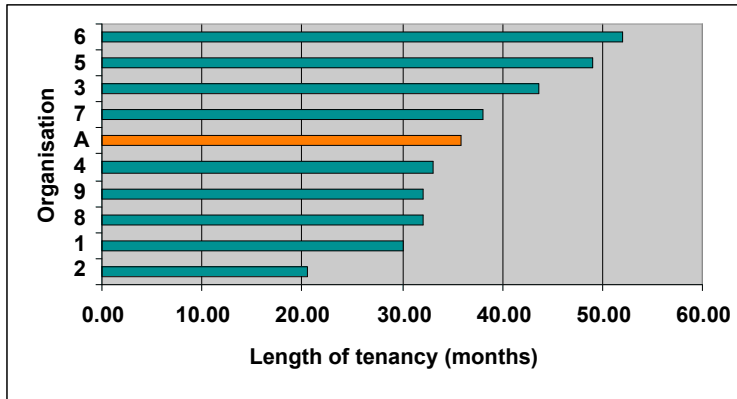
Table 6.3 – breakdown of LA cases by household group

Household type	Number	Percentage
Single person under 25	9	13.0%
Single person 25-60	19	27.5%
Single person over 60	1	1.4%
Household with dependent children	33	47.8%
Other	7	10.1%
Total number of cases checked	69	100.0%

6.3 Length of tenancy

The average length of tenancy by the time of the eviction decree was three years nine months, although this varied among the nine case study organisations – it was almost double the average in one organisation while, at the other extreme, the average length of tenancy at the point of decree was only 21 months (figure 6.1).

Figure 6.1 - average length of tenancy at time of eviction decree

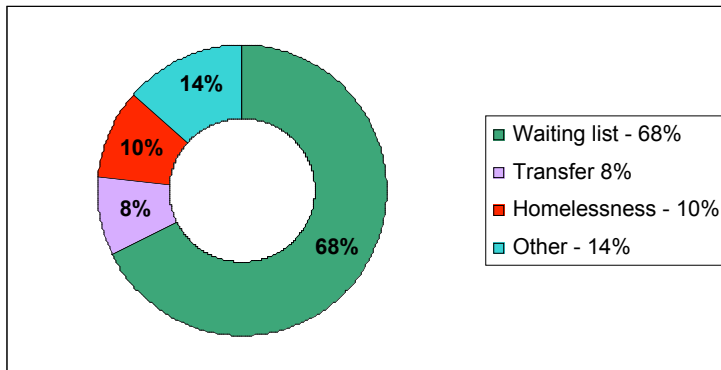


(A = average)

6.4 Route to tenancy

We could not identify the route to tenancy in every case we looked at but figure 6.2 shows the breakdown for the 118 cases where this was recorded.

Figure 6.2 – route to tenancy



(number of cases = 118)

In more than two-thirds of cases the route to tenancy was through the waiting list with only ten cases (8 per cent) having been transfers. As few as twelve (10 per cent) had been homeless immediately before taking up the tenancy. The 'other' routes included stock transfer and moves for management reasons such as demolition.

What was most striking was the high proportion of people facing eviction who had come to their tenancy through the waiting list, and the small percentage who had previously been homeless. Many of the households held tenancies for relatively short periods before facing action for recovery of possession. Tenants coming through the transfer route, on the other hand, are more likely to have previously been in well-established

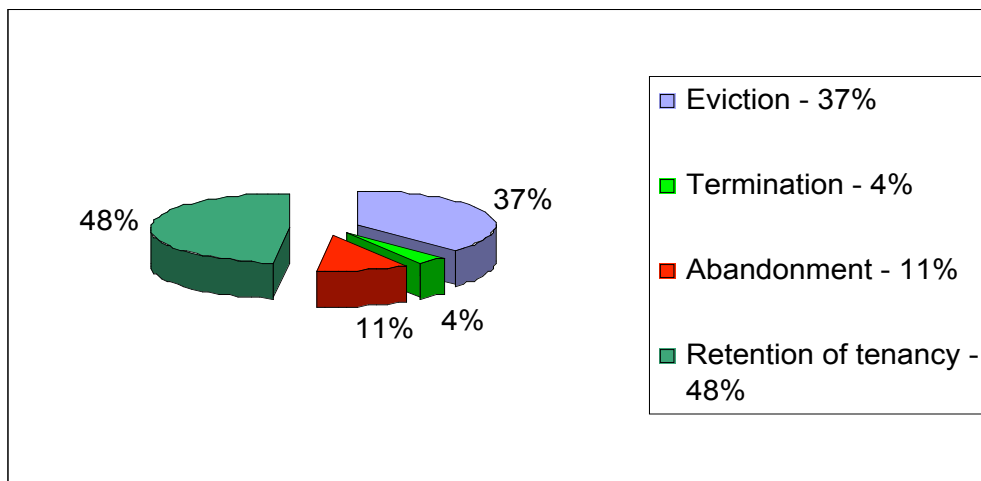
tenancies so it was not surprising that they represented only a small percentage of the eviction cases.

