

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

RENT ARREARS

Passed:-	12/10/16	Review Date:-	September 2021
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All North View policies and publications can be made available on tape, in Braille, large print and community languages.

For further details please contact us on 0141 634 0555 or email us on enquiries@nvha.org.uk

CONTENTS

- 1.0 Introduction
- 2.0 Responsibilities
- 3.0 Principles, Aims and Objectives
- 4.0 Equalities
- 5.0 Social Housing Charter
- 6.0 Legal Framework
- 7.0 Elements of Policy
- 8.0 Arrears Prevention
- 9.0 Rent Setting and Collection
- 10.0 Housing Benefit
- 11.0 Universal Credit
- 12.0 Incoming Tenant Strategies
- 13.0 Current Tenants
- 14.0 Arrears Management
- 15.0 Arrears Recovery
- 16.0 Legal Action
- 17.0 Prevention of Eviction
- 18.0 Role of Management Committee
- 19.0 Former Tenant Arrears
- 20.0 Sharing Owners
- 21.0 Support
- 22.0 Leased Properties
- 23.0 Incentives
- 24.0 Performance Monitoring
- 25.0 Confidentiality
- 26.0 Personal Knowledge of Individual Cases
- 27.0 Complaints
- 28.0 Links with Other Policies
- 29.0 Policy Reviews



INVESTOR IN PEOPLE

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POLICY

RENT ARREARS

1.0 INTRODUCTION

- 1.1 The prevention and effective management of rent arrears is crucial to maximise resources available to North View Housing Association to provide services and improve and maintain its stock. The Association also seeks to support tenants to avoid rent arrears debt and the potential risk of tenancy termination.
- 1.2 Rent arrears may be just one of many debts that a tenant has. Managing arrears effectively, therefore, involves good liaison with other support services such as the Department of Works and Pensions, Debt Counselling and Advice Agencies and Social Work Services. It is important for the organisation to develop a consistent and corporate approach to the recovery and prioritisation of housing debts.

2.0 RESPONSIBILITIES

- 2.1 The Association wishes to ensure that staff and Committee responsibilities in relation to the Rent Arrears Policy are clear. The Committee is responsible for agreeing Policy and evaluating performance. Staff members will have overall responsibility for delivering and monitoring the Rent Arrears Policy.
- 2.2 Implementation of this Policy will be the responsibility of the Housing Manager and appropriate members of the Housing Management team.

3.0 PRINCIPLES, AIMS & OBJECTIVES

- 3.1 In terms of the Association's approach to rent arrears, it will:
 - Adopt a firm but sensitive approach to arrears recovery;
 - Advocate early action to prevent arrears arising or increasing;
 - Aim for personal contact with every tenant as soon as arrears arise, by telephone or home/office visit;
 - Take a staged approach in which action is targeted and recorded;
 - Take account of vulnerable tenants;
 - Make use of all available remedies and use eviction only as a last resort.
- 3.2 The Association specifically aims to:
 - Increase tenants ability to pay and manage debt;
 - Establish strong referral links to debt counselling, advice and money advice centres where they exist;
 - Establish an effective working relationship with Glasgow City Council's Financial Services (Housing Benefit) and the Department of Works and Pensions (DWP) in relation to Universal Credit;
 - Encourage the DWP to make Third Party Deduction payments direct for claimants;
 - Work in accordance with the protocol with Glasgow City Council's Social Work Services to prevent evictions and homelessness (Section 11 Notice).



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2

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POLICY

RENT ARREARS

4.0 EQUALITIES

- 4.1 The Association is committed to quality and diversity and will not discriminate in the operation of this Policy on the basis of age, gender, race, colour, ethnicity or national origin, language, religion or political belief, marital status, family circumstances, sexual orientation or disability.
- 4.2 The Association has carried out an Equalities Impact Assessment of this Policy to ensure that it promotes both equality of opportunity and to help embrace diversity within its customer base.

