



Rent Arrears Policy

For consideration by: Housing Scrutiny Commission

Date: 6 September 2021

Lead Director: Chris Burgin

Useful information

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1. Summary

- 1.1 This report presents the newly revised rent arrears policy that is used to collect rent and service charges from Council tenants.

2. Recommended actions/decision

- 2.1 The purpose of the report is to inform scrutiny of the revised policy and for members to review the documents and provide comments for consideration as part of the development of the rent arrears policy.

3. Scrutiny / stakeholder engagement

- 3.1 The policy is considered necessary so that members of the public are aware of the Councils approach to prevention and collection of rent arrears.

4. Background and options with supporting evidence

- 4.1 Leicester City Council owns and manages a housing stock consisting of 20,368 properties as at April 2021. All Council tenants that occupy a Council home sign a legally binding tenancy agreement and are expected to comply with the conditions of tenancy, which includes their obligation to pay their rent and service charges in a timely manner. The effective prevention and management of rent arrears is an important matter for the Housing Division as the collection of rent and service charges, funds the Housing Revenue Account (HRA) which in turn enables investment in the maintenance of Council homes.

This report provides a summary of the key points from the revised version of the policy and explains the Councils approach to the collection of rent arrears. The policy covers tenants with Introductory or Secure tenancies and those that have a Garage or Parking Space with the Council.

In the process of developing this policy, consideration was given to rent arrears policies from other Social Landlords and Housing Associations. The findings from this benchmarking exercise was that there was a broad range and different types of arrears policies but in the main, the messages were consistent around the management of rent arrears.

Supporting evidence is contained in section 5.

5. Rent Arrears Policy

- 5.1 The Income Management Team is a specialist team that are responsible for collecting the rent and service charges. The team strive to keep the level of rent arrears to an absolute minimum and maximise rental income in the best interest of tenants and the Council. The team have a renewed focus on using a range of preventative measures to help sustain tenancies and minimising the use of possession which is incorporated within the revised rent arrears policy.
- 5.2 The policy has been designed to ensure all officers adopt the same fair and consistent approach considering equality and proportionality when taking any recovery actions for non-payment of rent. The policy seeks to emphasise the ethos of working effectively and efficiently to ultimately sustain tenancies. The team are already performing at high standards and have maintained excellent collection rates by following the best practice laid out within this policy. The high performance is evidenced and can be reviewed within the Annual Rent Report which is also being presented at HSC jointly alongside this report.
- 5.3 The policy has been reviewed to ensure there is a strategy for managing rent arrears that is reflective of ongoing changes to various types of legislation for example, the introduction of the Welfare Reform Act 2012. This introduced significant changes to the welfare benefit system and introduced new benefits which meant the team are responsible for acquiring the relevant knowledge and information required in order to best support Council tenants. New regulations came into force in May 2021, which introduced the Debt Respite Scheme, also known as the Breathing Space Moratorium. This scheme aims to help people in debt problems manage their finances and seek professional debt advice. The team work jointly and in partnership with local advice partners who can help provide tenants with support if they have other debts and the policy outlines, advice agencies that tenants can access to obtain their own independent legal advice.
- 5.4 The team endeavour to consider the needs of the tenants and takes into account any reasonable adjustments that may need to be made to support the most vulnerable and adapt communication styles as appropriate and where required. There is consideration for when tenants may be put at a significant disadvantage without a specific piece of information particularly, around legal processes and the policy recognises that this information may need to be provided in a suitable format for tenants. The policy recognises that some tenants will need a more sensitive service and those tenants will be treated in accordance with their needs
- 5.5 This policy sets out guidelines on the possession actions and involves a range of alternatives and exercises staff discretion in policy implementation. The policy emphasises the proactive approach to any rent arrears situation and the full support that can be offered by the team. It recognises and provides a process that evidences everything possible will be explored to avoid rent arrears from escalating and legal actions being taken against tenancies. The Council approach will remain focussed on preventative action and early intervention to prevent the initial accrual of rent arrears by engaging with tenants early on and identifying any changes to their benefit entitlements. The policy identifies that household's circumstances do change and, any recovery action will reflect this, including changes of circumstances and loss/change of income due to welfare reform

- 5.6 Arrears prevention is a top priority for the Division and managements communication with staff is robust ensuring the rent recovery process is clear, staff are highly trained in a range of areas including Welfare Benefit regulations, the legal framework for rent recovery and the sensitive approaches to debt collection. The policy promotes a payment culture by highlighting the connection between rent payments and the ability to deliver high quality service as well as publicising the serious consequences of non- payment. There is also reference to the wide range of options for payments that are flexible, accessible, and convenient to use and the policy promotes the Housing Online Service. The rent arrears policy refers to the Councils Corporate Debt Policy which is also a key document in the Councils approach to debt collection.
- 5.7 Occasionally, tenants fall into financial difficulties and may be unable to pay the rent due. In these cases, the policy outlines that tenants will be provided with basic money advice and offer of affordable repayment plans, taking into consideration how they receive their income. The policy emphasises the importance of taking prompt actions when arrears are small and encourages tenants to make personal contact with the team at the earliest possible opportunity. Tenants to consider building an effective relationship with the team so they can help identify any issues and offer help and support to avoid matters getting worse. The team will consider a multi-agency meeting where appropriate to help explore options to prevent homelessness and will devise action plans. The team will assess any risks and identify how these can be managed and find solutions to tenant issues. Tenants will be invited and encouraged to participate and work with nominated agencies to resolve issues that are causing a risk to their tenancy and potential loss of their home
- 5.8 The team aim to provide an income maximisation service to all tenants. This includes carrying out benefit calculations to establish entitlements, help making claims for benefit and carrying out effective liaison between tenant and benefit departments to resolve claim disputes. The policy highlights the effective relationships between the various Government agencies i.e. Housing Benefit and Department for Work & Pensions (DWP), to encourage timely resolutions to tenant benefit claim and queries. Where further specialist support is required the new revised version of the policy highlights that there are in-house Rent Management operating from within the team who are specially trained in supporting tenants with Universal Credit and other Welfare Benefit queries and claims. Possession and court action will *not* be considered if there is clear evidence there are delays in Welfare Benefit claims or awards. If any court action had already started this will be put on hold until the benefit issues are resolved
- 5.9 The policy identifies the support given to new and prospective tenants that have been offered accommodation with the Council. This group will be supported with a pre-tenancy interview to discuss the importance of paying rent in a timely manner and on Welfare Benefits and maximising income. At the same time an affordability assessment will be completed to identify any at risk of financial difficulties and ensure the most appropriate advice and referrals for specialist support is offered.
- 5.10 The policy is transparent on the rent arrears recovery processes in that it recognises that at times, the council may need to consider more serious action against tenants that persistently fail to pay their rent. This will be an ultimate last resort action when

all efforts to support have been exhausted. Throughout the procedure the team will continue efforts to contact and negotiate a payment agreement with tenants and offer support where needed. The communication will take place in various forms for example, telephone, text, other letters requesting payment and by email. The advice and efforts to engage with individual tenants will remain persistent to help sustain tenancies and the service will be tailored depending on tenants level of response and engagement. Despite proceeding with legal action, the team endeavour to continue all efforts to contact tenants and request that rent arrears are cleared to prevent loss of home. The team will ensure tenants are fully informed on their rights of appeal against any legal notice or eviction proceedings and the referrals that will be considered to the Social Care and Homelessness Teams.

- 5.11 Overall, the revised rent arrears policy is a positive reflection on the procedures and strategies already being implemented within the team that leads to high performance and supports tenants with tenancy sustainment. The policy outlines the importance of having an organised approach to rent collection to maximise the effectiveness of rent arrears management. The policy aims to improve service delivery for tenants and improve the relationship between landlord and tenant.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

The report sets out revisions to the Rent Arrears Policy, which guides the approach to maximising collection of rent and service charges for the Council. Rent arrears are monitored and reported throughout the year.

Stuart McAvoy – Principal Accountant

6.2 Legal implications

The Rent Arrears Policy sets out how the Council will address rent arrears and the steps it will take to engage with tenants and other agencies prior to and during any legal action to recover those arrears and/or possession of a property.

It is important that the policy is applied consistently in order to avoid a potential challenge to any legal action the Council might institute.

Jeremy Rainbow – Principal Lawyer (Litigation) – x.371473

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and

those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

If the report recommendation to approve the revised Rent Arrears Policy is agreed, this should lead to improved outcomes for people from a range of protected characteristics. The revised policy takes into account tenants circumstances including benefit claims and any reasonable adjustments that may be needed, which should provide support to help tenants to meet their rent payments.

An Equality Impact Assessment (EIA) has been carried out and the Corporate Equalities Team have provided feedback to the lead officer. Age and disability are the key protected characteristics which may be impacted upon and an action plan has been produced for the EIA and will be monitored as the revised policy is implemented.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

There are no significant climate change implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

8. Summary of appendices:

Appendix 1 – Rent Arrears Policy

Appendix 2 – Equalities Impact Assessment



Leicester
City Council

Income Management Team
Rent Arrears Policy

Appendix 1

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SECTION 1 – INTRODUCTION

1.1 Purpose

- a) The Rent Arrears Policy is designed to outline the responsibilities of the Income Management Team in the collection of rent and service charges from Leicester City Council tenants. The policy has considered best practice and Income maximisation service for both tenants and the Council. The policy seeks to emphasise the ethos of working effectively and efficiently to ultimately sustain tenancies.
- b) Whilst sustaining tenancies is always a top priority, at times tenancies may lead to failure and to prevent this, the policy recognises and provides a process that evidences everything possible will be explored to avoid rent arrears from escalating and legal actions being taken against tenancies. The Council approach will remain focussed on preventative action and early intervention to prevent the initial accrual of rent arrears. We will provide a wide range of payment options suitable to our tenants and, to maximise collection rates whilst ensuring that we can sustain tenancies and support the most vulnerable.
- c) We will strive to keep the level of rent arrears to an absolute minimum in order to maximise rental income in the best interest of tenants and Leicester City Council. The efficient collection of rent and service charges enables us to invest in the maintenance of Council homes.
- d) We will adopt a robust approach in recovering rent arrears; but we recognise that household's circumstances do change and, any recovery action will reflect this, including changes of circumstances and loss/change of income due to welfare reform. We will only use eviction as a last resort and will work with our Housing Options Team to manage the impact on any households evicted.
- e) The Policy provides guidance on the management of new and prospective tenants that have been offered accommodation by the Council.
- f) This document must be read in conjunction with Leicester City Councils Debt Policy which is available online <https://www.leicester.gov.uk/media/tlqpxq5a/debt-policy-2021.pdf>.