One possible explanation is that landlords may be housing increasing numbers of vulnerable people from the waiting list, but their support needs are not necessarily being identified and addressed (among the case studies, support needs had been identified for only nine households – 6 per cent of the total). Previously homeless households, in contrast, are more likely to have had their needs assessed and support packages in place and so less likely to succumb to difficulties in managing their tenancies. Without more information about the households and what happens to them subsequently, it is difficult to say whether the eviction process itself is helping to set up a cycle through which vulnerable households are losing their homes and then presenting as homeless – a cycle that could be short-circuited if their needs were properly assessed and met at the outset.

6.5 Outcomes of court action

Not all court action results in eviction. In nearly half the cases we looked at the households ultimately retained their tenancy (figure 6.3). Just over a third were evicted, while a further 15 per cent of households either terminated or abandoned their tenancy.

Figure 6.3 – outcomes of court action



(number of cases = 149)

There were variations in this pattern among the nine case study landlords. In one organisation no-one retained their tenancy while, at the other extreme, 80 per cent of the households subject to eviction decree kept their tenancy. In the first example the landlord had failed to make early and consistent contact with most of the tenants involved and this may have hampered effective management of their growing debts.

6.6 Variations by household group

There were also variations in the outcomes for different household groups. Table 6.4 gives a breakdown by household group of the 77 cases where tenants were evicted or where they abandoned or terminated their tenancy following an eviction decree.

A comparison with table 6.1 shows the single tenants in all age groups were more likely to actually lose their home than the households with dependent children. However, the households with children still made up almost a third of the total.

Table 6.4 – breakdown of cases where eviction, abandonment or termination occurred following an eviction decree

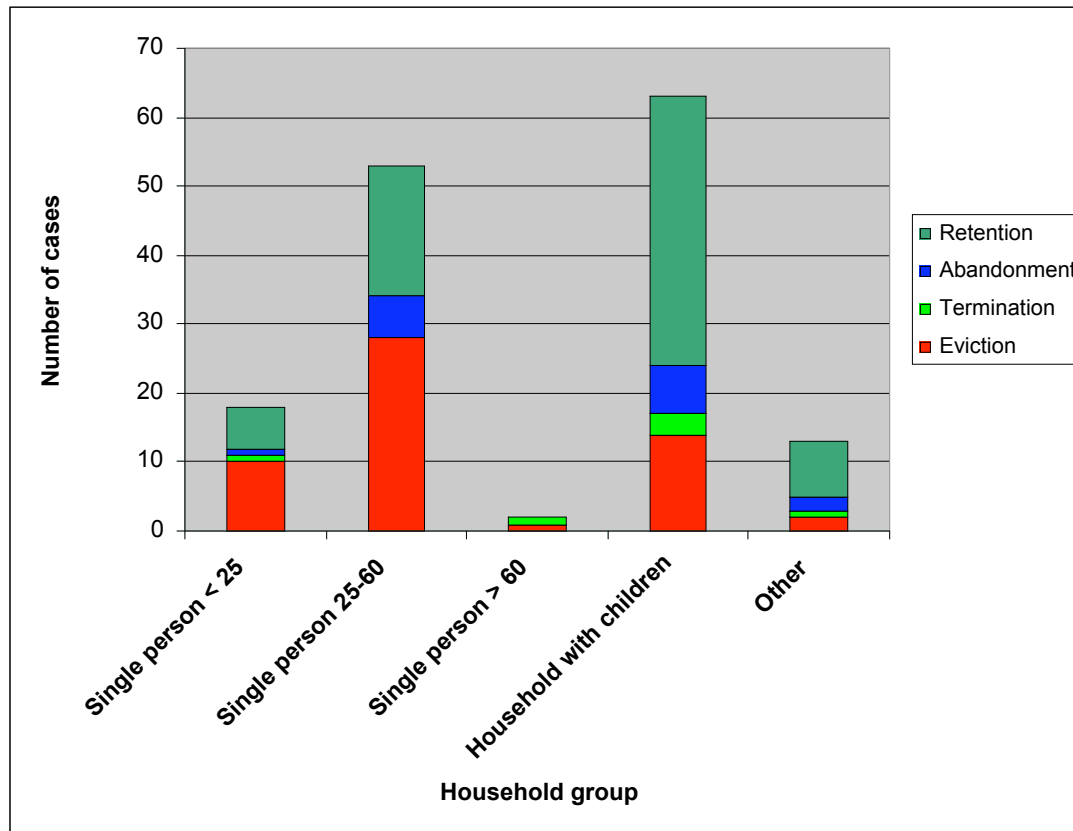
Household group	No. of cases	Percentage
Single person under 25	12	15.6%
Single person 25-60	34	44.2%
Single person over 60	2	2.6%
Household with dependent children	24	31.2%
Other	5	6.5%
Total number of cases	77	100.0%

Figure 6.4 shows the outcomes from court action for all 149 cases, broken down by household group.

