



# Rent Management Policy

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# 1. Introduction

- 1.1 The Rent Management Policy sets out the approach South Lanarkshire Council (the council) will take when managing current and former tenant rent and arrears for Scottish Secure Tenancies within council housing.
- 1.2 Rental income is paid directly into the Housing Revenue Account (HRA), which funds a range of housing services for all tenants including; tenancy and estate management, repairs and maintenance and the Housing Investment Programme.
- 1.3 The council has an established and robust annual process in place for monitoring and setting council house rent levels. The approach includes effective engagement with tenants and other customers and helps to ensure that rent levels remain affordable and quality housing services continue to be delivered in line with customer priorities.
- 1.4 The policy was developed in accordance with the requirements of the Housing (Scotland) Act 1987, as amended, and other relevant legislation. The policy has also been developed to meet regulatory requirements.
- 1.5 The policy is consistent with the council's vision to improve the quality of life of everyone in South Lanarkshire, in particular to support the protection of vulnerable children, young people and adults. The policy also aligns with and reflects Community Planning priorities and partnership working to prevent homelessness, address child poverty, tackle disadvantage and deprivation and promote sustainable communities.
- 1.6 The policy links to a number of other council policies, including the Housing Allocation Policy and Debt Recovery Policy.
- 1.7 The policy is effective from 1 April 2021.

# 2. Policy aims and objectives

- 2.1 The aims and objectives of the policy are to:
  - ◆ ensure tenants are clear about their tenancy responsibilities and the requirement to pay rent in advance
  - ◆ secure rental income to fund the delivery of housing services to tenants
  - ◆ ensure the individual needs and circumstances of the tenant and their household are taken into account
  - ◆ intervene early to provide advice and assistance to lessen the impact of rent arrears experienced by tenants
  - ◆ minimise the level of rent arrears and the number of tenants in arrears
  - ◆ assist and support tenants to maximise their income
  - ◆ ensure tenants are dealt with in a way that is fair and consistent
  - ◆ provide clear information and advice, including rent payment methods and frequency
  - ◆ promote tenancy sustainment and prevent homelessness.



## 3. The council's approach

- 3.1 The council's approach to managing rental income aims to achieve the right balance, ensuring tenants are clear about their responsibility to pay rent in advance, while taking account of an individual's circumstances.
- 3.2 Detailed procedures support the policy and set out a range of processes to ensure that there is consistency in approach, and that all tenants are treated fairly and sensitively. In particular, the council will take account of the specific nature of Universal Credit Housing Costs when managing rent accounts and arrears.
- 3.3 There are three key aspects of the council's approach:
- 📌 prevention
  - 📌 early intervention
  - 📌 person centred
- Further details on each of these are provided at 3.4 to 3.6.
- 3.4 Prevention**
- 3.4.1 The council will make every effort to ensure that all tenants are clear about their responsibility to pay rent and are fully supported and informed of all costs associated with managing and sustaining a tenancy.
- 3.4.2 Clear information will be provided in relation to rent charges, payment requirements and options, and the council's preferred payment methods.
- 3.4.3 The council will ensure that advice, information and support is provided to tenants struggling to pay their rent or in financial difficulties and will work closely with internal and external partners to support the tenant as appropriate.
- 3.4.4 Tenants will be supported and signposted to partner agencies to maximise their income through entitlement to welfare benefits, where required.
- 3.4.5 Where required, new tenants will be offered support to help set up their home with the aim of achieving a good start to their tenancy.

## 3.5 Early intervention

- 3.5.1 Where a tenant is in arrears the council is committed to intervening at the earliest stage. The purpose of this intervention is to ensure tenants are fully aware of their rent arrears and support them to maintain payment of rent, prevent the escalation of rent arrears and sustain their tenancy.
- 3.5.2 Early personal contact and ongoing effective communication using a range of methods will take place with tenants to identify issues relating to the cause of rent arrears and to discuss and agree how to resolve the situation.
- 3.5.3 Tenants experiencing financial difficulties will be referred to specialist services, such as the council's debt and money advice service, for help and advice on welfare rights, debt and money management and budgeting. In addition, tenants may also be signposted to other relevant independent advice and support services.