1.2 Reference of Terms

- a) For the purpose of this policy the term “Council” refers to Leicester City Council. The term “Tenant” refers to a Leicester City Council tenant which includes joint tenancy holders. Any references to “we” or “team” refer to the

Income Management Team. References to 'Policy' refers to the Rent Arrears Policy.

1.3 Scope

- a) The policy applies to all Leicester City Council tenants where they have signed a tenancy agreement with the Council, agreed to the conditions of tenancy and have an obligation to pay rent and service charges.
- b) All parts of the Income Management Team (IMT) based within the Housing Division and who specialise in the collection of rent and service charges from all Council tenants.
- c) All other areas of the Housing Division and any organisations and stakeholders that work in partnership with the team.
- d) The policy covers Rent Arrears for Introductory and Secure tenants, Garage and Parking Space holders.

1.4 Legislation

- a) The Housing Act 1985 as amended by the Housing Act 1996 (Part 5) requires all tenants, by law, to pay rent to their landlord and provides guidance to landlords on their rights to collect unpaid debt.
- b) The Welfare Reform Act 2012 made a significant change to the welfare benefit system. It introduced new benefits which meant the team are responsible for acquiring the relevant knowledge and information required in order to best support Council tenants.
- c) New regulations came into force in May 2021 which introduced the Debt Respite Scheme which is also known as the Breathing Space Moratorium. This scheme aims to help people in debt problems manage their finances and seek professional debt advice. The team work jointly with local debt advice partners who can help provide support with debts.
- d) This policy will assist the team to adhere to the relevant legislation and ensure they are acting in a fair and consistent way when collecting rent and any associated service charges.

1.5 Equalities Statement

- a) The Council has a statutory duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.
- b) Acting in accordance with this Policy will help to ensure that the collection of sums due is conducted in a consistent and objective manner that will reduce

the risk of inadvertent discrimination against persons with protected characteristics. It will also ensure that debt collection and recovery is delivered in an equally accessible manner to all members of the community.

- c) We will promote equality of opportunity by publishing information in other formats such as large print, audio, and Braille where the need has been identified. We encourage the use of English as Leicester City's main language but will make sure where tenants may be put at a significant disadvantage without a specific piece of information, it will be provided in a suitable format for them. We have an in-house service to provide language and translation service. We will work to manage rent arrears fairly and recognise that there are some tenants who will need a more sensitive service and those tenants will be treated in accordance with their needs.

1.6 Confidentiality Statement

- a) All information held by Council in regard to tenants, tenancy information and personal information will be dealt with in a secure and confidential manner. Any information held will not be disclosed to any third-party, except where:
- The team are satisfied that the tenant has given consent (verbal or written) for any information held by Council to be shared with a third party.
 - The team are required to disclose information under the following legislation General Data Protection Regulation (GDPR), UK GDPR (UK GDPR) and Data Protection Act 2018 (DPA18).
 - There is another lawful requirement by law to disclose this information.

For more information regarding how Council uses any tenants personal data please see the privacy notice on the Council website
<https://www.leicester.gov.uk/your-council/how-we-work/our-website/privacy/>.

SECTION 2 – OVERVIEW

2.1 Rent Setting

- a) Rent and service charges are reviewed each year in line with Government policy, any change will take place from April and the Council will give a minimum of four weeks' notice for any changes.

2.2 Conditions of Tenancy and Tenant Responsibility

- a) We take rent arrears very seriously and we expect all our tenants to pay rent in a timely manner and a week in advance and this is an important part of tenants Conditions of Tenancy (CoT). Council tenant(s) sign a tenancy agreement and have an obligation to pay their rent on time as per CoT. However, we recognise that occasionally tenants may have financial difficulties and be unable to pay the rent due. In these cases, our service aim is to be 'firm but fair' and provide all tenants in rent arrears with basic money advice and offer affordable repayment plans, taking into consideration how they receive their income.
- b) We will provide tenants with detailed rent statements on a quarterly basis or, printed balances will be available on request or to view on the Housing Online Service.
- c) If tenants are unable to pay debts in full when they become due, they must contact the team at the earliest opportunity. The team can be contacted in a number of ways, these are listed below.
 - **Telephone** – 0116 454 1007.
 - **Email** – incomemanagement@leicester.gov.uk.
 - **By letter to** – Saffron Housing Office, 499 Saffron Lane, Leicester, LE2 6UQ.
- d) Where further information is required (i.e. an income / expenditure assessment) tenants must provide accurate, up-to-date, and honest details.
- e) If tenants are unable to pay debts immediately and in full, they must arrange a repayment plan with the team at the earliest opportunity. Prompt action when arrears are small is essential. Personal contact with the team is important at the earliest possible opportunity. Tenants must consider building an effective relationship with the team so they can help identify any issues and offer help and support to avoid matters getting worse.
- f) If tenant has defaulted a payment, in full or in part, this must be discussed with the team urgently and options explored for alternative arrangements to clear arrears.

- g) Tenants will be required to actively work with the team to resolve their arrears situation, and whilst eviction will be considered as an absolute last resort, failure to take steps to deal with rent arrears may result in possession proceedings and subsequent actions leading into the loss of the home.
- h) In households with single tenancy agreements but who are married, cohabiting, or have joint care of dependent children that are resident at the tenancy address, we will always encourage the tenant to keep other interested parties within the household informed of any legal action in connection with rent arrears.

2.3 Team Objectives

- a) We are committed to providing excellent customer care and we will always aim to get things first time right. We will listen to tenants so we can better understand their needs, be polite, professional, and helpful. We aim to treat every tenant fairly and with respect. We intend to keep all tenants informed on their rent account situation and aim to deal with any enquiries fully providing rationale behind decisions. The team will welcome any feedback in the improvement of services and will regularly contact tenants to obtain feedback on the level of service received.
- b) Essential to the early identification of non-payment of rent is an effective rent accounting system. The team use a fully integrated Revenue Accounting system which maintains a payment history for each tenant and is simple to update each stage of any action. The team are able to provide timely, accurate and updated information to enable tenants to manage their rent accounts including providing a Housing Online Service.
- c) The team firmly believe tenants should have access to independent advice and tenants will be advised in letters and encouraged at interviews to seek independent advice. The team will consider making referrals and signposting tenants to specialist agencies where appropriate. If tenants need any debt or financial advice, please consider contacting agencies below.

The Money Advice Service

Telephone: 0116 454 1006

Website: www.moneyadviceservice.org.uk

Office Address: York House, Granby Street, Leicester LE1 6FB

Leicester Citizens Advice Bureau

Telephone: 0300 330 1025 / 0844 417 1025

Website: www.leicscab.org.uk

Office Address: 3rd Floor, 60 Charles Street LE1 1FB

Community Advice and Law Service

Telephone: 0116 242 1120

Website: www.cals.uk.net

Office Address: 3rd Floor, Epic House, Leicester LE1 3SH

- d) The team will ensure all legal statutory requirements are met and any possession action is pursued only when appropriate to do so after all avenues of help and support to help sustain tenancies have been exhausted. The team will consider a multi-agency meeting where appropriate to help explore options to prevent homelessness and to devise action plans. The team will assess any risks and identify how these can be managed and find solutions to tenant issues. Tenants will be invited and encouraged to participate and work with nominated agencies to resolve issues that are causing a risk to their tenancy and potential loss of their home.
- e) The team will at all times ensure that enforcement action undertaken in rent arrears cases will conform to the requirements of the Pre-Action Protocol for Possession Claims by Social Landlords as set by the Ministry of Justice. The Council recognises that it's in the interests of both the landlord and tenant, to ensure that rent is paid promptly and to ensure any difficulties are resolved wherever possible without the need for court proceedings. We will only start legal action as a last resort where all efforts to reach an agreement and to provide support and advice are exhausted and the tenants debt is not reducing
- f) The team aim to provide information to tenants in understandable formats and communicating appropriately in ways that tenant(s) can understand the actions being taken against them. The team endeavour to consider any reasonable adjustments, literacy issues and understanding of written information when provided to them. The team will adopt a sensitive approach

and support the most vulnerable adapting communication styles as appropriate for tenants where required.