Although more households with children retained than lost their tenancy they still made up a quarter of those evicted and nearly half of those who terminated or abandoned their home following a decree.

Around two-thirds of the single-person households were evicted, terminated or abandoned their home. Of the two single people over 60, one was evicted and the other terminated the tenancy. The tenant who was evicted had refused to move voluntarily when their house was due to be demolished. This tenant did subsequently agree to the transfer and the eviction was therefore 'technical' rather than physical.

Figure 6.4 – outcomes of court action by household group



6.7 Conclusion

The most worrying finding from this analysis was the large number of households with dependent children who faced court action and eviction. This group made up nearly half the total. As we have already noted there was little information in the case files about the tenants' support needs and in most cases there had been no assessment of vulnerability. The profile we found did however seem to be at odds with the perceptions of focus group participants that young tenants and previously homeless households are among those most likely to be at risk. Young single people made up only 12 per cent of the cases we looked at, and only ten per cent of the households had previously been homeless.

Although the fact that a significant percentage of the households retained their tenancy must be welcomed as a positive outcome, one might question whether it was necessary for them to go through the eviction process at all.

7 – Managing the consequences

7.1 Introduction

This chapter looks at how landlords manage the outcomes of eviction action. As chapter 6 has shown, only about half the eviction decrees awarded actually resulted in eviction or abandonment. We therefore looked at how landlords manage occupancy for those tenants who are not physically evicted. We also considered how well landlords understood the costs and consequences of eviction action and the extent to which they were managing eviction at a strategic level.

It was beyond the scope of this study to look at the outcomes for tenants who did lose their homes – our focus was on examining the eviction case files and these provided very limited information about what subsequently happened to tenants who were evicted or abandoned their tenancy.

7.2 Managing occupancy post-decree

When the court has granted an eviction decree the Scottish Secure Tenancy (SST) ends on the appointed date for eviction and the landlord has the right to recover possession on or after that date. There are a number of possible courses of action when the appointed date is reached and landlords should be clear about which of these they will take. The decision will of course partly depend on the tenant's circumstances and action following the decree.

At the appointed date for eviction the landlord can

1. obtain vacant possession of the home; or
2. provide the tenant with a new SST if, for example, the tenant clears the arrears or makes an acceptable arrangement to do so; or
3. in certain circumstances, set out in Schedule 6 of the Housing (Scotland) Act 2001, provide a short SST⁴. A landlord cannot give a short SST simply on the grounds of previous rent arrears or previous eviction due to rent arrears.

Alternatively, the relevant local authority can define the tenant as homeless and provide temporary accommodation in the same property in accordance with its duties and powers under the homelessness legislation. In some circumstances the landlord or the tenant may seek to have the decree recalled. Landlords should seek their own legal advice on this.

The final option is to take no action, but this is a risky approach. The longer it takes to recover possession, the weaker the right to recover may become, as there is an increased chance that a new tenancy or occupancy arrangement will be created by

⁴ For example, an SST can be provided if the tenant having been evicted for antisocial behaviour in the last three years, or if someone in the household is subject to an ASBO

default. This is particularly the case if the landlord continues to accept rent from the tenant.

Our examination of the case files suggested the legal position was not well understood by most landlords. Consequently, they were not giving tenants good information about their position and options, or what action the landlord might take following decree.

We found only one organisation where practice fully reflected the legal position and post-decree occupancy was being well managed (although there was no formal written guidance in place for staff). Two others had good procedures, but they were not always being followed in practice.

7.3 Understanding the consequences of eviction

It is important for landlords to understand the consequences of their decisions around eviction in terms of their duty to prevent homelessness and their responsibilities to households with dependent children or other vulnerable members. They should also be aware of both the direct and indirect financial costs of eviction.

Inspectors' findings reflected those from the focus groups (chapter 2) – there was very little evidence that landlords were taking a strategic overview of their management of evictions. Action was largely case-focused and, for the most part, there was a failure to consider the wider social and financial costs of eviction as well as the consequences for tenants and for other services providers. We found only one organisation actively monitoring the impact of eviction in terms of income lost through evictions and abandoned tenancies.

Management reports generally tended to focus on management of rent arrears against national or local performance indicators rather than on the outcomes from eviction and the consequences in terms of homelessness. To some extent the reasons for this are understandable and we comment further in the general conclusions from the study, in the next chapter.

7.4 Conclusion

There was room for improvement in the management of occupancy following an eviction decree. There is also a need for better information about the outcomes of eviction action. Landlords need a better understanding of the wider implications of eviction, the costs, the legal position once a decree has been granted, and - as we noted in chapter 6 - what happens to people, including those with dependent children, once they have lost their home. Many of these issues relate to corporate local authority responsibilities and cannot be seen in isolation as matters for the housing or arrears recovery service alone.

