

Date Issued	June 2010
Department	Housing Management
Title	Tenancy Sustainment
Objective	To specify our approach to ensuring support is available to tenants who need support to remain in their tenancies
Responsible	Director of Housing
Review Date	March 2023
Next Review Date	March 2028

1.0 Introduction

1.1 We want to achieve our vision of Healthy Happy Homes and for all our tenants to have successful tenancies, but we recognise that some people require support to remain in their home and to manage their tenancy well.

Tenancy Sustainment is a generic term for the prevention of tenancy breakdown or a 'failed tenancy'. A failed tenancy can be disastrous for the tenant who may end up homeless or back living with family and find it difficult to secure another tenancy. They are also a waste of resources because each additional property becoming empty incurs significant costs.

1.2 We consider that a tenancy has 'failed' if it ends by:

- Eviction
- Abandonment
- Early termination (a tenancy which lasts under 12 months)

We recognise that there may be other less obvious reasons why people give up their tenancies such as domestic abuse and other forms of harassment. We also recognise that people may terminate their tenancy early for positive reasons such as finding a new job or moving in with their partner.

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1.3 The cost of a failed tenancy can be high for both the tenant and the Association. Every failed tenancy represents:

- Abortive resource commitments
- Rent loss during the time property is empty
- Costs incurred associated with the re-letting of a property
- In some cases, legal costs
- Supplementary costs incurred by other agencies or authorities who subsequently take responsibility for accommodating the former tenant
- The human cost to the person who again finds themselves in need of accommodation and may now have additional issues to overcome, such as former tenancy debt

1.4 There are known risk factors in relation to early tenancy failure, and particular household types may need help or assistance in sustaining their tenancies. The following list is not exhaustive:

- Mental health issues
- Learning difficulties
- Drug and alcohol addiction problems
- Disabilities
- Leaving care
- Domestic violence
- Poverty / fuel poverty
- Extreme youth or immaturity
- Young parents
- Older people with support needs
- Families with support needs
- No established local networks

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Other causes of tenancy breakdown are:

- Allocations in unwanted areas
- Dis-satisfaction with property condition
- Antisocial behaviour
- Debt problems
- Inability to secure adequate furniture and equipment
- Lack of support with resettlement and setting up home
- Isolation
- Insufficient information sharing and partnership working

1.5 Tenancy sustainment is not just about reducing the number of evictions and abandonments we have but encompasses a range of activities designed to increase the overall well-being of tenants and reduce the risk of tenants getting into difficulty. Our staff are experienced in assisting tenants to sustain their tenancies and preventing homelessness. This policy recognises that it is not currently our role to carry out detailed assessment of needs or to case manage tenants with specific needs, but that we must be proactive in signposting and referring tenants to both external agencies and our Money & Home Energy Advice Service, with the expertise to assist.

2.0 Legal and Regulatory Framework

2.1 We will comply with all relevant legislation and regulations including the following (the list is not exhaustive):

- Housing (Scotland) Act 2001 & 2010
- Homelessness etc (Scotland) Act 2003
- Homelessness (Scotland) Regulations 2012
- Antisocial Behaviour etc. (Scotland) Act 2004
- General Data Protection Regulations 2018
- Equality Act 2010

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2.2 We will also comply with the Scottish Housing Regulator’s Social Housing Charter Indicators which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

Equalities	Social landlords perform all aspects of their housing services so that: They support the right to adequate housing, and Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services
Communication	Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides
Repairs, Maintenance and Improvements	Tenants’ homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done
Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes	Tenants and other customers live in well-maintained neighbourhoods where they feel safe
Housing Options	People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them Tenants and people on housing lists can review their housing options People at risk of losing their homes get advice and information on preventing homelessness
Tenancy sustainment	That tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations

2.3 This Policy supports the Scottish Government and COSLA strategy ‘Ending Homelessness Together’. This strategy recognises the important role of other agencies in providing advice, assistance and support to prevent households reaching crisis point, with partnership working at its core.

2.4 The Policy also supports the principles of the Scottish Government’s Prevention of Homelessness Duties consultation which ended in April 2022. This consultation included proposals to legally formalise the responsibilities of social landlords to prevent homelessness so that landlords act within their power to identify and mitigate the risk of homelessness as early as possible.

