

# Tenancy Sustainability Policy

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## **1. Introduction**

- 1.1 The purpose of this Policy is to set out our approach to helping tenants to sustain their tenancies.
- 1.2 Rosehill will take a proactive approach to sustaining tenancies. Tenancies which fail to sustain, impact on Rosehill's resources and can have negative impacts on Tenants who may end up as homeless and have difficulties securing alternative accommodation. As such, over a period of time, tenancy sustainability has been a key part of Rosehill's commitment to work in partnership to support Tenants and create sustainable communities.
- 1.3 Rosehill recognises that Tenants living within its communities have a wide range of different housing and support needs. This policy will detail how we will help meet the support needs of vulnerable Tenants either directly as a landlord, or indirectly through referrals to other support agencies ensuring, where possible, that vulnerable Tenants are not disadvantaged in accessing services and can remain living in their homes.

## **2. Legal and Regulatory Framework**

- 2.1 Whilst this Policy sets out to explain Rosehill's approach to tenancy sustainment it must do so in the context of legal and regulatory requirements. Therefore, the following relevant legislation has been taken into account in the development of this Policy:
  - The Housing (Scotland) Act 2001 2010 and 2014
  - The Homelessness etc. (Scotland) Act 2003;
  - The Welfare Reform Act 2012
  - Equalities Act 2010
  - Mental Health (Care and Treatment) (Scotland) Act 2003
  - Children (Scotland) Act 1995
  - Adults with Incapacity (Scotland) Act 2000
  - Antisocial Behaviour etc (Scotland) Act 2004
  - Rehabilitation of Offenders Act 1974;

### **3 The Scottish Social Housing Charter**

- 3.1 The Social Housing Charter came into effect in April 2012 and was reviewed in 2017. This sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The Charter replaces the Performance Standards and the outcomes relevant to this Policy are:

#### Charter Outcome/Standard 1: Equalities

Social landlords perform all aspects of their housing services so that:

- 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.

#### Charter Outcome/Standards 7, 8 and 9: Housing Options

Social landlords work together to ensure that:

- 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.

Social landlords ensure that:

- people at risk of losing their homes get advice on preventing homelessness

#### Charter Outcome/Standard 10: Access to Social Housing

Social Landlords ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

#### Charter Outcome/Standard 11: Tenancy sustainment

Social Landlords ensure 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.

- 3.2 Social landlords are responsible for meeting the standards and outcomes set out in the Charter. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve the outcomes.
- 3.3 In line with the regulatory principles, the Regulator's approach to monitoring landlords' achievement of the outcomes and standards in the Charter will be based on the landlords' performance information and their own assessment of their performance. Therefore, for each year ending on 30th September, we will be expected to:
- Measure and assess our performance in progressing towards or achieving the Charter outcomes and standards
  - Provide the Regulator with some key performance information on our achievement of the outcomes and standards
- Report our performance to tenants and other service users who use our services.

#### **4. Organisational Values**

##### ***Our Vision:***

"We will provide excellent quality affordable and efficient homes in neighbourhoods that are well managed and maintained; we will contribute to sustaining communities where people feel safe and want to live by providing housing and other services and working with our voluntary and statutory partners."

##### ***Our Values:***

Our Core Values are:

We Will

- Invest and Support

We will be

- Engaged and Responsive
- Accountable and Compliant
- Fair and Approachable
- Efficient and Responsible
- Excellent and Committed

## **5. Purpose and Outcomes**

5.1 The Tenancy Sustainment Policy aims to ensure that Rosehill provides an effective housing service that complies with its landlord obligations in respect of tenancy sustainment. Specifically, the aims of this Policy are to:

- Develop appropriate proactive mechanisms to identify and respond to Tenants' needs
- Develop and support initiatives to improve tenancy sustainment
- Enhance information sharing and joint working
- Monitor, evaluate and continuously improve tenancy sustainment rates.