8 – Conclusions and recommendations

8.1 Introduction

Here we draw out the implications of the key findings from the national research and the case studies and go on to make a number of recommendations.

8.2 Conclusions

The analysis of national evictions data highlighted some interesting patterns in terms of the relationship between eviction rates and factors such as level of demand for stock and levels of rent arrears. For example, the relationship between eviction rates and rent arrears levels did not appear to suggest that eviction is a particularly effective tool for controlling rent arrears. There did, however, seem to be a relationship between higher levels of low-demand housing and above-average eviction rates. It may be that all these factors interact and are in turn related to more complex issues such as levels of poverty and deprivation in the areas in which landlords operate.

Organisational structure did not appear to have a significant impact on eviction rates; the consensus from the focus groups was that the skills and knowledge of staff delivering the service are more important, and therefore the quality of training and support given to staff are likely to be more important than the formal structures within which they operate. In particular, staff need to be kept up to date with changes in the housing benefit system – seen by participants as not merely complicated for applicants, but time-consuming and administratively difficult for staff as well.

The national research also identified a number of questions about ‘evictions in practice’ and some of these were explored in the case studies.

The profile of tenants facing eviction action – and actually being evicted – differed from the picture the focus groups suggested of young tenants and previously homeless households being most at risk of falling into arrears and facing eviction action.

In other respects the inspectors’ findings confirmed findings from the national research. For example we found most of the case study landlords appeared to have a reactive and case-focused approach to dealing with arrears recovery, court action and eviction and that a more strategic understanding of the costs, outcomes and implications was often lacking.

The case studies also confirmed that – although landlords acknowledge their duties towards homeless households – performance monitoring and management reporting tends to focus on measuring performance on current rent arrears rather than the costs of, and outcomes from, eviction action. This reflected what seemed to be a tension (highlighted in the focus groups) between the drive to reduce rent arrears and the need to prevent and reduce homelessness. As suggested above, however, the tension may be more perceived than real.

We found in most of the organisations that staff were actively working to prevent homelessness in the later stages, once court action had been started. By this time

arrears had increased with court costs adding to the level of debt, making it more difficult to avoid eviction. Earlier and closer working with homelessness, social work and other agencies could contribute to more effective management of rent arrears as well as prevention of homelessness, particularly if difficulties are related to housing benefit issues. These were seen by focus group participants as a significant factor in rent arrears, and the case studies confirmed this. Closer working between landlords and the housing benefit service is vital to address these problems.

The lack of early contact with homelessness was one of the key weaknesses we found in most of the case studies. Other serious weaknesses were the absence, in the majority of the organisations, of early and sustained personal contact with tenants and the failure to assess needs and identify vulnerability.

We also found common elements of positive practice that landlords could build on: for example, most organisations were trying to contact tenants within two weeks of a missed rent payment and the quality of information in leaflets, tenants' handbooks and other written material was generally good. We also found a wide range of potentially useful support and advice initiatives and referral arrangements in place.

It is important to remember that landlords have a responsibility over and above that which attaches to the process of collecting other types of debt. The sanction at the end of this process is eviction – the loss of a home. Many people get into difficulties with their rent payments, and generally all get a similar initial reaction from their landlord – one or two letters that may or may not be followed up by a visit. Most tenants respond and sort out the problem fairly quickly. A few take longer to respond but get there in the end and a smaller group still don't get things sorted out and end up being evicted. As noted in Chapter 3 our case studies were not representative of all rent arrears cases; they were more likely be representative of the small group who don't 'sort things out'.

The key questions are why the problem varies so much across Scotland from one landlord to another with no evictions in one landlord, to as many as three in a hundred tenants losing their home in another; and what separates the large group who are not evicted from the very small group who are. It is not in anyone's interest to be evicted and the answer to the second question is probably linked to how adept people are at dealing with their landlord, negotiating a complex system of housing benefit and coping with a range of personal and financial difficulties.

As to the first, none of the case study organisations was doing everything right and none was doing everything wrong. There were, however, a wide range of practice and approaches. The differences were not sectoral – we did not find that practice was generally 'better' in RSLs than in local authorities, or the other way round. The features that marked out those where eviction seemed to be genuinely a last resort from those where it appeared much more routine included:

- early and sustained personal contact with tenants throughout the arrears recovery process;
- a strong focus on preventing homelessness and taking account of individual households' needs and circumstances;
- good links to the housing benefit team;

- good arrangements to offer advice and support to tenants and early referrals to homelessness, social work, and money advice services;
- realistic repayment agreements based on ability to pay, and a quick response to any missed payments;
- a good awareness of the consequences of their actions and of areas where their practice needed to improve.

8.3 Recommendations

8.3.1 Corporate issues for local authorities

Local authorities, whether or not they are landlords, have corporate responsibilities towards homeless and potentially homeless households and towards children in need. These relate to all households not only those who are their tenants.