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The risks they need to take account of include those resulting from rent arrears, neighbour and relationship concerns, domestic abuse, and risk to a tenancy due to impending court action.

3.0 Aims & Objectives

3.1 This policy aims to:

- Ensure that tenancy sustainment underpins the delivery of our housing services
- Minimise the costs associated with tenancy failure
- Ensure resources are directed towards proactive tenancy management solutions
- Optimise service satisfaction levels

3.2 By implementing a Tenancy Sustainment Policy we seek to prevent tenancy failure and homelessness by:

- Prevention

Taking steps prior to and from the start of a tenancy which will identify issues and assist in tenancy sustainment.

- Tenancy Support

Being proactive in identifying prospective and existing tenant vulnerability and ensuring the appropriate support is put in place to sustain a tenancy.

- Partnership Working

Developing networks and partnership working with other agencies to address vulnerabilities and assist in sustaining tenancies.

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4.0 Tenancy Sustainment in Practice

4.1 Key Objective 1 - Prevention

Pre-Allocation Stage

4.1.1 We operate These Homes, a choice based lettings system which reduces the risk of applicants accepting an inappropriate tenancy through offers of property being made that the applicant does not want, but then may feel pressured to accept. We aim to identify support needs at the point of registration and at the pre-allocation interview, and to ensure that any appropriate support is in place at the start of the tenancy. Our These Homes (Allocations) Policy states that we will not allocate a vacancy if support needs exist which cannot be met. It also states that in exceptional circumstances, we may allocate a home on management grounds if for example, there are high levels of support needs, severe harassment, or domestic abuse.

4.1.2 Unless impractical due to excessive distance, we visit all prospective tenants at home before confirming a re-housing offer. As well as confirming all of the information provided in the applicant's housing application, this visit aims to ensure that the prospective tenant fully understands the obligations that come along with a tenancy and is able to fulfil them. It is also important that prospective tenants have a realistic expectation about the property and what is available (for example the availability of public transport) otherwise it could affect whether a particular tenancy is likely to be sustainable. Where potential problems or vulnerabilities are identified referrals will be made to appropriate external advice agencies or to our Money & Home Energy Advice Service (see section 4.2) with the aim of addressing issues before the tenancy starts. When making referrals the Housing Officer will also plan an early new tenancy visit to ensure that any issues are being effectively managed and followed up.

4.1.3 We know that many tenants benefit from a helping hand when moving into a new home, particularly if it is their first tenancy or they are moving into a new area. We will not assume that incoming tenants know about setting up a new home and how they get the things they need, for example:

- Making applications for assistance with housing costs
- Making links to local services
- Setting up utility payments
- Furnishing their property
- Obtaining gardening equipment

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The Housing Officer will enquire whether prospective tenants have all that they need to move and set up home at the pre allocation interview.

- 4.1.4 We carry out accompanied viewings to all of our empty homes. This provides an opportunity to explain the characteristics of the property and the local area, and for the prospective tenant to raise any concerns or issues. Accompanied viewings also provide another opportunity to ensure that any support needs are identified and addressed to allow the tenant to move in and be able to live in the property.
- 4.1.5 All of our empty homes must meet our minimum re-let standard before they are re-let. We do not normally decorate empty homes but give every new tenant a Welcome Pack and a Dulux Paint Pack, or, if they prefer, a decoration voucher to assist with any re-decoration needed. In exceptional circumstances, the Housing Manager may agree to support a new tenant with redecoration if they are unable to do the work themselves (e.g. the elderly or disabled) and they have no support to assist them.
- 4.1.6 Prospective tenants will be encouraged to manage their future tenancy online which will provide them with monthly rent discounts through the Key Tenant Scheme. They can access their My New Home account before signing their tenancy agreement which provides a range of information to help them manage their tenancy. We will offer digital inclusion support for new (and existing) tenants who have difficulty with digital methods of communication. New tenants will receive a full month's rent discount if they manage their new tenancy online for the first three consecutive months and meet the set criteria for the award.
- 4.1.7 We aim to ensure that our new tenants fully understand their tenancy obligations at the time of signing their agreement and highlight some of our key housing management policies (e.g. Rent Arrears, Neighbour Nuisance, Estate Management) which emphasise early intervention and prevention, adopt a customer centred approach and highlight that eviction is always a last resort.
- 4.1.8 We will not normally take income into account before offering a tenancy to someone, however we will discuss income and expenditure with all prospective tenants and carry out credit reference checks. This is to:
- Identify any potential financial problems before the start of a tenancy
 - Encourage the prospective tenant to think about the costs involved and whether they are ready to manage such cost
 - Identify those tenants who may not be able to sustain a tenancy due to financial problems
 - Ensure we provide the appropriate support through our Money & Home Energy Advice Service so that they can sustain their tenancy