5.2 Key outcomes of operating an effective Tenancy Sustainment Policy include:

- Minimising tenancy breakdowns, such as abandoned tenancies and evictions;
- Preventing homelessness;
- Promoting stable and sustainable communities;
- Minimising void levels, void rent loss and associated void costs.

## **6. Failure Reasons:**

6.1 A failed tenancy is one that ends by eviction, abandonment or where early tenancy termination occurs (i.e. a tenancy which lasts less than 12 months). A tenancy which falls into this category can incur substantial additional costs for Rosehill including rent loss (through void period and possible former tenant arrears), cost of relet repairs (including possible rechargeable repairs), staff resources associated with the Allocations procedure and in some cases legal costs.

6.2 Research shows that there are a number of reasons why tenancies typically fail and listed below are the most common reasons:

- anti-social behaviour by others;
- drug or alcohol addiction problems;

- mental health issues;
- domestic abuse;
- leaving care;
- learning difficulties;
- poverty/debt;
- fuel poverty;
- extreme youth or immaturity;
- no established local networks (particularly for new immigrants);
- families with support needs.

### **6.3 Allocations**

Tenancies can fail where the tenant is made an inappropriate allocation. This can be for a number of reasons. The property may be unsuitable for medical reasons, or it may be in the wrong area away from support. Ensuring that enough information is available about the prospective tenant will ensure that suitable allocations can be made and therefore minimise the risk of tenancy failure.

### **6.4 Affordability**

Some tenants may be in severe poverty or have issues budgeting and therefore will struggle to sustain a tenancy. Rosehill has the lowest rents in the local area and one of the lowest in Scotland. We have also pledged within our business plan to ensure that our rents remain affordable. We will assess tenants before a tenancy starts and, whenever necessary, during a tenancy to ensure that they are able to sustain a budget. However alternative, cheaper, housing is unlikely to be available for people.

Where a tenant has rent arrears issues or debt problems whilst a tenant, full support is offered. Eviction for rent arrears is the last resort and full appropriate support either from Rosehill or a partner organisation will be offered to avoid this happening.

### **6.5 Lack of Appropriate Support**

Tenancies can fail where no appropriate support is in place. Before a tenancy starts, we will conduct a pre-tenancy assessment and where support needs are identified the appropriate support will be put in place. This support may be provided by staff or through a third-party partner.

### **6.6 Welfare Benefit Issues**

Rent arrears and tenancy failure can occur where people are struggling with the welfare benefit system. This can include DWP sanctions,

benefit attachments for previous debt or being unable to negotiate the benefit system. Rosehill has a dedicated Welfare Rights Officer who can help tenants to ensure the correct benefits are applied for, assist in appeals, apply for Scottish Welfare fund for household goods, apply for Housing Benefit or Discretionary Housing Payments and help maximise income. Rosehill's Income Team also ensure that any correspondence includes the details of other agencies who can assist tenants such as the Citizens Advice Bureau. There are regular newsletter articles and website articles also advising tenants of the services available.

## **7 Minimising Tenancy Failure**

7.1 In an effort to minimise tenancy failures, we will seek to develop pre tenancy, during tenancy and post tenancy measures to assist us in identifying tenants at most risk of abandoning their tenancies or developing problem tenancies.

We will seek to:

- Satisfy applicants' choice of where they want to live – where this is reasonably possible;
- Ask tenants to complete a financial viability assessment form prior to commencing their tenancy, to allow us to put in place relevant measures to monitor potential arrears;
- Before and at the commencement of a tenancy, give as much information as reasonably possible on tenancy sustainment and address any areas of concern the new tenant may have;
- Refer to Income Team in the absence of a bank account;
- Inform new tenants with limited or no resources of furniture initiative projects;
- Ensure that the applicant is aware of all their responsibilities as a tenant;
- Carry out a settling in visit within 1 month of the date of entry to review any tenancy issues or support needs;
- Where the tenant is assessed as being in one of the risk categories within 6.2 we carry out an additional visit 4 weeks later;
- Make referrals to our Welfare Rights Officer to access advice on welfare entitlement and household budgeting, and initiate early intervention;
- Where a tenant falls into arrears, we will invite them into our offices to conduct a Housing Options Tenancy Sustainment interview and record the outcome. We will ensure that any arrangements put in place to address the arrears are manageable for the tenant;

- Maintain regular, personal and sustained contact with 'at risk' households;
- Work in partnership with specialist support agencies who work with vulnerable client groups and the statutory authorities.