## 3.6 Person centred

- 3.6.1 Council tenants may face a range of different challenges in paying their rent which will reflect their diverse range of needs and circumstances.
- 3.6.2 It is recognised that some tenants may be vulnerable for a variety of reasons, including age, disability, health including physical, mental, developmental or addiction issues. In addition tenants may also be vulnerable due to other circumstances, such as, those experiencing domestic abuse, families living in poverty, care experienced, Armed Forces veterans or those with a history of tenancy failure.
- 3.6.3 The council will work with tenants and partner agencies to identify any vulnerabilities or risks to a tenancy at the earliest stage. In all circumstances, the council will be sensitive to tenants' vulnerabilities and take an empathetic approach.
- 3.6.4 The council is committed when dealing with vulnerable tenants, to take account of an individual's circumstances and ensure that a tailored approach is taken to suit their needs. This will involve working closely with other council services and partner agencies, including independent advice and support services, to ensure that tenants who are vulnerable or who require additional support to manage and sustain their tenancy, are provided with appropriate support services, advice and guidance.

## 4. Management of current tenant rent arrears

- 4.1 A fair and person centred approach will be taken to the management of rent arrears. Any action taken will be proportionate to the level of arrears and take account of good practice and legislative and regulatory requirements.
- 4.2 Rent arrears may have a detrimental impact on tenants' ability to be considered for rehousing and may also affect entitlement to non-statutory payments from the council, such as the award of a decoration allowance or disturbance payment.
- 4.3 Management of rent arrears will be based on a staged process which will take account of an individual's circumstances and the level and extent of their engagement with the council. Throughout the process, the council will consider whether there are any other interventions or supports required to help the tenant sustain the tenancy.
- 4.4 Every effort will be made through personal contact and written correspondence to provide the tenant with clear information including, details of current and outstanding rent, any other outstanding financial obligations of the tenancy and the implications for their tenancy.
- 4.5 The council will emphasise the advice and assistance available to tenants. This will include providing information on how to apply for housing costs/housing benefit; making a referral to the council's debt and money advice service; advising of the availability of other sources of financial help; and signposting to independent advice services.
- 4.6 A key aspect of the council's approach will be to:
  - ◆ encourage tenants to engage with the council;
  - ◆ identify the underlying causes of the rent arrears; and
  - ◆ work together to agree an appropriate solution.
- 4.7 The council will seek to make repayment agreements to ensure regular rent payments and reduce arrears, taking account of an individual's circumstances and their ability to pay. The importance of maintaining continued payments will be emphasised and tenants encouraged to make early contact should they be unable to maintain the agreement.
- 4.8 If no agreement is reached with the tenant, the council will escalate action as necessary to recover the outstanding rent and arrears.
- 4.9 In all circumstances the council considers eviction as a last resort, however where all other non-legal interventions have been exhausted, the council may consider taking legal action. This will include seeking to recover possession of the property.
- 4.10 In all cases, the council will ensure that it meets all legal Pre Action Requirements for social landlords. Further information on these requirements can be found at [www.gov.scot](http://www.gov.scot) under Housing (Scotland) Act 2001 and 2010: repossession guidance for social landlords.
- 4.11 Prior to seeking a decree for possession, authorisation to progress will be required by a senior manager. This will follow a comprehensive review of each case, taking into account all of an individual's circumstances and consideration of any alternative resolution.
- 4.12 The council will continue to engage with tenants throughout the legal process and provide ongoing advice and information. Tenants will also be encouraged to seek independent legal advice.