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- 4.1.9 We will carry out an affordability assessment using the SFHA Affordability Tool before every new tenancy starts. We will address any affordability issues by referring new tenants to our Money & Home Energy Adviser for income maximisation, debt, and budgeting advice.
- 4.1.10 We recognise that effective communication is an important area to get right, especially as different types of households may prefer to communicate in different ways, and different tenants may have a range of different needs and issues. Our Communication Strategy fully sets out how we will communicate effectively and states that we will ensure all information provided to applicants and tenants is in Plain English, easy to understand and in a format suited to each individual. Our e-news, quarterly newsletters and Facebook page include regular information about support agencies and services in East Lothian.

Existing Tenants

- 4.1.11 We recognise that though certain groups of tenants may be vulnerable. Sometimes tenants who were previously coping well in their tenancies experience life changes that lead to difficulties. This can be brought to our attention in a variety of ways, for example:
- Rent Arrears and non-engagement
 - Anti-social behaviour
 - Persistent 'no access' for gas service
 - Poor property condition
 - Neighbours and other third parties expressing concerns
- 4.1.12 We will be proactive and aim to identify any vulnerabilities prior to and at the start of a tenancy, and through regular contact throughout the duration of the tenancy. Once we become aware of a potentially vulnerable tenant, we will seek to provide a range of assistance either by staff directly or through a referral to external support agencies (see sections 4.2 Support and 4.3 Partnership Working).
- 4.1.13 We will carry out Healthy Happy Home Checks to all our tenants at regular intervals based on need. These visits help to build positive relationships from the start of a new tenancy and throughout, and Housing Officers will gather detailed information to enable them to provide or arrange effective support. These visits also enable us to profile our tenants to ensure that we are delivering the services they need.

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4.1.14 Tenants can receive monthly rent discounts by managing their tenancy online through their My Home account. For tenants who may struggle to do this, we offer a Family & Friends Service to ensure they can access the Key Tenant Scheme.

4.2 Key Objective 2 – Tenancy Support

4.2.1 We have a Tenancy Sustainment Fund to help tenants in unusual circumstances, where their tenancy could be placed at risk and there are no alternative options for help as outlined at **Appendix 1**. Our Housing staff will be proactive in identifying tenants who need help and working with them and other agencies to ensure that it is provided.

4.2.2 We also provide a free, confidential, holistic Money & Home Energy Advice Service to our tenants and members of their household, looking at all aspects relating to money issues, energy, and fuel poverty. During office hours, the Money & Home Energy Adviser is normally available to provide full advice by appointment to suit the tenants needs, either by telephone, in the office or at home. Our Housing Staff and online Live Help service can provide basic information and make appropriate referrals to the Service.

The Money & Home Energy Adviser works closely with our Housing staff to support and enable new and existing tenants to ensure the rent is affordable by giving advice and assistance in claiming or challenging welfare benefits to maximise income, developing budget skills and providing home energy advice in order to sustain their tenancy.

4.2.3 We will ensure that the required support is in place at the start of a new tenancy and if we cannot help, we will refer tenants to the appropriate support provider as issues are identified. For example, we may

- Make referrals to Recycling First furniture recycling project prior to the start of a tenancy
- Refer tenants to ELC Homelessness Prevention Team, the Citizens Advice Bureau, and/or the Scottish Welfare Fund
- Refer tenants to support agencies such as East Lothian Resolution Team and Victim Support where they are affected by anti-social behaviour

4.2.4 The Association signed the Chartered Institute of Housing's Make a Stand pledge in 2019, committing to take action to support people experiencing domestic abuse. Our Domestic Abuse Policy describes what we will do to support our tenants and their families who are victims of abuse.

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4.2.5 If a tenant complains about anti-social behaviour or harassment, we do not limit our response to the merit of the complaint but have a follow up process before closing the complaint to enquire about the tenant's wellbeing and any support they may need. We will also check with the person subject of the complaint to see if they need any support (for example if they have any mental health issues).