- g)** We will consider and Identify tenants who are particularly vulnerable and any issues affecting tenant's mental capacity or, any issues arising under the Equality Act or any need for a Community Care Assessment. This will be equally crucial at the point of any legal proceedings and checking tenants understanding of the impending actions. Where necessary we will encourage applications for the appointment of a litigation friend or appointeeship.
- h)** The council are committed to sustaining tenancies and commit to exploring all options prior to taking any court action and when recovering monies owed to the Council. This includes transferring credits between a rent account and a sub-account to offset debts owed by a tenant. Any remaining credit can be refunded to the tenant upon request.
- i)** The team will offer tenants flexible payment methods and repayment options to clear rent arrears when there are circumstances that affect tenants ability to pay their rent.
- j)** The team will issue tenants with a quarterly rent statement and write to tenants if their rent account is in arrears.
- k)** All interviews at a tenant's home or in an office will be sensitive and non-threatening. They will take place in privacy and be confidential. For interviews in the home, the team will introduce and identify themselves with Council identity cards.
- l)** For joint tenancy holders, the team will address all letters to all tenants named on the tenancy agreement. The team will at times make agreements and hold interviews with any tenant who appears to be acting on behalf of all parties in the Tenancy Agreement. Joint tenants will be made aware that they have a joint responsibility for rent arrears repayment. The council will recover from either tenant due to the joint liability.
- m)** The team will make safeguarding referrals to Social Care for example, Adult Social Care and Children's & Young Peoples Services where there is pending eviction actions against a family or individual. The team will also make referrals to the Housing Options team regarding any potential homelessness.
- n)** We may use analytical and predictive techniques on the data we have on our tenants to implement a variety of collection strategies.

2.4 Paying Rent

- a)** The Council promote various methods that can be used to pay rent for example, standing order, direct debit, using a credit / debit card. The team encourage payments to be made in a timely manner and a full list of payment options is available on the Council website or upon request.

- b)** Tenants can now register for the Housing Online Service by visiting Leicester.gov.uk/housing. This will allow tenants to make a rent payment, report a repair, manage rent account, view and update contact details and view rent statements.

- c)** We will try to work with the tenant to resolve any arrears which are as a result of a problems in claiming benefits for example, Housing Benefit or Universal Credit. We may also pursue other options, including applying for Alternative Payment Arrangements and/or direct deductions from benefits where we believe the tenants will benefit from this due to vulnerabilities and to prevent rent arrears from accruing on the account.

SECTION 3 – PROSPECTIVE / NEW TENANTS

3.1 Prospective Tenants

- a)** All prospective tenants that have accepted an offer of accommodation with the Council will be required to have a Pre-Tenancy Interview (PTI) with a member of the team.
- b)** The interview verifies applicant's eligibility for Social Housing as per the Allocations Policy (available to view on the Council website).
- c)** At the interview advice will be provided around the importance of paying rent in a timely manner and on Welfare Benefits and maximising income. We will conduct an affordability assessment to ensure prospective tenants who may be at risk of financial difficulties are offered appropriate advice and are referred for specialist support.
- d)** We will provide Welfare Benefit advice to ensure the correct benefit entitlements are in place and refer for specialist support if necessary and tailoring our service to meet the needs of the prospective new tenant.

3.2 New Tenants

- a)** All new tenants that exchange contracts with the Council will be required to set up a mandatory Direct Debit for rent payments wherever applicable.
- b)** The tenant will be expected to pay the first week's rent when they attend the Exchange of Contracts. If the tenant is experiencing difficulties to meet the first weeks rent payment an alternative suitable arrangement can be considered and negotiated.
- c)** Tenants will be supported with referrals to specialist supporting agencies where appropriate. Referrals to the Rent Management Advisors based within the team also be considered for help with Welfare Benefits.
- d)** Details will be provided on the different payment options available and advice will be provided on the consequences of non-payment.
- e)** The team will encourage tenants to resolve any benefit related issues promptly and offer advice and support in reporting changes or in making new claims.

SECTION 4 – WELFARE BENEFITS

4.1 Benefit Entitlement

- a) The team aim to provide an income maximisation service to all tenants. This includes carrying out benefit calculations to establish entitlements, help making claims for benefit and carrying out effective liaison between tenant and benefit departments to resolve claim disputes.
- b) The team will foster and promote effective relationships between the various Government agencies i.e. Housing Benefit and Department for Work & Pensions (DWP), to encourage timely resolutions to tenant benefit claim and queries.
- c) The team will be ensuring a consistent approach is taken in supporting tenants with Welfare Reform related cases and that they are kept updated on changes to the benefit system so they can best advise tenants. The team will notify tenants if there is any cancellation or suspension of their welfare benefits and work with tenants to resolve any issues in relation to benefit claims.
- d) Where necessary the council will encourage tenants to provide all the evidence required to support a claim for benefit to prevent the accrual of rent arrears. We will ensure the tenant is fully informed that it is their responsibility to provide the necessary documentation in relation to their benefit claims and, to advise the relevant benefit agency on any changes to their financial or household Income status.
- e) Where further specialist support is required the team will make the appropriate referrals for the tenant to receive support. The Rent Management Advisors that operate within the team are specially trained in supporting tenants with Universal Credit and other Welfare Benefit queries and claims. For those tenants that need help a referral will be made for this type of specialist support.
- f) When requested by the Department for Works & Pensions, the team will confirm Housing Costs for Universal Credit and will always aim to do this in a timely manner to prevent any delays in tenants benefit claims.
- g) Possession and court action will not be considered if there is clear evidence there are delays in Welfare Benefit claims or awards. It's important for tenants to speak to the team if this is the case so this information can be updated on tenants rent account. If any court action had already started this will be put on hold until the benefit issues are resolved.

SECTION 5 – INTRODUCTORY TENANCY

5.1 Introduction

- a) Introductory tenancies were introduced under Part V of the Housing Act 1996 and applies to all Council tenant's during the first twelve months of their tenancy.
- b) A flowchart outlining the process is provided in the appendices (*please see sub-section 8.1 – Appendix 1 – Introductory Tenancy Process Map*).

5.2 Procedure

- a) The following procedure will be initiated to recover rent owed to the Council from an Introductory tenant
 - ⇒ First Warning (IFW) – Three Weeks or more Net Rent Due
 - ⇒ Second Warning (ISW) – Four Weeks or more Net Rent Due
 - ⇒ Office Appointment (IAP) – Five weeks or more Net Rent Due
- b) If at any point the tenant clears their rent arrears the process will restart again.
- c) If rent account remains in arrears then a decision will be made to proceed with the arrears stages and consideration to either serve an extension of the Introductory tenancy period or to end the Introductory tenancy.
- d) Throughout the procedure the team will continue efforts to contact and negotiate a payment agreement with tenants and offer support where needed. The communication will take place in various forms for example, telephone, text, other letters requesting payment and by email. Our advice and efforts to engage with individual tenants will remain persistent to help sustain tenancies and the service will be tailored depending on tenants level of response and engagement with us.
- e) The arrears stages will be put on hold if there is clear evidence of the following
 - Delays in processing benefit claims
 - Delays in receiving Managed payment from Universal Credit
 - Pending Discretionary Housing Payments
 - If the tenant is owed a breathing space as part of the Debt Respite Scheme, no arrears action will be considered for the agreed moratorium period.

5.3 Extending an Introductory Tenancy

- a) An Introductory Notice to Extend will be served under Part V Section 125A of the Housing Act 1996 to any tenant that is six weeks or more in net rent arrears and providing there is a minimum of eight weeks remaining before the anniversary date of the tenancy (i.e. the date in which the IT tenancy becomes a Secure tenancy). A Record of Decision will be completed and approved by a member of management.
- b) The tenant has a right (under Part V section 125B of the Housing Act 1996) to request a Review Panel Hearing on the decision to issue the extension. The tenant must do this in writing within fourteen days of the date of issue of the notice.
- c) A hearing will be arranged for an independent panel of managers to check that the arrears procedure was followed correctly and decide if the extension of tenancy should continue.

5.4 Ending an Introductory Tenancy

- a) An Introductory Notice to Terminate (INT) may get served under Part V Section 125 of the Housing Act 1996 for tenants that are six weeks or more in net rent arrears. The possession proceedings must start before the anniversary date of the tenancy. Decisions to serve this notice will be considered and approved by management.
- b) The tenant will have the right to appeal against an INT being served (under Part V section 125B of the Housing Act 1996), the tenant must do this in writing within 14 days from the date notice was issued.
- c) A hearing will be arranged for an independent panel of managers to check that the arrears procedure was followed correctly and decide if the termination of tenancy should continue. The tenant will have an opportunity to represent their circumstances by attending the hearing alone or with a representative.
- d) At this point the team have a duty to notify Housing Options Centre of the potential risk of homelessness and safeguarding referrals will be made to Social Care.

5.5 Court & Eviction

- a) Once the notice has expired a court hearing will be arranged for Mandatory Possession to be granted by court.
- b) Prior to the court hearing for Possession the team will continue efforts to contact tenant using various forms of communication notifying tenant the Councils intention of seeking a Mandatory Possession order and no further

right of appeal is possible. They will highlight the risk of losing their home and the next stage of requesting a Warrant for Possession.

- c)** Once the Mandatory Possession order is granted in court a warrant request would be made at the appropriate time for the final stages of recovering possession of the property.

SECTION 6 – SECURE TENANCY

6.1 Introduction

- a) This section of the policy is to be followed once a tenant has become a Secure tenant and there are rent arrears on account.
- b) A flowchart outlining the Secure process is provided in the appendices section of this policy (*please see sub-section 8.2 – Appendix 2 – Secure Tenancy Process Map*).

6.2 Procedure

- a) The following procedure will be initiated to recover rent owed to the Council from a secure tenant.
 - ⇒ First Warning (AFW) – Three Weeks or more Net Rent Due
 - ⇒ Second Warning (ASW) – Four Weeks or more Net Rent Due
 - ⇒ Office Appointment (AAP) – Five weeks or more Net Rent Due
- b) If the tenant clears their rent arrears at any of the above stages then the Secure procedure may be restarted from the First Warning stage alternatively, the team may use their discretion and decide not to restart the process but re-issue a more serious action where appropriate. For example, tenants that persistently make irregular rent payments that were already served the warning letters.
- c) Throughout the procedure the team will continue efforts to contact and negotiate a payment agreement with tenants and offer support where needed. The communication will take place in various forms for example, telephone, text, other letters requesting payment and by email. Our advice and efforts to engage with individual tenants will remain persistent to help sustain tenancies and the service will be tailored depending on tenants level of response and engagement with us.
- d) The arrears stages will be put on hold if there is clear evidence of the following
 - Delays in processing benefit claims
 - Delays in receiving Managed payment from Universal Credit
 - Pending Discretionary Housing Payments
 - If the tenant is owed a breathing space as part of the Debt Respite Scheme, no arrears action will be considered for the agreed moratorium period.