5.0 SOCIAL HOUSING CHARTER

- 5.1 The Scottish Social Housing Charter sets out the following and the Association will take cognisance of this in its work in relation to rent arrears:

Social landlords manage all aspects of their businesses so that:

- *Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.*

This standard covers the efficient and effective management of services. It includes minimising the time houses are empty; managing arrears and all resources effectively; controlling costs; getting value out of contracts; and giving better value for money by increasing the quality of services with minimum extra cost to tenants, owners and other customers.

- 5.2 The Association is required to complete an Annual Return to the Charter (ARC) and the following Charter and Contextual Indicators are relevant to rent arrears:

Charter Indicator 30:

Rent collected as percentage of total rent during the reporting year

Charter Indicator 31:

Gross rent arrears (all tenants) as at 31 March each year as a percentage of rent due for the reporting year.

Contextual Indicator C22:

The number of households from which landlords are paid housing costs directly and the total value of payments received in the reporting year.



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3

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POLICY

RENT ARREARS

6.0 LEGAL FRAMEWORK

- 6.1 The Policy has been developed to take account of relevant legislation, including the *Housing (Scotland) Act 2001*, the *Housing (Scotland) Act 2010* and the *Homelessness (Scotland) Act 2003*.

7.0 ELEMENTS OF POLICY

- 7.1 The Association's Arrears Policy has four distinct features, all of which are interdependent and essential and taken together form a comprehensive Rent Arrears Policy, which seeks to reduce rent arrears debt and will evict only as a last resort. Its key elements are:

- Arrears Prevention;
- Arrears Management;
- Arrears Recovery;
- Performance Monitoring.

8.0 ARREARS PREVENTION

- 8.1 The relationships between staff, the tenant and the Housing Benefit Service are the key factors in resolving rent arrears. Early and continuing contact can be an extremely positive way of building that relationship. Arrears prevention strategies emphasise the quality of that contact and focus on how that can be developed. There are a number of critical elements in the Association's arrears prevention strategy:

- Housing Benefit service;
- New tenant counselling;
- Tenant support.

9.0 RENT SETTING AND COLLECTION

- 9.1 The Association will set rents (in accordance with its Rent Policy) which aim to be affordable to those in low paid employment, meet management and maintenance costs and are comparable with rents charged by other social landlords.

- 9.2 The Association aims to offer a variety of ways in which tenants can make payments. These are summarised as follows:

- Housing Benefit Direct Payment;
- Bank Standing Order;
- Personal cheque;
- Cash at office (under review);
- Using the Allpay Internet and telephone service;
- Using Allpay cards at Paypoint outlets;
- By debit card (through Callpay system).

- 9.3 Tenants are encouraged to pay rent and other charges in full on or before the 28th of the month.



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4

NORTH VIEW Housing Association

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POLICY

RENT ARREARS

10.0 HOUSING BENEFIT

10.1 Housing Benefit is by far the largest element of the organisation's rental income. The Association will aim to support tenants, through its Welfare Rights Service, to submit claim forms accurately and on time. This task should be a key focus for staff in seeking to prevent arrears. The Association will also work to build up an effective relationship with Glasgow City Council's Financial Services as the work of this department is essential to ensure that Housing Benefit is processed on time and to avoid a build-up of technical arrears or actual arrears resulting from late or non submission of claim forms.

10.2 Glasgow City Council sends Housing Benefit Direct payments electronically to allow the Association to credit each account. Accounts will, in normal circumstances, be credited as soon as the funds are lodged in the Association's bank account. Housing Benefit Direct payments will be allowed where:

- A mandate is in place;
- The tenant has 8 weeks or more arrears outstanding on the grounds that payment to the landlord is in the interest of the tenant.

10.3 The Association will use Glasgow City Council's portal to obtain up to date information on and to monitor individual tenant's Housing Benefit situation.

10.4 Housing Management staff will attend liaison meetings with Glasgow City Council to monitor Housing Benefit payments, raise issues of concern and be part of any ongoing training available.

11.0 UNIVERSAL CREDIT

11.1 It is recognised that some tenants will be in direct receipt of benefit for their housing costs through Universal Credit payments.

11.2 The Association should be notified by DWP that a tenant is in receipt of Universal Credit and will then liaise with the tenant to establish monthly rent payments.