At a corporate level, local authorities should review their homelessness strategies and operational practice to ensure that they are actively working with landlords to prevent eviction occurring wherever possible. In particular, we would repeat and re-emphasise the Homelessness Task Force's recommendation - restated in the **Code of Guidance on Homelessness** - that homelessness strategies should provide specific, concentrated support programmes for people threatened with eviction, and that social work, housing and finance services should work together to sustain tenancies (Homelessness Task Force, 2002, paragraph 58).

8.3.2 Policy and practice issues for landlords

1. Landlords need to make, maintain and record personal contact with tenants who have fallen into arrears or other difficulties with their tenancy. Contact should be tailored to meet tenants' individual needs and circumstances and sustained throughout the arrears recovery and court action processes, including the post-decree stage. The aim should be to prevent unnecessary abandonments and terminations as well as actual eviction.
2. Landlords must carry out checks to identify qualifying occupiers before they issue a Notice of Proceedings. There should be a full assessment of advice and support needs for every tenant threatened with eviction before a notice is issued, and landlords should provide appropriate information, advice and assistance throughout the process.
3. Landlords need to contact the relevant homelessness service before starting any court action for recovery of possession. They should make sure the homelessness staff are fully aware of the household's circumstances and that they are at risk of homelessness, and homelessness services need to act on the information.

4. Social work services must also be actively involved if there are children or other vulnerable household members.
5. Landlords should work closely with the housing benefit service to address any difficulties arising from benefit payment issues. People should not face eviction action when rent arrears result from delays in the benefit system.
6. Landlords should refer tenants with rent arrears to a debt counselling/money advice service. A referral would be defined as involving a debt counselling interview appointment being made on the tenant's behalf, or passing on the tenant's contact details to a debt counselling service for the purpose of setting up such an appointment.
7. Landlords should record and monitor the outcomes from referrals to advice and support services, and periodically evaluate the effectiveness of the services.
8. Strategic level analysis examining the types of households facing eviction action, the factors that contribute to their difficulties and the overall costs of eviction is rarely carried out. Landlords should focus on incorporating this kind of analysis into their routine monitoring systems.

8.3.3 National data collection and performance indicators

1. Statistical data collection on possession actions and evictions should be harmonised between the local authority and RSL sectors. This would facilitate more useful comparisons between the two sectors.
2. Consideration should be given to replacing, or supplementing, the performance indicators measuring current tenants' arrears with one that encompasses the total amount owed to landlords (including former tenants' arrears and arrears written off during the financial year). This would provide a fuller picture of landlords' performance.

Appendix 1 – case studies

Albyn Housing Society

Albyn Housing Society owns and manages approximately 1,975 properties in the Highland Council area. The stock, a mixture of houses and flats in both urban and rural locations, is spread over a wide geographical area.

At the time the case study was conducted rent arrears were managed by three Housing Revenue Officers covering specific geographical areas. The Housing Revenue Officers dealt with each case from the start of the process to eviction, while the Housing Services Manager was involved in decisions as the level of arrears increased and the Management Committee approved all decisions to evict. Allocation and Tenancy Enforcement Officers were responsible for ensuring that new tenants were given detailed information on how rent payments are made and the action that would be taken to recover any arrears.

Angus Housing Association

Angus Housing Association owns and manages approximately 1,488 properties concentrated in Arbroath and Dundee. The association also has houses in Auchmithie, Inverkeilor, Ferryden, Montrose, Letham, Carnoustie, Friokheim, Brechin, Dykehead, Airlie, Forfar, Kirriemuir and Westmuir. The stock, a mix of houses and flats, includes just over 10 per cent sheltered housing. It has been acquired mainly through transfer from Angus Council but includes some new build and some stock taken over as a result of the transfer of engagement from Ormiston People's Housing Cooperative Ltd.

Housing Officers covering specific geographical areas are responsible for managing rent arrears. The Association had recently appointed a Debt Recovery Officer to deal with the more serious arrears cases (where tenants owe more than £750).

Cunninghame Housing Association

Cunninghame Housing Association was established in 1984 as a non-profit making association covering both North and East Ayrshire Council areas. It currently owns and manages 1,681 properties. The majority of these are in the North Ayrshire towns of Ardrossan, Saltcoats and Kilmarnock. Cunninghame has concentrated on providing general housing with a little medium dependency and wheelchair-accessible stock. Ninety-five per cent is either houses or tenements, of varying ages.

Before internal re-structuring in 2003 arrears recovery work was carried out by a number of housing staff, with the workload split by the level of arrears. Arrears recovery work had become more specialised by the time of our visit with a Revenue Recovery Team, based in the head office at Ardrossan, working within the Housing and Community Services Department.

Dundee City Council

Dundee is Scotland's fourth largest city with a population of just over 145,000 and is ranked as the third most deprived local authority area in the Scottish Executive's Index of Deprivation. Its unemployment rate of 4.9 per cent is significantly higher than the national average of 3.5 per cent and there are high levels of dependency on social security benefits.