6.3 Rental Possession 1st Stage – Legal Notice

- a) A Notice of Seeking Possession (NOSP) will be served under Section 83 of the Housing Act 1985 (as substituted by Section 147 of the Housing Act 1996) on any tenant that is more than six weeks in net rent arrears. The legal notice has an expiry date of twenty-eight days.
- b) The tenant also has the option of contacting a member of the team before the NOSP expires and before court proceedings to agree an affordable arrangement and clear any arrears by instalments.
- c) Once the legal notice period has come to an end and there is failure to maintain regular rent payments, keep up with a repayment or reduce rent arrears, the team will consider pursuing rental possession proceedings.
- d) If the tenant has cleared the arrears, the legal notice will become invalid. If there is an ongoing agreement to clear the arrears, the NOSP will remain valid for up to a maximum of twelve months or until such time the rent arrears are cleared whichever comes sooner.

6.4 Rental Possession 2nd Stage – Stage Court

- a) Prior to the possession hearing the team will continue efforts to contact tenant using various forms of communication.
- b) They will arrange an Interview with the tenant by letter, the team will advise the tenant the seriousness of their situation and the consequences of non-payment of rent and the potential possession of home. They will gather income and expenditure and arrange a realistic and suitable repayment plan or arrangement to clear any outstanding debt where possible to prevent a possession order. Both parties may sign an agreement confirming the repayment arrangement.
- c) Both Council and tenant will receive a date of hearing set by the Court for the possession hearing. The council may refer to their Legal Team for advice and representation and the tenant will be encouraged to attend and seek their own independent financial advice and representation.
- d) We will request the appropriate order at court depending on the circumstances of the case. After hearing evidence presented by the Council and tenant, the Judge will have discretion to grant the following types of orders.
 - **Possession Forthwith** – Outright Possession on day of hearing.
 - **Possession in XX Days** – Outright Possession in a specific number of days (Usually 14 or 28 Days).
 - **Suspended Possession Order (SPO)** – This is a Possession Order, however, suspended on terms the tenant pays their Current Rent plus

an amount towards the arrears. If tenant defaults their court order and fails to make payments according to the court order, this may result in Council pursuing eviction action.

- **Adjourned on Terms (AOT)** – This hearing is pended to allow tenant to pay their current rent plus an amount towards the arrears. Failing to pay accordingly will allow the council to restore the hearing.
- **Adjourned Generally** – This is an order granted by the court that allows the Council to restore the hearing if the tenant fails to pay the rent arrears. This order may also contain a 'Strikeout Date' usually twelve months from the date of hearing.
- **Money Judgement Order (MJO)** – This is an order for a tenant to pay back any debt owed to the Council

6.5 Rental Possession 3rd Stage – Eviction

- a) At times the council may need to consider more serious action against tenants that persistently fail to pay their rent. This will be an ultimate last resort action when all efforts to support have been exhausted. Despite proceeding with eviction processes, we will continue all efforts to contact tenants and request that rent arrears are cleared to prevent loss of home. The team will ensure tenants are fully informed on their rights and advise tenants of their right to appeal an eviction (applies only to secure tenants).
- b) If rent arrears are cleared in full then the eviction process will stop. It's important the tenant notifies the courts and the Council when they have made the payment to clear the arrears in full. Proof of payment may be requested as appropriate.
- c) If an appeal against an eviction is submitted a court hearing will be scheduled to negotiate matters. The final outcome at the hearing will be determined by a Judge.
- d) The main outcomes of an appeal hearing are set out below (not an exhaustive list).
 - **Application Withdrawn** – If arrears are cleared in full and it has been agreed to cancel the warrant application with agreement from the Council.
 - **Application Suspended** – The warrant is suspended allowing further opportunity to clear arrears. In most cases these will come with terms for example, current rent plus an additional amount to clear the arrears.
 - **Application Adjourned for XX days** – This is usually granted when there are some unresolved issues that require a resolution before the judge can make an informed decision (i.e. benefit claim require a resolution).
 - **Application Dismissed** – This order may be granted if the Judge feels that the tenant had sufficient opportunity to clear their arrears and/or tenant or their representative did not attend the hearing. This could result in the eviction going ahead.

- e) On the date / time of eviction if the tenant fails to make any payment to clear the arrears debt then the warrant will be executed, and Council will be given vacant possession of the property.

SECTION 7 – GARAGE & PARKING SPACE TENANCY

7.1 Introduction

- a) Tenants will sign a licence agreement with the Council for renting the Garage or Parking Space thus agreeing to pay the rent every week to the Council.
- b) A flowchart outlining the Garage & Parking Space process is provided in the appendices section of this policy (*please see sub-section 8.3 – Appendix 3 – Garage & Parking Space Tenancy Process Map*).

7.2 Procedure

- a) The Garage & Parking Space process is split into several stages, please see below the initial stages and at what point in the process they are 'initiated'.
 - ⇒ First Warning (GFW) – Three Weeks or more Net Rent Due
 - ⇒ Second Warning (GSW) – Four Weeks or more Net Rent Due
- b) Should the tenant clear their arrears at any of the above stages then the GPT process should be restarted from the First Warning stage, however the team may use their discretion and decide not to restart the process and proceed to final stage

7.3 Determining the Next Stage

- a) Failure to clear arrears then a decision will be considered to recover possession of the garage or parking space.

7.4 Ending a Garage or Parking Space Licence

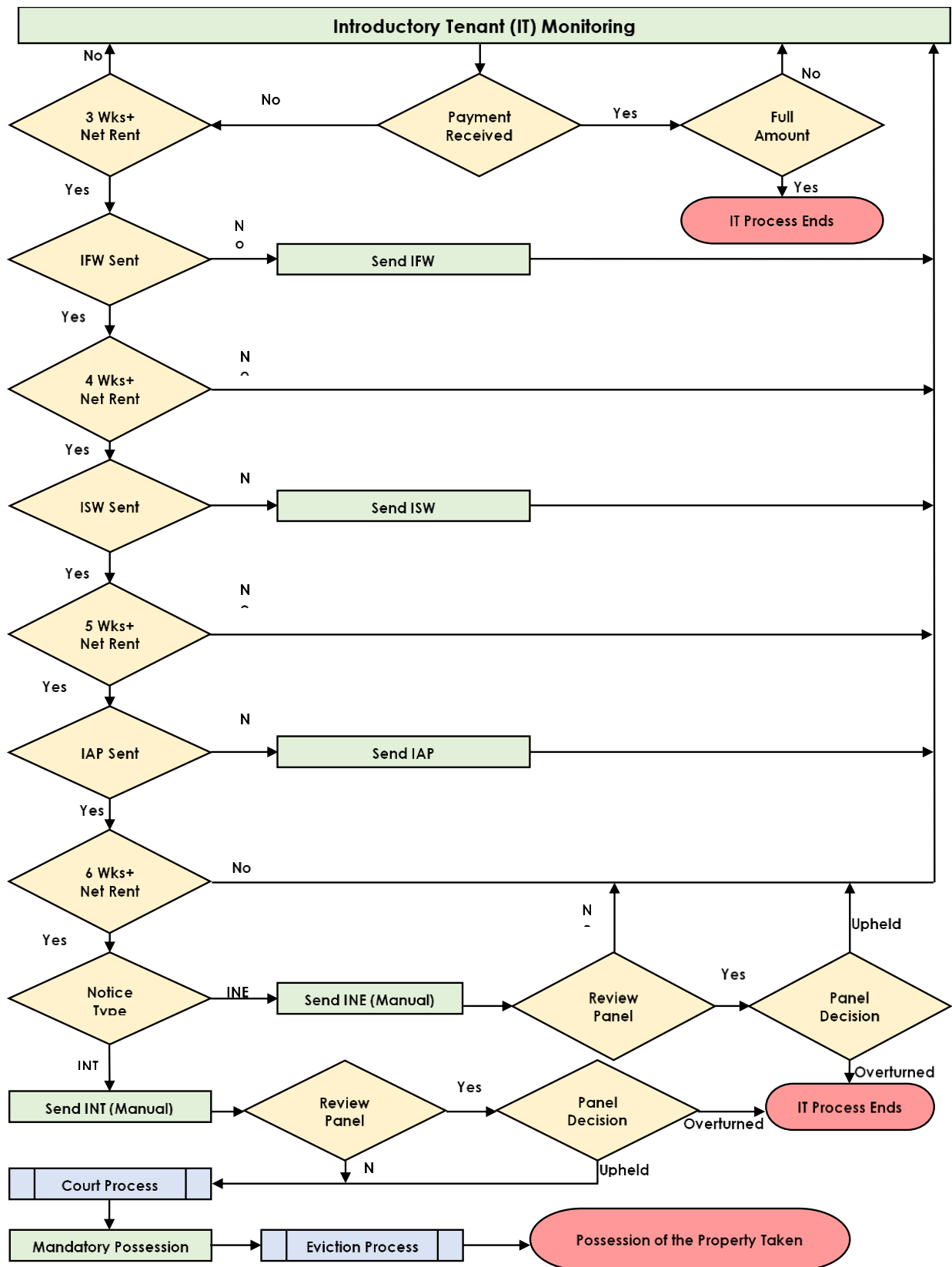
- a) To end a Garage or Parking Space Licence a Garage Notice to Quit (GNTQ) is served informing the tenant that their licence is being ended.
- b) The GNTQ provides a minimum of seven days' notice on the licence being ended, and possession being sought.