4.3 Key Objective 3 – Partnership Working

4.3.1 We work in partnership with a range of organisations skilled to provide the appropriate support to our tenants, for example, East Lothian Council Housing Option Team, The Bridges Project and Changeworks, We will strive to develop partnership working further and will develop referral arrangements with other agencies for tenants who may need more help than we can provide as a landlord.

4.3.2 Following a successful Housing First project, providing accommodation for women who are survivors of domestic abuse with co-occurring mental health and substance misuse issues, we continue to work in partnership with Women's Aid to ensure that appropriate support for our tenants remains in place, to assist them from putting their tenancy at risk or from having to move.

4.3.3 We will also collaborate with other Registered Social Landlords to access grant funding to support tenants where taking a partnership approach in an application is more likely to be successful.

4.3.4 We will work closely with East Lothian Council and partnering agencies where we have agreed to provide accommodation to refugees to ensure that the appropriate support, translation, and interpretation services are in place. Staff will be informed of the cultural differences and take cognisance of these when communicating/visiting with these tenants.

4.3.5 We operate a joint Antisocial Behaviour Policy with East Lothian Council to minimise incidents of antisocial behaviour and work with them to deliver the National Accommodation Strategy for Sex Offenders.

4.3.6 We will also work with R3 Repairs on occasion to educate identified tenants on how to carry out small repairs and show them how to decorate. This helps to ensure that our properties are maintained in a reasonable condition and assists tenants to learn key skills to succeed in their tenancies.

4.3.7 We participate in various Welfare Reform Working Groups in East Lothian and beyond. We also work closely with the Department of Work and Pensions at strategic level to ensure, as far as reasonably possible, the smooth transition to Universal Credit.

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5.0 Staff Training

5.1 We will ensure that appropriate staff are trained to identify potentially vulnerable households. Staff receive specialist training to be able to respond sensitively and appropriately to issues such as domestic abuse, as well as training in mental health awareness and trauma informed practice. All front line staff will comply with our Information and Advice Policy to ensure our customers receive the right information and advice.

6.0 Performance Monitoring

6.1 We carry out a range of satisfaction surveys to gauge levels of satisfaction with our services and identify any areas where tenants feel we could do better. Exit interviews, when tenants decide to end their tenancy, are another valuable source of information. The information gathered is used to identify where we may need to improve our services to applicants and tenants.

6.2 We will measure progress by monitoring tenancy sustainment on a quarterly and annual basis and report findings to the Audit & Assurance Committee and on our Performance 365 microsite on elha.com.

6.3 We have an obligation to report annually to the Scottish Housing Regulator through the Annual Return on the Charter (ARC) on the following tenancy sustainment indicators:

- Number of tenancies sustained in the previous reporting year by source of let
- The turnover of lettable stock in the last year
- Number of applicants on the waiting list for medical adaptations
- Number of Notice of Proceedings issues and court actions initiated
- Number and reason for eviction
- Number of properties abandoned in the last year

7.0 Policy Review

7.1 The Director of Housing will ensure that this policy is reviewed every five years. Any amendments required will be submitted to the Management Committee for approval.

Tenancy Sustainment Fund

What is the Tenancy Sustainment Fund?

The aim of the Tenancy Sustainment Fund is to help tenants in unusual circumstances, where their tenancy could be placed at risk and there are no alternative options for help (i.e. statutory or charitable help).

We have a limited amount of money available each year, so it's crucial that we ensure that we use this in the best way possible. The Tenancy Sustainment Fund will be used to purchase key household items for new tenants who do not have the means to buy the basics and can also be used for other things that are considered critical in assisting someone to sustain their tenancy.

We recognise that everyone's circumstances are different and wish to ensure that we are able to make awards to those in genuine need.

With this in mind, we have kept the criteria for awards from this fund as open as possible whilst setting out criteria to guide decisions and ensure that use of the fund is seen to be fair.

Awards

New and existing tenants who are working with the Money & Home Energy Advice Service or other support providers because their tenancy is considered at risk or there are concerns about them being able to sustain a tenancy can be considered for an award. Applications cannot be made by tenants directly or by external organisations.