In March 2004 the Council's housing stock of 16,754 was mostly tenements, high rise or other flatted properties. Because of falling demand for particular areas and house types the Council had an active demolition programme and was promoting stock transfer through New Housing Partnerships.

Dundee City Council has a specialist rent arrears management function. There were plans to review the arrears procedure in 2005.

Elderpark Housing Association Ltd

Elderpark Housing Association is a long-established RSL operating in the Govan area of Glasgow. At the time of the study it owned and managed 1,120 properties, a mix of rehabilitated tenement stock and new build developments. Housing Officers covering specific areas were responsible for rent arrears management.

Glasgow Housing Association

GHA is the new landlord for 76,353 former council houses in the city and these are managed by a network of 62 independent Local Housing Organisations (LHOs). This arrangement aims to maximise local influence on housing services, as the LHOs are run by elected committees who direct the work of GHA staff seconded to their area. They deliver services in accordance with an interim management agreement (IMA) with GHA. The management agreement sets out the policies and standards GHA requires of the LHOs.

Three LHOs were considered for this study: Maryhill Housing Association LHO, Clydeview LHO in Govan and South West Area Tenant Controlled Housing LHO (SWATCH), which covers Cardonald and Penilee. At the time of the visit Maryhill LHO and Clydeview LHO were operating out of Council-owned offices shared with the Local Financial Services and Benefits Centre. The Govan Benefits Centre also serves SWATCH residents.

As management contractors delivering a comprehensive housing management service on behalf of GHA, the three LHOs are expected to demonstrate the delivery of an effective service to manage arrears, and where necessary take effective action to deal with persistent antisocial behaviour. This service delivery will be critical to GHA's approval of LHOs to proceed to second stage transfer and full registration as ownership RSLs. Under the terms of the binding IMA, whilst GHA is legally responsible for the final stages of a case going to court for recovery of possession for arrears or antisocial

behaviour, the LHOs take responsibility for all stages up to this point - including all means which could avoid the need for court action leading to eviction.

Midlothian Council

Midlothian Council lies to the South of Edinburgh and has a population of nearly 80,000. The Council has a housing stock of 6,580 dwellings in a semi-urban and rural setting.

Officers working on rent arrears cases do so as part of a recoveries team covering arrears of rent, council tax arrears and community charge as well as housing benefit overpayments. The Council has a fully computerised, integrated system to support debt collection in all these areas.

Paisley South Housing Association

Paisley South Housing Association was established in 1984 as a community-based association and successfully applied for charitable status in June 2004. Paisley South owned and managed 1,065 properties in March 2004, mainly to the south of Paisley in the Renfrewshire Council area. The association has concentrated on providing general housing with a little medium dependency and wheelchair or ambulant disabled stock. Around 70 per cent of properties are tenements, many built before 1919.

The management of rent arrears and recovery used carried out by generic Housing Officers and Finance staff, but became more specialised after internal re-structuring in 2003. The day- to-day arrears recovery work is now carried out by a Senior Housing Officer and a Housing Officer. Staff in Customer Services and Estate Management Services also help with arrears work, including checking and contacting tenants on payment arrangements and carrying out visits.

South Lanarkshire Council

South Lanarkshire is the fifth largest local authority in Scotland with a population of just over 301,000. South Lanarkshire is ranked as the ninth most deprived local authority area in Scotland. According to its antisocial behaviour strategy, the Council estimates that around a quarter of its population in the 16-60 age group have poor literacy skills and nearly five per cent may be functionally illiterate.

The Council had a stock of 30,354 (predominantly flats and main door) properties in March 2004. Rent arrears, housing and council tax benefit are managed through specialist Benefits and Revenue Control Teams based in each of the local area housing offices spread across South Lanarkshire. A new neighbourhood management strategy aims to improve customer service delivery, including closer links between benefits and revenues and housing management staff.

A central Court Team, based in Hamilton, manages debt recovery and legal action through the Sheriff Courts at Lanark, Hamilton and Glasgow. The Council has its own Money Matters Advice Service offering free financial advice and assistance to all residents in South Lanarkshire.