7.5 Taking Possession of a Garage or Parking Space

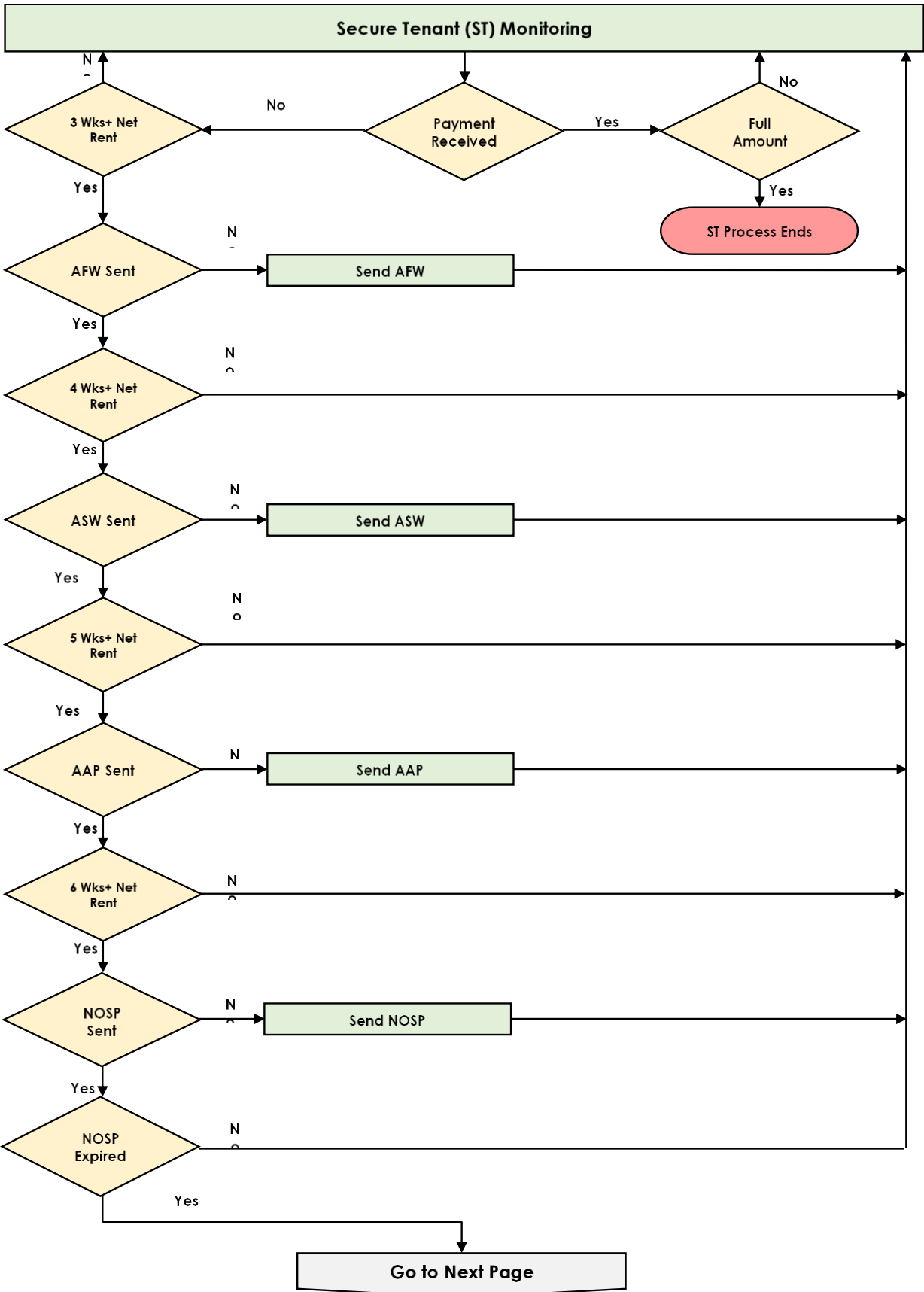
- a) Once a GNTQ has expired a lock change will be arranged (Garages Only) with the repairs service to change the locks on the garage and the keys will be returned to the Neighbourhood Housing Office (NHO).

