



<h1>Former Tenant Arrears Policy</h1>	
Department: Housing Services	
Author: Service Improvement & Policy Team	
Date Issued: Jan 2009	To be reviewed: Jan 2011

Version Number: 1

CONTENTS	PAGE NO.
1 INTRODUCTION.....	2
1.1 Definition	2
2 AIMS & OBJECTIVES.....	2
3 POLICY STATEMENT	2
3.1 Reconciling the debt.....	3
3.2 Deceased tenants	3
3.3 Living former tenants.....	3
3.4 Writing off debts	3
4 LEGISLATION.....	4
5 CONFIDENTIALITY	4
6 EQUALITY AND DIVERSITY	4
7 MONITORING AND EVALUATION.....	5
8 HEALTH & SAFETY IMPLICATIONS.....	5



1 INTRODUCTION

One Housing Group (OHG) recognises that an effective strategy for the management of former tenant arrears is essential to the smooth operation of its income management. This policy reflects the organisation's need for clear lines of accountability in the management of former tenant arrears, and the need to balance the cost of recovering debts against the amounts owed. This policy must be considered in conjunction with the OHG [Income Collection Policy](#) and [Income Collection Procedure](#).

1.1 Definition

Former tenant arrears arise in the following circumstances:

- the debtor no longer rents property from One Housing Group. This definition includes deceased tenants, or
- the debtor has moved from one OHG property to another, leaving arrears on the property they have moved from. The arrears remain in a separate account and are not transferred to the rent account for the new property.

2 AIMS & OBJECTIVES

Aims:

- to develop a consistent, co-ordinated, measurable and effective approach to former tenants arrears management
- to meet the level of customer service and operational management indicated in the Audit commissions 'Excellence' standard.

Objectives:

- to effectively communicate within, and across, agencies, organisations and local communities in all local authority areas in which we operate
- to produce clear, accurate and useful reports for former tenants arrears monitoring.

3 POLICY STATEMENT

OHG is committed to ensuring a minimum level of former tenants arrears by assessing the cost and likelihood of recovering the debt against the amount owed. OHG will routinely publish its former tenant arrears policy. OHG has introduced robust and effective methodology to its former tenants arrears recovery process. Its approach is based upon:

- effective communication between all staff involved in the recovery process
- delivering a sensitive approach to debt collection
- ensuring all staff are clear in their roles and responsibilities
- having clear processes for staff to follow and a robust decision making model
- having well trained staff specifically in the legal framework of former tenants arrears recovery

OHG has worked with front line income collection staff and key staff members to develop this policy. Please refer to OHG's [Former Tenants Arrears Procedure](#) for detail on the management of former tenants' arrears.



4 LEGISLATION

Government legislation has an impact on how OHG can implement its former tenant arrears policy. Listed below are the key Acts to be acknowledged:

- Data Protection Act 1998
- The Human Rights Act 1998
- The Disability Discrimination Act 1995

Disability Discrimination Act

In Section 22(3) of the Disability Discrimination Act 1995 it states: 'it is unlawful for a person managing any premises to discriminate against the disabled person occupying these premises by evicting a disabled person or subjecting him to any other detriment'. Discriminatory treatment may be justified if the discriminator can demonstrate justification under section 24(2)-(5). In summary this states that justification may be sought to protect the health and safety of any other person (which may include that of the disabled person).' The definition of "disability" is wide ranging and covers the following issues:

- Depression
- Mental health issues
- Personality Disorder

If a resident is disabled and the reason why the landlord is seeking to take legal action relates to the tenant's disability, then the landlord must believe and demonstrate that the justification is objectively reasonable.

5 CONFIDENTIALITY

Under the Data Protection Act 1998 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
- sensitive organisational information.

Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- OHG is required to by law
- the information is necessary for the protection of children.

6 EQUALITY AND DIVERSITY

OHG recognises the needs of a diverse population and always acts within the scope of its own **Equality and Diversity Policy**, the Human Rights Act 1998, The Disability Discrimination Act, and Race Relations Act.



OHG works closely with its partners to ensure it has a clear understanding of its resident community with regularly updated service user profiles. This process allows them to deliver to clients an appropriate service in respect of its income policy and procedures through a prioritisation of resources. The Performance Information Team is responsible for recording, analysing and monitoring information on ethnicity, vulnerability and disability.

7 MONITORING AND EVALUATION

The policy will be monitored against a defined spectrum of key performance indicators. When issues of under performance are identified, strategies will be developed, in consultation and partnership with OHG's regional residents' panels in order to rectify such matters.

8 HEALTH & SAFETY IMPLICATIONS

Staff should refer to the OHG Health and Safety Policy and Loan Working Policy where appropriate.