## **8. Tenant Participation**

- 8.1 We are a tenant focussed organisation which is reflected in our Tenant Participation Strategy. This key document clearly demonstrates that we are committed to involving tenants in all aspects of our work and ensuring that tenants are included, informed and consulted about decisions that have an impact on the way their homes are managed.
- 8.2 As part of this commitment we will involve our tenants in the development of our policies and seek feedback where appropriate. We will ensure that any significant changes to this Policy and other Policies which will affect our tenants and possible future tenants will be the subject of consultation.

## **9. Equality and Diversity**

- 9.1 We are committed to providing fair and equal treatment for all our staff and customers including tenants and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. In implementing this policy, we will positively endeavour to achieve fair outcomes for all.
- 9.2 We are committed to removing any barriers to communication. Therefore, if required, this Policy can be produced in another format e.g., Braille, large print, etc or another language.

## **10. Risk Management**

- 10.1 In all the key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our Material Risks which are regularly monitored by our Management Team and Audit Sub-Committee.
- 10.2 To ensure we continue to manage the associated risks we will periodically review this Policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.



## **11. Complaints Procedure**

- 11.1 We aim to get things right first time and provide a good quality service to our tenants. However, we acknowledge that things can go wrong and that some tenants may be unhappy with the service provided. We have a

Complaints Policy and procedure. The procedure can be used where there is dissatisfaction with this Policy or its operation. Our Complaints Policy is available in our office or online at [www.rosehillhousing.co.uk](http://www.rosehillhousing.co.uk).

## **12. Data Protection**

- 12.1 On the 25<sup>th</sup> May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR). Following the UK's exit from the EU, and the end of the transition period which followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.
- 12.2 We hold a variety of Personal Data relating to individuals including tenants, waiting list applicants, factored owners, other service users, employees and Committee Members. Our Privacy Policy sets out the basis on which we can process and share such data with third parties, it also sets out how we will securely store individuals' data, whether electronically or in paper format. It also provides information on individuals' rights under GDPR including: to view personal data held about them by us; to request a restriction of processing of their data; the right to be forgotten and a right to object to us processing their data. In terms of the rights to be forgotten and to restrict or object to processing of Personal Data, any such requests will require to be considered on their own merits and legal advice will need to be obtained in some circumstances. We have the responsibility for accepting or refusing such requests and will do so in writing.
- 12.3 Under GDPR we are required to provide all customers whose Personal Data we hold with a Fair Processing Notice (also known as a Privacy Notice). The Notice sets out the Personal Data we process and the basis for doing so.
- 12.4 We will only keep and process Personal Data for the original purpose we gathered it for and we will not keep it for any longer than necessary. Attached to our Privacy Policy is a table of Retention Periods for Personal Data held and processed by us. We recognise that not all Personal Data can be processed and kept for the same period of time

and this will vary depending on the individual circumstances of each person whose Personal Data we hold.

- 12.5 The Privacy Policy sets out what should happen in the event of a Data breach e.g., does the breach require reporting to the Information Commissioner's Office and whether the individual affected should be notified. Timescales are set out for dealing with data breaches.
- 12.6 Full copies of our Privacy Policy are available upon request at our office or from our website [www.rosehillhousing.co.uk](http://www.rosehillhousing.co.uk)

### **13. Policy Review**

- 13.1 This Policy will be reviewed at least every three years or sooner to ensure it continues to reflect current thinking and practice and to comply with legislative requirements and regulatory guidance.



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