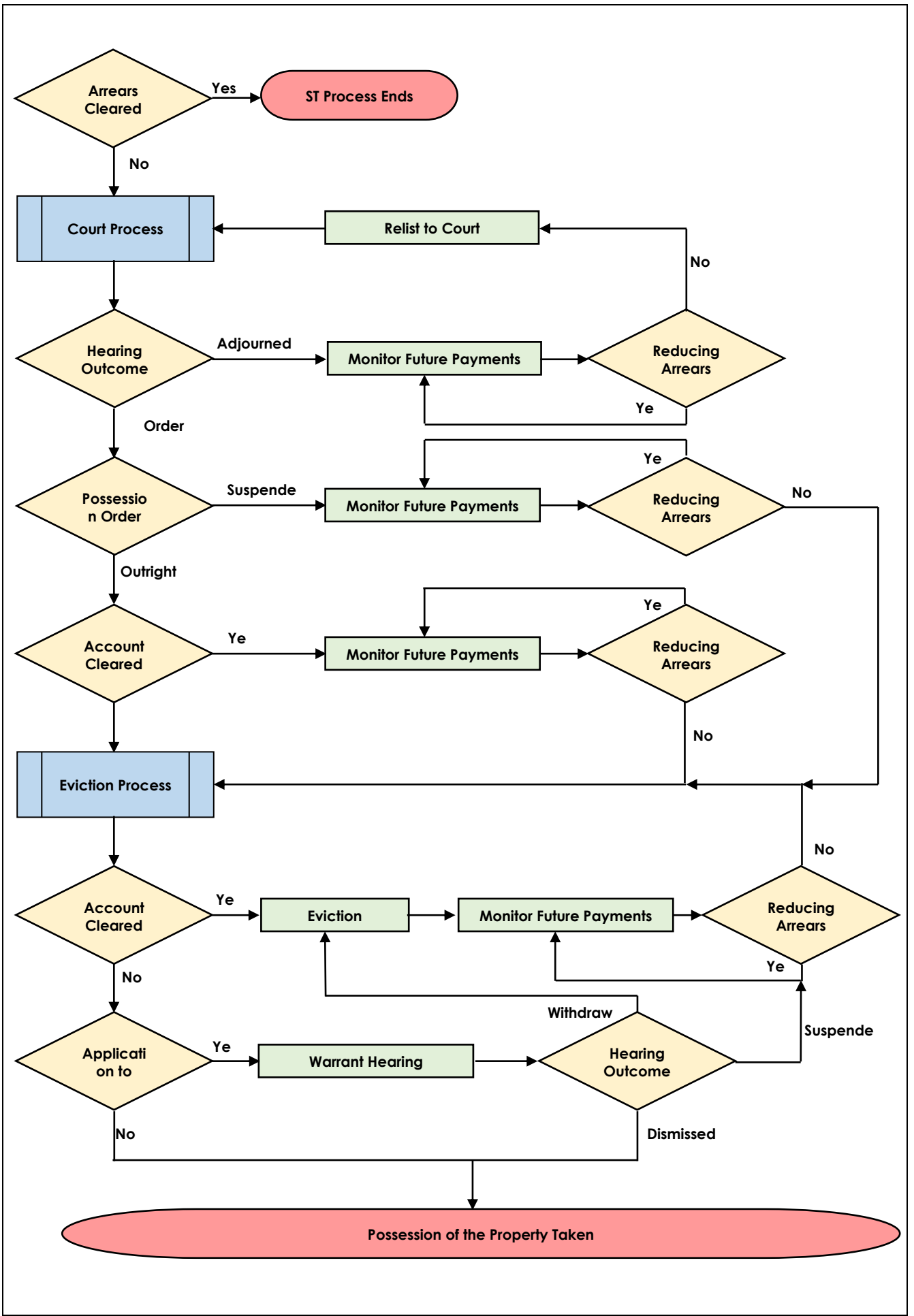
SECTION 8 – APPENDICES

8.1 Appendix 1 – Introductory Tenancy Process Map

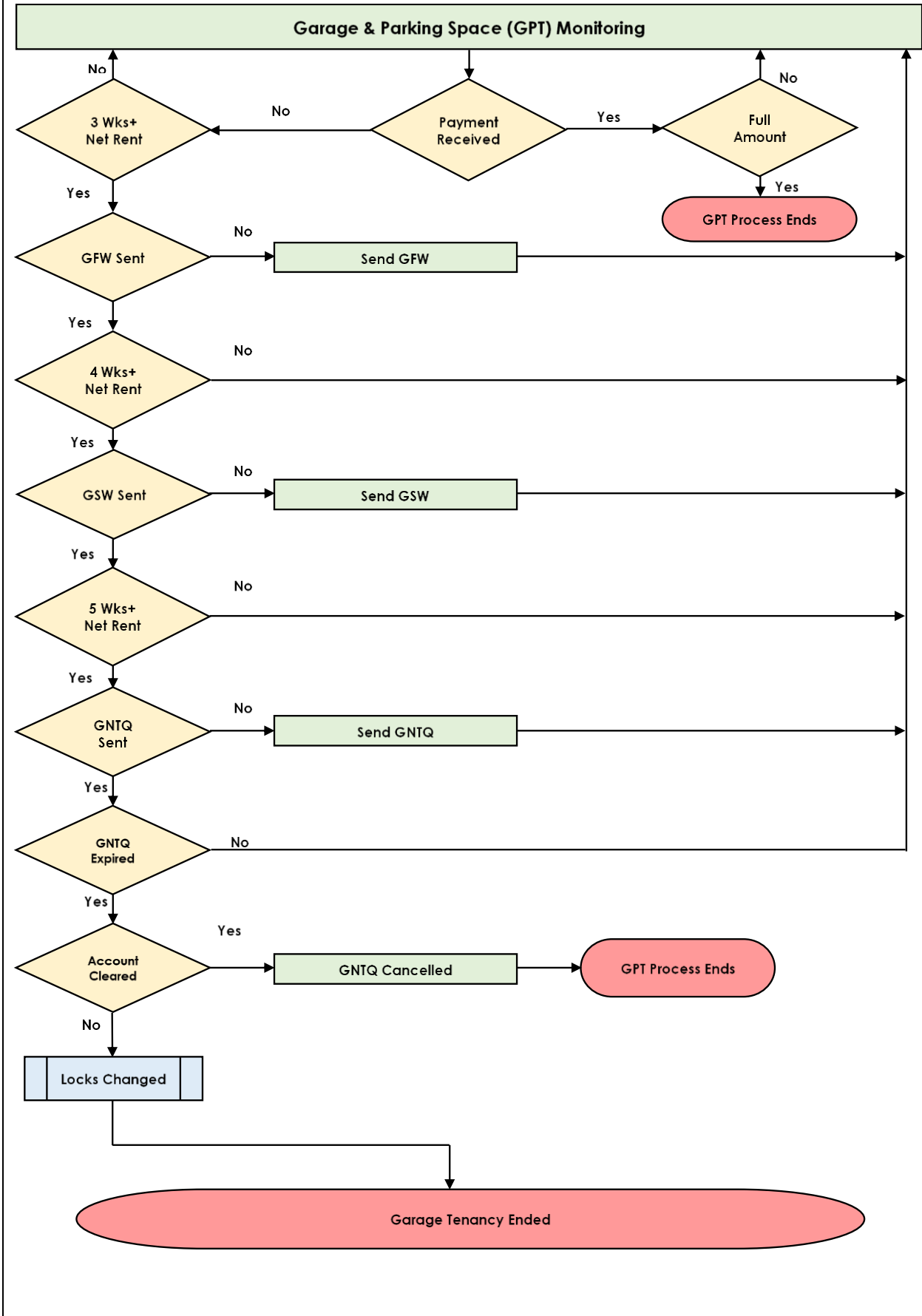


8.2 Appendix 2 – Secure Tenancy Process Map





8.3 Appendix 3 – Garage & Parking Space Tenancy Process Map



Appendix 2 - Equality Impact Assessment (EIA) Tool:

| | |
|----------------------------------------------------|-------------------------------------------|
| Title of Proposal: | Rent Arrears Policy Update |
| Name of Division / Service: | Income Management Team (Housing Services) |
| Name of Lead Officer Completing Assessment: | Zenab Valli (Income Collection Manager) |
| Date EIA Assessment Completed: | March 2021 |
| Decision Maker: | |
| Date Decision Taken: | |

| EIA Sign-Off Completion: | Signature: | Date: |
|---------------------------------|-------------------|--------------|
| Lead Officer: | | |
| Equalities Officer: | | |
| Divisional Director: | | |

Please Ensure the Following:

- a) That the document is **understandable to a reader who has not read any other documents** and explains (on its own) how the Public Sector Equality Duty is met. This does not need to be lengthy but must be complete and based in evidence.
- b) That available support information and data is identified and where it can be found. Also be clear about highlighting gaps in existing data or evidence that you hold, and how you have sought to address these knowledge gaps.

- c) That the equality impacts are capable of aggregation with those of other EIAs to identify the cumulative impact of all service changes made by the council on different groups of people.
- d) That the equality impact assessment is started at an early stage in the decision-making process, so that it can be used to inform the consultation, engagement and the decision. It should not be a tick-box exercise. Equality impact assessment is an iterative process that should be revisited throughout the decision-making process. It can be used to assess several different options.
- e) Decision makers must be aware of their duty to pay 'due regard' to the Public Sector Equality Duty (see below) and 'due regard' must be paid before and at the time a decision is taken. Please see the Brown Principles on the equality intranet pages, for information on how to undertake a lawful decision-making process, from an equality's perspective. Please append the draft EIA and the final EIA to papers for decision makers (including leadership team meetings, lead member briefings, scrutiny meetings and executive meetings) and draw out the key points for their consideration. The Equalities Team provide equalities comments on reports.

1. **Setting the Context** Describe the proposal, the reasons it is being made, and the intended change or outcome. Will the needs of those who are currently using the service continue to be met?

The Income Management Team is responsible for collecting rental income from tenants that are housed in Council owned properties. The income funds the Housing Revenue Account (HRA) which is used to maintain housing stock and invest in capital works programmes. A rent arrears policy has been devised to ensure that the IMT is acting in a fair, lawful, and consistent way in the collection of these charges. The overall objective of the Rent Arrears Policy is to minimise the level of rent arrears in a sensitive, but effective manner. It is anticipated the needs of the current service users will continue to be met:

Income Management Officer maintain the Council's computerised Rent Arrears system, which shows tenants who are in arrears and assist with arrears management by prompting the next appropriate action.

The specific objectives of the Rent Arrears Policy are:

- To offer early appropriate professional support and guidance to tenants to reduce rent arrears.
- To monitor levels of rent arrears and have early intervention mechanisms in place, which prevent rent arrears arising.
- To take appropriate action in accordance with the level of rent arrears.
- To prevent homelessness arising and assist in the Council's wider strategic objectives.

The current Rent Arrears policy has been revised and has undergone a complete overhaul mainly for the following reasons -

- Consolidating all current policy documents for the different tenancy types IMT manage into one document and therefore making it easier for tenants to understand not only their obligations to ensure rent is paid on time but also IMT's obligations towards supporting them should they experience difficulties paying their rent charges.
- To ensure that council tenants affected by welfare Reform are treated in a fair and consistent way to ensure that they are supported to sustain their tenancy and fulfil our obligation to the HSA and also the City Mayors (CM) pledge "Reducing Homelessness and Increasing Affordable Housing".
- To ensure IMT follow a robust procedure when considering eviction action and to ensure that everything possible has been exhausted to support a tenant and help sustain tenancies.

2. Equality Implications / Obligations

Which aims of the Public Sector Equality Duty (PSED) are likely be relevant to the proposal? In this question, consider both the current service and the proposed changes.

a. Eliminate Unlawful Discrimination, Harassment and Victimisation

- How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic?
- Is this a relevant consideration? What issues could arise?

The previous RAP would inadvertently discriminate against those tenants that are in receipt of Welfare Benefits – Universal Credit (UC). This is because UC is paid in arrears usually five weeks after a claim has been made. The previous policy fails to recognise this may be an issue for tenants and it fails to provide detail on the provisions of support offered and the legal proceeding that can be put on hold whilst benefit claims are being processed.

Changes to the RAP will recognise changes as a result of Welfare Reform, it will offer equal opportunity and mitigate against any adverse actions being taken against the tenant and eliminate unlawful discrimination. This also helps to prevent any further charges being applied to that tenant (i.e. Court / Warrant Fee's) thus, preventing any extra debt being added particularly where tenants may already be on a reduced or low income.

The amended RAP emphasises and promotes more effective working to help tenants sustain their tenancies. It encourages a more fair, consistent, and transparent approach to the management of rent arrears. It recognises that some groups of people may require information and support according to their needs considering the various protected characteristics. The policy recognises that there are some tenants who will need a more sensitive service and those tenants will be treated in accordance with their needs.

b. Advance Equality of Opportunity Between Different Groups

- How does the proposal/service ensure that its intended outcomes promote equality of opportunity for people?
- Identify inequalities faced by those with specific protected characteristic(s).
- Is this a relevant consideration? What issues could arise?

The changes to the RAP will ensure that the HRA monies continue to be collected in a timely manner and enable the housing Division to continue the provision of providing decent homes to council tenants and equality of opportunity for people to have decent homes to live in. We will continue to examine ways in which we can promote equality and foster good relationships between our tenants. Equality training has and will continue for all staff that work within the team to ensure we continue to provide a service fit for purpose and that promotes equal opportunity and equal access to all our tenants. The policy recognises that some tenants may require a more sensitive approach and communication methods and our approach may need to be altered in response to tenant needs. The team endeavour to promote a fair and consistent way of working so any actions being taken against tenants for non-payment of rent are fair no debtor receives less favourable treatment because of their protected characteristics. This will be enforced during regular team briefings and training sessions alongside electronic and virtual learning sessions. The team collect data on the tenants receiving welfare benefits and the level of arrears for this group of people. Where available the team also collect equality and disability information from the tenants, and this is recorded electronically on the Housing system.

c. Foster Good Relations Between Different Groups

- Does the service contribute to good relations or to broader community cohesion objectives?
- How does it achieve this aim?
- Is this a relevant consideration? What issues could arise?

We offer advice, support, and assistance to every tenant equally in relation to rent or arrears. The team will always promote and encourage tenants to obtain independent advice. The team operate alongside stakeholders such as debt advice agencies to help maximise income and help sustain tenancies. The positive joint and collaborative working helps tenants with various issues they might be facing. The team also work very closely with other Government agencies such as Department for Works & Pensions and the Housing Benefit agencies to help tenants resolve any benefit issues. Failing to support tenants with these issues can lead to adverse impacts on tenants livelihoods which can lead to poverty, crime, or impact on tenants health. When issues are resolved following support, this can have a lasting and positive impact on the tenants income and welfare which in turn helps to foster good relations in the community and promote positive behaviours. By maximising collection of rent which fund the HRA this would enable the maintenance of properties and making improvements on estates creates an environment where people are satisfied with their homes and the area they live in, reducing the likelihood of anti-social behaviour and community tensions.

3. Who is Affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include people who currently use the service and those who could benefit from, but do not currently access the service.