11.3 The Association will, however, contact DWP to arrange direct payments in a number of circumstances including where the tenant is in arrears and the amount is equal to, or more than, two months of their rent. This is known as an Alternative Payment Arrangement.

11.4 Third Party Deductions will also be requested via DWP where the tenant is more than two months in arrears with their rent.

12.0 INCOMING TENANT STRATEGIES

12.1 Tenancy assistance and counselling will be offered to all prospective tenants. This will include:



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5

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

RENT ARREARS

- Explaining what the rent is and the tenant's responsibility to pay, where and when;
- Provide advice on Housing Benefit eligibility and the importance of completing a claim form and keeping Glasgow City Council informed of changes in circumstances;
- Check for former tenant arrears and where necessary agree a repayment plan.

12.2 All housing applicants (who have applied since 25th April 2016 with the exception of those applying under the Association's *Aspirational Policy*) will have had a Housing Options and Solutions Interview. As part of this process, a financial assessment is carried out and the responsibilities associated with a tenancy (including rent payment) are also explained to the applicant.

12.3 As part of the tenancy sign up process, rent payments, Housing Benefit and the Association's *Rent Arrears Policy* are discussed and recorded on a check list document.

12.4 All incoming tenants will also be offered an appointment with the Association's Welfare Rights Officer to assist in the completion and submission of a Housing Benefit claim.

12.5 With the agreement of the incoming tenant, home visits will usually be made within 6 weeks of their moving into the property ('Settling In Visit'). The tenant's rent account will be discussed and the Association's Welfare Rights Service will also be promoted at this visit.

13.0 CURRENT TENANTS

13.1 North View will publicise its Welfare Rights Service to tenants in its newsletters and co-operate with Glasgow City Council and DWP regarding publicity and campaigns.

13.2 The organisation will be proactive in maximising Housing Benefit claims in order to minimise the risk of rent arrears occurring. Housing Management staff will react promptly to all notifications received from Glasgow City Council regarding suspension of Housing Benefit payments and tenants' lack of response to requests for necessary information or documentation. The Association will contact the tenant and advise that they contact GCC immediately to resolve the matter.

13.3 Promoting the involvement of the Welfare Rights Officer will be a key feature in arrears interviews and home visits. The promotion of Housing Benefit Direct Payments will also be a priority for staff.

14.0 ARREARS MANAGEMENT

14.1 North View utilises a fully integrated IT based arrears management system which interfaces directly with rent accounting and tenancy management systems. That means all payments to rent accounts or changes to tenancy are automatically reflected in arrears balances.

14.2 The arrears management IT system is designed to assist staff to manage an arrears caseload. It, therefore, provides information to the Housing Officer to facilitate monitoring and early action. Its key features can be summarised as follows:



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6

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

RENT ARREARS

- Maintains a payments history for each tenant;
- Easy to update with stage of action;
- Capacity to generate standard letters;
- Provides operational, management, and performance data.

14.3 The Housing Management Section is responsible for arrears management and providing an arrears counselling service to tenants. The section has responsibility for arrears recovery and an integrated arrears management system can help the Association meet this responsibility.

15.0 ARREARS RECOVERY

15.1 Where arrears which are the responsibility of the tenant become evident, prompt action will be taken. When an arrear is identified as being due to delays in the Housing Benefit processing procedure, Housing Management staff will work to identifying these arrears and take action. Action could include that, after allowing a reasonable processing time, the Association staff member would contact Glasgow City Council's Financial Services for an update on the case.

15.2 A realistic and consistent approach to arrears recovery is essential. Tenants need to know that non-payment of rent will provoke a quick reaction from staff to prevent the build up of arrears.

15.3 The early intervention/identification of arrears is a key expectation of the Association's approach to arrears recovery.

15.4 The organisation's focus at the early stages of arrears recovery is to:

- Establish contact and build up an effective relationship with the tenant;
- Conduct a full arrears counselling interview with the tenant, in private at home or at the office;
- Establish the reasons for non-payment;
- Arrange for a welfare benefits check;
- Seek agreement for direct payments;
- Make a formal arrangement to pay signed by the tenant and a copy issued to them;
- Advise tenant of consequences of failing to adhere to this agreement;
- Confirm the strict monitoring arrangement that will be put in place to confirm adherence;
- Check for and note any qualifying occupiers should further action be required.