Appendix 2 – data analysis framework

Indicator	RSL data source	LA data source
Landlord type	Communities Scotland APSR peer group categories – these peer groups are used to reveal the characteristics of the sector and combine age of stock, size of stock, location and focus of activity	Classified rural, urban etc. as per Audit Scotland definition
Number of evictions	Communities Scotland, APSR	Scottish Executive Statistical Returns, HSG 2001/4 – 2004/4
Number of post-decree abandonments	Communities Scotland, APSR	Scottish Executive Statistical Returns, HSG 2001/4 – 2004/2
Size of landlord	Stock numbers from APSR at year end (i.e. for 2003/04 stock figures are as at March 2004. The size grouping as defined by Communities Scotland	Stock numbers from SE Returns at year end, HSG 2001/4 – 2004/4. As stock figures for March 2004 are not yet released, we have deducted the total RTB sales during 2003/04 from the March 2003 stock figure. Split into small, medium, large using thirds of distribution
Demand	In the absence of robust national data on demand, a proxy measure was used. For the APSR, RSLs provide estimates of the percentage of their stock in low demand. RSLs were grouped according to these estimates into three categories – the third with the smallest proportion of low demand properties were classed as 'high demand', the middle third 'medium demand' and the highest 'low demand' (Communities Scotland, APSR)	The low demand estimates for LAs were based on three indicators: void rates, the applicant to let ratio and proportion of lets to homeless applicants. As with the RSL data, the estimates were ranked and then divided into three – a third low demand, a third medium demand and a third high demand (SE Returns as above)
Rent collection	Based on non-technical arrears as a percentage of rent due (Communities Scotland, APSR)	Based on rent arrears as a percentage of rent due (Audit Scotland, Housing & Social Work Performance Indicators 2002/03)

Appendix 3 - list of survey respondents

LOCAL AUTHORITIES	RSLs CONT.
Aberdeen City Council	Fife Special Housing Association
Aberdeenshire Council	Fyne Homes Ltd
Angus Council	Glasgow Housing Association
Argyll & Bute Council	Glen Oaks Housing Association
City of Edinburgh Council	Govan Housing Association
Clackmannanshire Council	Grampian Housing Association
Dundee City Council	Hanover(Scotland) Housing Association
East Ayrshire Council	Home in Scotland Ltd
East Dunbartonshire Council	Homes for Life Housing Partnership
East Lothian Council	Horizon Housing Association Ltd
East Renfrewshire	Irvine Housing Association
Inverclyde Council	Key HA
Midlothian Council	Kingdom Housing Association
North Ayrshire Council	Knowes HA
Orkney Islands Council	Lanarkshire Housing Association
Renfrewshire Council	Link Housing Association
Shetland Islands Council	Linstone Housing Association
South Ayrshire Council	Linthouse Housing Association Ltd
South Lanarkshire Council	Loreburn Housing Association
Stirling Council	Loretto Housing Association
The Highland Council	Manor Estates Housing Association
West Dunbartonshire Council	Maryhill Housing Association
West Lothian Council	Melville Housing Association
REGISTERED SOCIAL LANDLORDS	North View Housing Association
Abertay Housing Association	Oak Tree Housing Association
Albyn Housing Society	Ochil View Housing Association
Almond Housing Association	Paisley South Housing Association
Angus Housing Association	Paragon HA
Atrium Homes	Parkhead HA
Ayrshire North Community Housing Organisation	Partick Housing Association
Barrhead HA	Pineview Housing Co-operative Ltd
Bield HA	Perthshire Housing Association
Bridgewater HA	Post of Leith Housing Association
Canmore Housing Association Ltd	Queens Cross Housing Association
Castlehill Housing Association	Rosehill Housing Co-operative
Cunninghame Housing Association	Sanctuary Scotland HA Ltd
Charing Cross Housing Association Limited	Scottish Borders H.A
Cloch Housing Association	Servite Housing Association
Clydesdale Housing Association	Shettleston ha
Cube Housing Association	Shire Housing
Cumbernauld Housing Partnership	Southside Housing Association
Dalmuir Park Housing Association	Tenants First Housing Co-operative Limited
Drumchapel Housing Co-operative Ltd	Thenew HA
Dunbritton Housing Association	West Whitlawburn Housing Co-operative
Dunedin Housing Association	Williamsburgh Housing Association Limited
Eildon Housing Association	Wishaw & District HA Ltd
Elderpark Housing Association	

Appendix 4 – focus group participants

Local Authority

Charlie Savage, Arrears Officer, Midlothian Council
Craig Johnstone, Arrears Manager, Midlothian Council
Rob Jones, Housing Operations Manager, South Ayrshire Council
Jane Hay, Area Housing Manager, South Ayrshire Council
William Rice, Policy Officer, Inverclyde Council
Joy Campbell, Rent and Arrears Strategy, City of Edinburgh Council
Wendy Carle, Area Housing Manager, Aberdeen City Council
Kevin Anderson, Dundee City Council
Marianne McManus, Divisional Housing Manager, North Ayrshire Council

Registered Social Landlords

Campbell Kinloch, Housing Manager, Cumbernauld Housing Partnership
Ellen Sweeney, Housing Manager, Elderspark Housing Association
Hugh MacDonald, Service Development Manager, Glasgow Housing Association
Jean Gray, Housing Manager, Scottish Borders Housing Association
Carlyn Anderson, Housing Supervisor, Tenants First Housing Co-op
Anne McGill, Acting Housing Service Manager, Ochil View Housing Association
Garry Savage, Housing Services Director, Perthshire Housing Association
Jim Munro, Housing Services Manager, Ayrshire North Community Housing Organisation
Gillian Binnie, Home in Scotland
Eileen Shand, Eildon Housing Association
Maureen Middleton, Director, Link Housing Association
Jacqui Norwood, Area Manager, Link Housing Association