The changes to RAP will affect all Council tenants including those tenants that receive assistance towards their rent charges via benefits. Currently there are approximately 49% of tenants in receipt of housing benefit and 30% of tenants on UC. Tenants with protected characteristics who may present themselves with low Income and not in employment are likely to be affected by rent arrears particularly whilst waiting for benefits to be processed. Providing this group of people engage with the service the team can support the tenants and prevent any actions being taken due to a rent arrears situation. All tenants have a legal obligation to pay rent, the proposed changes will not discriminate or disadvantage any tenants and allows ample opportunity and measures to safeguard tenancies. The proposed changes are outlined in support of tenants and highly vulnerable tenants that will require further support from the council and external agencies to ensure that their tenancies are sustained.

4. Information Used to Inform the EIA

- What **data, research, or trend analysis** have you used?
- Describe how you have got your information and what it tells you

- Are there any gaps or limitations in the information you currently hold, and how you have sought to address this? E.g. proxy data, national trends, equality monitoring etc.

Profiling information on council tenants has been collected from the housing Northgate IT system (*Please See Appendix 1*). This includes tenant information on age, ethnic origin, disability, gender, sexuality, and religion. It has been recognised by the housing division that there are some gaps in this data and to increase the collection IMT plus other front facing Housing Teams continue to collect and update tenant records with Equality data.

5. Consultation

What **consultation** have you undertaken about the proposal with people who use the service or people affected, people who may potentially use the service and other stakeholders? What did they say about?

- What is important to them regarding the current service?
- How does (or could) the service meet their needs? How will they be affected by the proposal? What potential impacts did they identify because of their protected characteristic(s)?
- Did they identify any potential barriers they may face in accessing services/other opportunities that meet their needs?

The policy will also be presented at a public meeting and presented to the Housing Scrutiny Commission for any comments and issues that may arise or have not been identified in the current version of the policy. We publish data annually on the collection of rent and present to the Housing Scrutiny Commission and this can help determine any further changes to the policy if required. Lead Member Briefing 21st June 2021. Housing Scrutiny Commission – 16th August 2021

6. Potential Equality Impact

Based on your understanding of the service area, any specific evidence you may have on people who use the service and those who could potentially use the service and the findings of any consultation you have undertaken, use the table below to explain which individuals or community groups are likely to be affected by the proposal because of their protected characteristic(s). Describe what the impact is likely to be, how significant that impact is for individual or

group well-being, and what mitigating actions can be taken to reduce or remove negative impacts. This could include indirect impacts, as well as direct impacts.

Looking at potential impacts from a different perspective, this section also asks you to consider whether any other particular groups, especially vulnerable groups, are likely to be affected by the proposal. List the relevant groups that may be affected, along with the likely impact, potential risks and mitigating actions that would reduce or remove any negative impacts. These groups do not have to be defined by their protected characteristic(s).

Protected Characteristics

Impact of Proposal:

Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal? This may also include **positive impacts** which support the aims of the Public Sector Equality Duty to advance equality of opportunity and foster good relations.

Risk of Disproportionate Negative Impact:

How likely is it that people with this protected characteristic will be disproportionately negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating Actions:

For disproportionate negative impacts on protected characteristic/s, what mitigating actions can be taken to reduce or remove the impact? You may also wish to include actions which support the positive aims of the Public Sector Equality Duty to advance equality of opportunity and to foster good relations. All actions identified here should also be included in the action plan at the end of this EIA.

a. Age

Indicate which age group/s is/ are most affected, either specify general age group - children, young people working age people or older people or specific age bands

What is the Impact of the Proposal on Age?

| |
|-------------------------------------------------------------------------------------------|
| Potential issues around communication styles and methods for elderly and younger tenants. |
|-------------------------------------------------------------------------------------------|

What is the Risk of Disproportionate Negative Impact on Age?

It is acknowledged that we are having a lot of new younger tenants being given LCC properties and rent may not be a priority bill for them and this could lead to legal action being taken especially if they are in receipt of benefits as the benefit amount (Living Allowance) is lower for claimants under twenty-five.

What are the Mitigating Actions?

To ensure that all our tenants are treated fairly and consistently the IMT will aid tenants with sustaining their tenancies by helping with DHPs and referring on to specialist advice agencies such as Citizens Advice Bureau also known as CiTAL to ensure they have every opportunity to resolve any outstanding debt they have. The IMT also works very closely with other council sections (Adult Social Care (ASC) & Children & Young People's Service (CYPS)) to ensure young people and vulnerable tenants are supported with sustaining their tenancies. Every tenant's need is considered individually, and communication styles can be adapted to meet the needs of the tenants. The team works closely with the 16+ team in support of our younger tenants from leaving care and have an awareness of the corporate responsibility to this group of tenants.

b. Disability

If specific impairments are affected by the proposal, specify which these are. Our standard categories are on our equality monitoring form – physical impairment, sensory impairment, mental health condition, learning disability, long standing illness or health condition.

What is the Impact of the Proposal on Disability?

The migration from Disability Living Allowance to Personal Independent Payments could increase anxiety and insecurity for tenants. People who are getting the severe disability premium in their current benefits may lose out under Universal Credit if they fail to seek support and help with their benefits to ensure correct entitlements.

Tenants with disabilities may have difficulty accessing IMT services due to physical barriers and access to Council venues for meetings or due to communication barriers due to impairments, such as hard of hearing or visual impairment.

Mental health issues are often identified in tenants struggling to meet rent payments and those that have fallen in rent arrears. The engagement with services from this group of people can be poor and very intermittent.

Literacy issues, dyslexia, mental capacity, or comprehension of actions being taken against a tenant may cause issues.

What is the Risk of Disproportionate Negative Impact on Disability?

It is not anticipated that changes to the policy will have any negative impact on disabled tenants as IMT works closely with tenants to ensure that tenant needs are identified and dealt with individually.

What are the Mitigating Actions?

The policy will have a positive impact to the individual as it will work on an individual tailored approach, led by the tenant's needs. The Housing system alerts users when there is a disability recorded and that a service adjustment may be required. This means reasonable adjustments can be offered when communicating with a tenant about rent arrears. Tenant experiencing mental health issues will be referred for more specialist support and afforded time, understanding and opportunity to resolve any issues. The team will work jointly and collaboratively with supporting agencies to help sustain tenancies. Community Care Need Assessments will be considered where appropriate. Where necessary we will encourage applications for the appointment of a litigation friend or appointeeship. We will promote equality of opportunity by publishing information in other formats such as large print, audio, and Braille where it is necessary and practical to do so. Where an individual may experience difficulties communicating and engaging with the council due to physical/sensory disabilities or learning disabilities the council will consider using an alternative and suitable format such as braille or British Sign Language (BSL). Each situation will be assessed on a case by case basis.

c. Gender Reassignment

Indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

What is the Impact of the Proposal on Gender Reassignment?

This protected characteristic is not disproportionately impacted by rent arrears but will be monitored to ensure there are no equality implications of this policy.

What is the Risk of Disproportionate Negative Impact on Gender Reassignment?

It is not anticipated that these changes will have a negative impact on tenants who have undergone gender reassignment as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

In cases where tenants are struggling to meet rent payments or have fallen into rent arrears support will be offered regardless of Gender Reassignment.

d. Marriage & Civil Partnership

What is the Impact of the Proposal on Marriage and Civil Partnership?

This protected characteristic is not disproportionately impacted by rent arrears but will be monitored to ensure there are no equality implications of this policy.

What is the Risk of Disproportionate Negative Impact on Marriage and Civil Partnership?

It is not anticipated that these changes will have a negative impact on married tenants or tenants living as a civil partnership as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

In cases where tenants are struggling to meet rent payments or have fallen into rent arrears support will be offered regardless of Marriage & Civil Partnership.

e. Pregnancy and Maternity

What is the Impact of the Proposal on Pregnancy and Maternity?

This protected characteristic is not disproportionately impacted by rent arrears aside from a change in their circumstances or income could lead to entitlements to benefits and support required to claim these benefits.

What is the Risk of Disproportionate Negative Impact on Pregnancy and Maternity?

It is not anticipated that these changes will have a negative impact on tenants affected by Pregnancy or Maternity as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

To ensure that all our tenants are treated the fairly and consistent the IMT will aid tenants with sustaining their tenancies by helping with DHPs and referring on to specialist advice agencies (i.e. CiTAL) to ensure they have every opportunity to resolve any outstanding debt they have. The IMT also have an inhouse specialist benefit team (Rent Management Advisors (RMAs)) that will be able to support these tenants with claiming for the correct benefits (i.e. UC) to ensure they have the funds available to sustain their tenancy. The policy will have a positive impact on this group. If they have difficulties making rent payments, they will be offered support and advice on claiming additional benefits such as housing benefit, maternity benefits, and child tax credits. In addition, they will be offered budgeting advice.

f. Race

Given the city’s racial diversity it is useful that we collect information on which racial groups are affected by the proposal. Our equalities monitoring form follows ONS general census categories and uses broad categories in the first instance with the opportunity to identify more specific racial groups such as Gypsies/Travellers. Use the most relevant classification for the proposal.

What is the Impact of the Proposal on Race?

The policy will have a neutral impact for people of different ethnicities. Council tenants who face language barriers in accessing and getting information about services can request translation assistance by contacting the service.

What is the Risk of Disproportionate Negative Impact on Race?

It is not anticipated that these changes will have a negative impact on tenants due to race as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

We encourage the use of English as Leicester City’s main language but will make sure where tenants may be put at a significant disadvantage without a specific piece of information, it will be provided in a suitable format for them. We have an in-house service to provide language and translation service.

g. Religion or Belief

If specific religious or faith groups are affected by the proposal, our equalities monitoring form sets out categories reflective of the city's population. Given the diversity of the city there is always scoped to include any group that is not listed.

What is the Impact of the Proposal on Religion or Belief?