An award will be considered if:

- There is a problem that is affecting or is likely to affect the ability to sustain the tenancy; and
- The tenant cannot reasonably resolve this issue without help; and
- It's not possible or reasonable to access this assistance elsewhere

The Fund should *not* be used:

- For items which could be secured through the Scottish Welfare Fund (see http://www.eastlothian.gov.uk/info/200254/welfare_reform/1504/welfare_reform/5 for more information)
- To pay rent or rent arrears

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- For anything which is not considered critical to the success of a tenancy

How can the Tenancy Sustainment Fund help?

The Tenancy Sustainment Fund will generally be used to directly pay for goods and services which will be provided to meet the tenant's individual requirements. Where suitable goods cannot be sourced by ELHA directly, vouchers may be provided for tenants to buy specific goods. Awards are capped to the value of £400 unless in very exceptional circumstances with approval by the Housing Manager.

Award Criteria

Before an award will be made, tenants must normally be working with the Housing Officer, an external support provider or our Money & Home Energy Adviser. A financial assessment will be part of the award process.

The award criteria will be defined as a tenant who:

- Meets the aims of the fund
- Has low or no income
- Is in reduced or distressed circumstances
- Has suffered an unforeseen life event

An income and expenditure assessment must be completed and confirmation of income seen and recorded. If the tenant has insufficient disposable income to manage the issue then an award can proceed.

The fund will not normally be used to pay other debts but there may be some exceptional circumstances where we may decide to contribute to a utility debt- see **Appendix 2** for an example of this.

Awards up to the value of £250.00 can be made by the Housing Officer, anything above this amount must be approved by the Housing Manager who will be responsible for monitoring the budget.

The fund is designed to assist tenants to remain in their homes and make a success of their tenancy. Priority will be given to applications where the award is believed important to avoid future problems. Applicants should be willing to engage with support offered to them to assist with this. Unless in exceptional circumstances, awards will be limited to one per tenancy within a 12 month period. The Housing Officers will record and monitor awards made from the fund and the Housing Manager will monitor spend monthly.

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Identifying Tenants Who May Need Support

Referrals can be made by any staff (e.g. Housing Assistants, Property Officers, Asset Manager, R3 operatives) or the Money & Home Energy Advice Service using the standard referral form. We recognise that everyone's circumstances and needs differ but the following provides some guidance for referrals.

New Tenants

- Moving into first independent tenancy
- Currently homeless
- Unfamiliar with the local area
- Previous failed tenancy (i.e. eviction, abandonment, short term)
- History of anti-social behaviour
- History of rent arrears
- Concerns about furnishing or flooring their new home
- Literacy difficulties
- Will be paying rent either wholly or partially by Housing Benefit
- Universal Credit claimants

Existing Tenants

- Tenancy is at risk due to rent arrears, anti-social behaviour, or condition of property or garden
- Experiencing significant changes that may affect their ability to manage their tenancy (e.g. transition to Universal Credit, relationship breakdown, bereavement)
- Poor condition of property or lack of furniture
- Wishing to move into work, training, or education
- Difficulties involving energy supplier
- Missed repair, planned maintenance or gas safety appointments

Examples of tenants who may receive an award from the fund

- A customer whose serious life events have caused a delay moving into a new tenancy, resulting in arrears for the amount not covered by Housing Benefit or Universal Credit. An adjustment could be considered to the value of the arrear.
- An elderly couple's house has become very unclean as they have struggled to manage cleaning but haven't felt able to ask for help for quite some time. They are now in receipt of additional benefits and will be able to arrange for a Home Help to maintain their house on a regular basis, but it needs a one off deep clean first. The fund could help to pay for this.
- A tenant whose lifestyle has been extremely chaotic is trying to get back on track and secure an exchange to an area where they have more support. However, the decoration in the living room is extremely poor and they would not gain consent to exchange in the current condition. They are keen to complete the work but cannot afford the cost of the materials. The fund could assist to pay for decoration materials.
- A young mother's washing machine has broken. She's been advised that it needs to be replaced. This tenant works limited hours and operates on an extremely tight budget. Her application to the Scottish Welfare Fund has been turned down and she is not fitting the criteria for the main charitable trusts. She has used doorstep lenders in the past but has been helped to move away from that style of borrowing and is desperate not to return.

These examples act as guidance only – we would expect the circumstances of each application to be unique.