Other Stakeholders

Grainia Long, Parliamentary and Policy Officer, Shelter
Liz Burns, Policy and Practice Officer, SFHA
Diane Janes, Senior Policy Officer, Scottish Executive
Charles French, Chairperson, Lossiemouth Tenants' Forum
Rena Smith, Member, Tenants Regulation Advisory Group
Jeanette Boyd, Member, Tenants Regulation Advisory Group
Jennifer Wallace, Policy Manager, Scottish Consumer Council
Abi Bremner, Social Policy Officer, Citizens Advice Scotland
Jack Wilson, Member, Tenants Regulation Advisory Group
Michael Boal, Development Officer, TPAS

Glossary

Abandonment	Occurs when a tenant gives up their home without giving notice to the landlord
Annual Statistical and Performance Return (APSR)	Annual questionnaire completed by RSLs and sent to Communities Scotland. Used to keep the Register of Social Landlords up to date and to track the performance of RSLs.
Eviction	Occurs when a tenant is removed from their home against their will
Eviction action	Formal action by a landlord to begin court proceedings to evict a tenant – also called ‘action for recovery of possession’
Eviction decree	An order made in court by a sheriff, giving a landlord the right to evict a tenant
Eviction rate	The number of evictions, including post-decree abandonments, as a percentage of housing stock
Housing stock	The supply of houses owned and managed by a landlord
Large-scale voluntary transfer (LSVT)	The process of transferring the whole of a local authority’s stock to another landlord such as an RSL
Notice of proceedings for recovery of possession (NOP)	Formal notice by the landlord that eviction action is being started. The notice must be in writing and has a legally-prescribed content
Performance Indicator (PI)	A measure of how a local authority or RSL is delivering a service, such as carrying out repairs or collecting rent. Performance Indicators can be compared with a pre-set standard (a benchmark) or with other organisations
Post-decree abandonment	An abandonment after a sheriff has made an eviction decree against the tenant
Protocol	A formal procedure agreed between two agencies or two different services within the same organisation
Qualifying occupier	A member of the tenant’s household whom a landlord must notify when raising proceedings for recovery of possession. Before serving a NOP the 2001 Housing (Scotland) Act requires landlords to make enquiries to establish who else lives in the house and is entitled to

	receive notice. To be a qualifying occupier the person must live in the house as their only or main residence – for example, an adult family member or a lodger
Registered social landlord (RSL)	A landlord who is registered and regulated by Communities Scotland, and provides social rented housing
Rent arrears	The amount of rent not paid to the landlord on time. Rent arrears can include <i>Current tenants' arrears</i> - money owed by existing tenants; and <i>Former tenants' arrears</i> – money owed by people who are no longer tenants, for example those who have been evicted or who have abandoned or terminated their tenancy
Scottish secure tenancy (SST)	The Housing (Scotland) Act 2001 established the Scottish Secure Tenancy as the tenancy for all tenants of social landlords in Scotland. The SST replaces the secure and assured tenancies that used to apply to tenants of local authorities and RSLs respectively
Short Scottish secure tenancy (SSST)	A version of the SST with limited security of tenure. An SSST can be offered by councils and RSLs for a period of six months or more to people in certain circumstances, eg those who have been evicted for antisocial behaviour
Sist	A legal term meaning the sheriff suspends a case from further court action
Termination	When a tenant gives up his or her home after giving notice to the landlord
Transfer	Transfers occur when a tenant moves from one home to another home owned by the same landlord
Verification framework	System to identify and reduce fraud in housing benefit claims. The framework requires people claiming benefit to provide documents proving the information given in their application - for example their identity, address, level of rent, income, who is in the household. The claim cannot be processed until all the evidence has been supplied.

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Scottish Executive (2004), **Code of Guidance on Homelessness**, Edinburgh

For other publications including good practice material on evictions, rent arrears and antisocial behaviour please see the DTZ report **Evictions by RSLs and Local Authority Landlords in Scotland, 2001/02004** on our Research website at www.communitiesscotland.gov.uk. There is also a list of good practice material on our Inspection Guidance website. The references under the following Performance Standards will be of particular interest:

GS1.2 (Policy and Procedures)

GS3.2 (Information and Advice)

AS1.8 (Arrears)

AS1.9 (Antisocial Behaviour)

AS4.4 (Prevention of Homelessness)

Regulation & Inspection

EDINBURGH

Rosebery House
9 Haymarket Terrace
Edinburgh EH12 5YA
Tel: 0131 313 3700

GLASGOW

Highlander House
58 Waterloo Street
Glasgow G2 7DA
Tel: 0141 226 4611