15.5 The Association will adopt a firm but sensitive approach to arrears recovery. Interviews with tenants may reveal other issues such as multiple debts, illness, harassment or relationship breakdown.



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7

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

RENT ARREARS

- 15.6 The Association will aim to carry out a Housing Options Tenancy Sustainment (HOTS) Interview with tenants who are in arrears (usually at Notice of Proceedings stage). This will help to identify if a tenant is vulnerable and if any specialist support is required to help sustain the tenancy. Debt counselling services, community or voluntary groups, Social Work Services and/or mental health teams, can provide advice and support to both the tenant and Housing Officer when such a need is identified. Housing Management staff should ensure that where external advice or support is required, information on where and how to access such support is given to the tenant. Where possible, staff should assist in arranging access to these support services. Named contact information provided through the Housing Options framework will help with this. The HOTS Interview will also involve a financial assessment of the tenant's circumstances and provides an opportunity to discuss and agree a repayment arrangement.
- 15.7 The Association's solicitor will, on behalf of the organisation, make Glasgow City Council's Social Work Services aware of legal action being taken against tenants (through a Section 11 Notice) to encourage the provision of support to those tenants who are in arrears of rent.
- 15.8 Where a tenant is more than four weeks in arrears of rent and they receive Income Support or Job Seekers Allowance (or two months where the tenant is in receipt of Universal Credit), an application can be made by the Association to DWP for Third Party Deductions. Tenants will be advised if an application is made, is refused or similarly if an existing direct payment is cancelled. Housing Management staff will also counsel tenants in this category on their potential to also pay a small additional amount to reduce arrears. This would be entirely voluntary.
- 15.8 Should attempts to make contact be ignored by the tenant or the tenant fails to make or adhere to an arrangement the Association's solicitor will be instructed to issue a Notice of Proceedings for Recovery of Possession. It is likely that the arrear, at time of request, will be at least two months rent due to be paid by the tenant. This does not necessarily mean that court action will be taken, but will mean that further legal action can take place if further attempts to engage with the tenant are unsuccessful.

16.0 LEGAL ACTION

- 16.1 Where arrears continue to escalate and the tenant makes no effort to respond to requests to discuss the situation, reduce the arrears or adhere to a reasonable arrangement, the Association will, as a last resort, raise proceedings for recovery of possession of the house.

Pre-Action Requirements

- 16.2 The Housing (Scotland) Act 2010 established the requirement for Association to meet a number of conditions, which are referred to as Pre-Action Requirements, before a Notice of Proceedings for Recovery of Possession can be served. In order to comply with these, the Association has been able to demonstrate that it has carried out the following:



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8

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

RENT ARREARS

- Provided clear information about the tenancy agreement and outstanding financial obligations;
- Made reasonable efforts to provide tenant with advice and assistance on eligibility for Housing Benefit and other types of financial assistance;
- Provided information about sources of help and advice in relation to the management of debt;
- Made reasonable efforts to agree a reasonable repayment plan with the tenant;
- Considered the likely result of any application for Housing Benefit that has not yet been decided;
- Considered other steps the tenant is taking which are likely to result in payment within a reasonable time;
- Considered whether the tenant is complying with the terms of an agreed plan for future payments;
- Encouraged the tenant to contact Glasgow City Council.

Compliance with these Pre-Action Requirements will be clearly recorded by the Association and will be specified in the Notice of Proceedings documentation. Letters will be used to provide tenants with the necessary information required under the legislation.

Notice of Proceedings

16.3 To comply with the provision of the Housing (Scotland) Act 2001, landlords must serve the Notice of Proceedings on the tenant and any qualifying occupiers of the house. Housing Management staff must, therefore, make enquiries to establish, so far as is reasonably practicable, whether there are any qualifying occupiers of the house, and if so, their identities. Qualifying Occupier means:

- A member of the tenant's family aged at least 16 years;
- A person assigned or sub-let the house with the landlords consent;
- A person whom the tenant has, with such consent, taken in as a lodger.