## 5. Management of former tenant rent arrears

- 5.1 The council will attempt to prevent former tenant rent arrears occurring by ensuring tenancies are ended in a planned and managed way. At the point of terminating a tenancy, tenants will be advised of any rent due and the action that will be taken to recover any outstanding balance.
- 5.2 Effective communication, through personal contact and written correspondence will provide the former tenant with clear information and advice on their outstanding rent balance and court expenses.
- 5.3 The council will engage with the former tenant to make a realistic and sustainable repayment agreement to clear the outstanding balance. Former tenants will be signposted to debt and money advice services for assistance and also to relevant independent advice and support services.
- 5.4 Management of former tenant rent arrears is based on a staged escalation process. This will involve taking steps to trace the former tenant and attempt to recover the outstanding balance. Where appropriate the council may also work with a third party agency to assist in the recovery process.
- 5.5 Where appropriate the council will take legal action to recover former tenant rent arrears and court expenses.
- 5.6 Where appropriate, the council may take the decision to write off outstanding former tenant rent arrears and court expenses. In certain circumstances the council may decide to take steps to restart the recovery process.

## 6. Comments and complaints

- 6.1 The council is committed to providing high quality services to customers. Any customer dissatisfied with any aspect of the service has the right to make a complaint through the council's comments and complaints scheme.  
  
Further information on the comments and complaints scheme can be found on the council's website at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk).
- 6.2 If, after making a complaint, a tenant or former tenant continues to be dissatisfied with the service that they have received, a further complaint can be made to the Scottish Public Services Ombudsman. The Ombudsman will only consider complaints of injustice or hardship as a result of maladministration or service failure.
- 6.3 The address of the Scottish Public Services Ombudsman is:  
Bridgeside House, 99 McDonald Road,  
Edinburgh EH7 4NS (FREEPOST SPSO)  
  
Further information on how to contact the SPSO can be found at [www.spsso.org.uk](http://www.spsso.org.uk)

## 7. Monitoring and review

- 7.1 To support the achievement of the policy aims and objectives set out in section two, the policy will be subject to regular monitoring and review.
- 7.2 The council will continue to prepare regular monitoring reports in order to benchmark performance against its peers and provide performance information through statutory returns.
- 7.3 The reports on performance will be provided to a range of audiences, including the Housing and Technical Resources Committee and the Housing and Technical Resources, Resource Management Team, tenants and tenant representative groups.
- 7.4 The council will also submit reports on performance to the Scottish Housing Regulator (SHR) in order to comply with the regulatory requirements set out by the SHR Framework.





## 8. Access to information

8.1 Any information that is held regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- ◆ lawfully, fairly and transparently processed
- ◆ processed for limited purposes
- ◆ adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- ◆ accurate and kept up to date
- ◆ kept no longer than the period necessary
- ◆ kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

8.2 The processing shall be carried out in a way that ensures compliance with the rights of data subjects, including:

- ◆ the right to be informed
- ◆ the right of access
- ◆ the right to rectification
- ◆ the right to erasure (so far as applicable)
- ◆ the right to restrict processing
- ◆ the right to data portability (so far as applicable)
- ◆ the right to object to processing (including profiling); and
- ◆ the right not to be subject to fully automated decision making including profiling.

8.3 Further information is available by viewing the council's Privacy Policy, Data Sharing Policy, Information Security Policy and Information Compliance Policy.

## 9. Equal opportunities

9.1 South Lanarkshire Council has an Equality and Diversity Policy which is committed to the principle that everyone has the right to be treated with dignity and respect. The Rent Management Policy is consistent with the requirements of the Equality and Diversity Policy and ensures that the council acts fairly and lawfully in all that it does. The council does not discriminate against tenants or former tenants in any way on the grounds of age, disability, gender, gender identity (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.

9.2 To support this and as part of the development of the policy, an equality impact assessment has been carried out to ensure that the policy is inclusive and does not unfairly disadvantage any of the particular groups detailed above. A copy of the impact assessment is available on the council's website at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk). The council will continue to monitor the policy to ensure that it achieves all equalities objectives set.

9.3 If a tenant or former tenant feels that they have been treated unfairly in terms of the policy they have the right to make a complaint. Section six provides further details on how to do this.



If you or someone you know needs this information  
in another language or format, please contact us to discuss  
how we can best meet your needs. Phone: 0303 123 1015  
Email: [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)  
[www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

Produced for Housing and Technical Resources by Communications and Strategy. 060427/Dec20  
Rent Management Policy Issue 1