People from different religious groups will not be disproportionately impacted by rent arrears.

What is the Risk of Disproportionate Negative Impact on Religion or Belief?

It is not anticipated that these changes will have a negative impact on tenants due to religion or belief as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

N/A – Currently no action proposed as no risk has been identified.

h. Sex

Indicate whether this has potential impact on either males or females

What is the Impact of the Proposal on Sex?

This group will not be disproportionately impacted by rent arrears but will be monitored to ensure there are no equality implications of this policy

What is the Risk of Disproportionate Negative Impact on Sex?

It is not anticipated that these changes will have a negative impact on tenants due to their sex and IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

N/A – Currently no action proposed as no risk has been identified.

i. Sexual orientation

What is the impact of the proposal on sexual orientation?

What is the Impact of the Proposal on Sexual Orientation?

People with different sexual orientations are not disproportionately impacted by rent arrears but will be monitored to ensure there are no equality implications of this policy

What is the Risk of Disproportionate Negative Impact on Sexual Orientation?

It is not anticipated that these changes will have a negative impact on tenants due to their sexuality or belief as IMT works closely with tenants to ensure that their needs are met on a case by case basis.

What are the Mitigating Actions?

N/A – Currently no action proposed as no risk has been identified.

7. Summary of Protected Characteristics

a. Summarise why the protected characteristics you have commented on, are relevant to the proposal?

All protected characteristics have been commented on as the RAP will affect all council tenants and we have a diverse range of council tenants living in our property and to ensure all their needs are met.

b. Summarise why the protected characteristics you have commented on, are relevant to the proposal?

N/A

8. Other Groups

Other Groups

Impact of Proposal

Describe the likely impact of the proposal on children in poverty or any other people who we may consider to be vulnerable, for example people who misuse substances, ex armed forces, people living in poverty, care experienced young people, carers. List any vulnerable groups likely to be affected. Will their needs continue to be met? What issues will affect their take up of services/other opportunities that meet their needs/address inequalities they face?

Risk of Disproportionate Negative Impact

How likely is it that this group of people will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating Actions

For negative impacts, what mitigating actions can be taken to reduce or remove this impact for this vulnerable group of people? These should be included in the action plan at the end of this EIA. You may also wish to use this section to identify opportunities for positive impacts.

a. Children in Poverty

What is the Impact of the proposal on Children in Poverty?

There is no impact on children in poverty recognised as part of the policy aside from families being made homeless if they fail to engage and resolve any rent arrears situations.

What is the Risk of Disproportionate Negative Impact on Children in Poverty?

It is acknowledged that there are a number of families within the city that are living on the 'breadline' due to the current climate of austerity and with the Coronavirus pandemic. There is a potential that these families could face a higher risk of possession action and face the prospect of being made homeless.

What are the Mitigating Actions?

To ensure that all our tenants are treated the fairly and consistent the IMT will aid tenants with sustaining their tenancies by helping with DHPs and referring on to specialist advice agencies (i.e. CiTAL) to ensure they have every opportunity to resolve any outstanding debt they have. The IMT also have an inhouse specialist benefit team (Rent Management Advisors (RMAs)) that will be able to support these tenants with claiming for the correct benefits (i.e. UC) to ensure they have the funds available to sustain their tenancy. Referrals will be considered to Housing Options Team and Social Care will be alerted early on in a legal process against a tenancy for intervention and to safeguard children’s wellbeing.

b. Other Vulnerable Groups

What is the Impact of the proposal on Other Vulnerable Groups?

There is no impact following change to the policy.

What is the Risk of Disproportionate Negative Impact on Other Vulnerable Groups?

N/A

What are the Mitigating Actions?

N/A

c. Other (Describe)

What is the Impact of the proposal on any Other Groups?

N/A

What is the Risk of Disproportionate Negative Impact on any Other Groups?

N/A

What are the Mitigating Actions?

N/A

9. Other Sources of Potential Negative Impacts

Are there any other potential negative impacts external to the service that could further disadvantage service users over the next three years that should be considered? For example, these could include:

- Other proposed changes to council services that would affect the same group of service users;
- Government policies or proposed changes to current provision by public agencies (such as new benefit arrangements) that would negatively affect residents;
- external economic impacts such as an economic downturn.

N/A

10. Human Rights Implications

Are there any human rights implications which need to be considered and addressed (please see the list at the end of the template), if so, please outline the implications and how they will be addressed below:

The RAP continues to support Part 1 (Article 7 - No Punishment Without Law) of the Human Rights Act and also Part 2 (Article 1 - Protection of Property / Peaceful Enjoyment)

11. Monitoring Impact

You will need to ensure that monitoring systems are established to check for impact on the protected characteristics and human rights after the decision has been implemented. Describe the systems which are set up to:

- Monitor impact (positive and negative, intended and unintended) for different groups
- Monitor barriers for different groups
- Enable open feedback and suggestions from different communities
- Ensure that the EIA action plan (below) is delivered.

If you want to undertake equality monitoring, please refer to our [equality monitoring guidance and templates](#).

- The monitoring systems in place are below:
- Monitoring & Analysing Complaints
 - Monitoring Expenditure on Court & Warrant Fees
 - Reports to Senior Management and / or Lead Member for Housing on Evictions & Court Hearings
 - Feedback from the Tenants & Leaseholder Forums
 - Regular briefings on rent collection services and arrears to the Housing Scrutiny Commission

12. EIA Action Plan

Please list all the equality objectives, actions and targets that result from this assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

| Equality Outcome | Action | Officer Responsible | Completion Date |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| Actions being progressed to mitigate any potential impact on LCC tenants. | Effectively monitor all potential court / eviction cases to ensure all mitigation has been completed. | Zenab Valli | Ongoing |
| | IMT to continue to monitor rent arrears and provide the necessary support for any tenant who may face difficulties paying their rent. | Zenab Valli | Ongoing |
| | IMT plus other front facing Housing Teams continue to collect and update tenant records with Equality / profiling data. | IMT & Housing Teams | Ongoing |

Human Rights Articles:

Part 1: The Convention Rights and Freedoms

- Article 2:** Right to Life
- Article 3:** Right not to be Tortured or Treated in an Inhuman or Degrading way
- Article 4:** Right not to be Subjected to Slavery / Forced Labour
- Article 5:** Right to Liberty and Security
- Article 6:** Right to a Fair Trial
- Article 7:** No Punishment Without Law
- Article 8:** Right to Respect for Private and Family life
- Article 9:** Right to Freedom of Thought, Conscience and Religion
- Article 10:** Right to Freedom of Expression
- Article 11:** Right to Freedom of Assembly and Association
- Article 12:** Right to Marry
- Article 14:** Right Not to be Discriminated Against

Part 2: First Protocol

- Article 1:** Protection of Property / Peaceful Enjoyment
- Article 2:** Right to Education
- Article 3:** Right to Free Elections

Appendix 1 – Profiling Information for Council Tenants

Breakdown by Age Banding:

| Age of Tenant | Total Number | Percentage of Council Tenants |
|---------------|--------------|-------------------------------|
| 16 – 19 | 116 | 0.58% |
| 20 – 24 | 411 | 2.05% |
| 25 – 34 | 2,465 | 12.32% |
| 35 – 44 | 4,049 | 20.24% |
| 45 – 54 | 4,168 | 20.83% |
| 55 – 64 | 3,642 | 18.20% |
| 65 – 74 | 2,685 | 13.42% |
| 75+ | 2,173 | 10.86% |
| Unknown | 300 | 1.50% |

Breakdown by Disability:

| Disabled | Total Number | Percentage of Council Tenants |
|-------------------|--------------|-------------------------------|
| Yes | 167 | 0.83% |
| No / Not Recorded | 19,842 | 99.17% |

Breakdown by Ethnic Origin:

| Ethnicity | Total Number | Percentage of Council Tenants |
|--------------------------------------------------------|--------------|-------------------------------|
| White British | 9,436 | 47.16% |
| White Irish | 147 | 0.73% |
| Other Ethnic Group – Gypsy / Romany / Irish Travellers | 14 | 0.07% |
| White – Other Background | 486 | 2.43% |
| White – European | 361 | 1.80% |
| Dual Heritage | 415 | 2.07% |
| Asian | 2,332 | 11.65% |
| Chinese | 25 | 0.12% |
| Black | 2,130 | 10.65% |
| Any Other Ethnic Group | 335 | 1.67% |
| Prefer Not to Say | 501 | 2.50% |
| Not Recorded | 3,827 | 19.13% |

Breakdown by Religion:

| Religion | Total Number | Percentage of Council Tenants |
|-------------------|--------------|-------------------------------|
| Atheist | 250 | 1.25% |
| Buddhist | 14 | 0.07% |
| Christian | 2,054 | 10.27% |
| Hindu | 326 | 1.63% |
| Muslim | 1,555 | 7.77% |
| Sikh | 75 | 0.37% |
| No Religion | 2,027 | 10.13% |
| Other | 290 | 1.45% |
| Prefer Not to Say | 709 | 3.54% |
| Unknown | 12,709 | 63.52% |

Breakdown by Sexuality:

| Sexuality | Total Number | Percentage of Council Tenants |
|-------------------------|--------------|-------------------------------|
| Bisexual | 139 | 0.69% |
| Gay Female / Lesbian | 30 | 0.15% |
| Gay Male | 34 | 0.17% |
| Heterosexual / Straight | 5,951 | 29.74% |
| Other | 173 | 0.86% |
| Prefer Not to Say | 964 | 4.82% |
| Unknown | 12,718 | 63.56% |

Breakdown by Sexuality:

| Gender | Total Number | Percentage of Council Tenants |
|---------|--------------|-------------------------------|
| Male | 8,620 | 43.08% |
| Female | 11,159 | 55.77% |
| Unknown | 230 | 1.14% |