16.4 The action would be raised under Ground 1, Schedule 2, Part 1, of the Housing (Scotland) Act 2001:

'Rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy has been broken.'

16.5 The Association's solicitor has to convince the Sheriff that the ground is established and that it is reasonable to evict. Clear and detailed records should be kept at all stages of arrears cases as this is vital to proving reasonableness.

Payment Arrangements

16.6 No reasonable offer of repayment will be discounted. At Court action stage, the tenant will be advised that in order to prevent legal action they should make a substantial payment to reduce the arrear. Instalment plans are acceptable at any stage of recovery action and should reflect the tenant's ability to pay. Before agreeing to any payment plan, Housing Management staff will consider the background to the case and the tenant's payment history. If the tenant has failed to adhere to previous agreements, the Housing Management staff can decide not to enter into a further agreement with the tenant and proceed with the legal action to seek a decree to evict.



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POLICY

RENT ARREARS

16.7 If the tenant is prepared to enter into an agreement with the Castlemilk Budgeting Service, or a similar organisation, to allow that agency to manage their financial affairs, the Association will not proceed with legal action. The use of this service will ensure that any rent payment agreement is maintained and should result in the arrear decreasing.

17.0 PREVENTION OF EVICTION

17.1 Legal action for recovery of possession of the house for non-payment of rent is a necessary element of the arrears recovery process. It will not be taken lightly and only used where all else fails. If legal action is pursued and non-payment continues, it must be recognised that eviction is the likely outcome. North View has no desire to evict but will do so as a last resort to reflect the interests of tenants who do pay their rent.

17.2 Whilst legal action which could lead to eviction is taken, contact with the tenant will still be pursued. The aim is to encourage the tenant to make an arrangement and support them to adhere to that arrangement.

17.3 If arrears continue to increase, a decree for eviction will be sought. This will only take place when North View is serious in their intention to evict the tenant for non-payment of rent, because all else has failed.

17.4 The Association's staff will adhere to the *Eviction Policy*.

18.0 ROLE OF THE MANAGEMENT COMMITTEE

18.1 Authorisation to instruct a Notice of Proceedings and pursue Decree will be presumed to rest with the Housing Manager and will be decided on the recommendation of the Housing Officer managing the case.

18.2 If the Association is granted a Decree, the Management Committee or Housing Management Sub-Committee members will be advised. It should be noted the Association will only not enforce a Decree where the tenant clears the balance in full together with legal costs determined by the Court.

19.0 FORMER TENANT ARREARS

19.1 To prevent former tenant arrears from arising, Housing Management staff will make the outgoing tenant aware of any rent due and if relevant, monies due to cover outstanding rechargeable repairs. This will be done at time of tenant notice and the Housing Officer will also advise the outgoing tenant of the Association's Policy in relation to the collection of former tenant arrears.

19.2 The outgoing tenant will be advised that if the debt is not paid, this would affect any tenancy checks provided by the organisation to other landlords.

19.3 The Association's staff will adhere to the *Former Tenant Arrears Policy*.



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POLICY

RENT ARREARS

20.0 SHARING OWNERS

20.1 The Association will adopt a similar approach when dealing with sharing owners but will recognise that the legal framework for taking legal action is not the same as for tenants and this will be taken into account when considering any legal actions.

21.0 SUPPORT

21.1 The Association will be particularly sensitive in the treatment of any tenant who is known to receive support and, with the tenant's permission, work with the support agency and the tenant to resolve any arrears problems. These cases will be managed individually.

21.2 Translation services will be provided by the Association as required.

22.0 LEASED PROPERTY

22.1 North View will work to prevent rent arrears in leased properties by working with the lease holder to prevent arrears accumulating. These cases will be managed individually.

23.0 INCENTIVES

23.1 To encourage tenants to develop a payment culture, the Association will discourage tenants from falling into arrears. The Association will exclude those tenants who are in non-technical arrears of more than one months' rent from benefiting from any non-essential repairs and major repair/planned maintenance work.

23.2 Any tenant owing the Association more than £100 (in rent arrears, rechargeable repairs, legal costs etc) will not be permitted to take part in any trips for tenants organised and paid for by the Association.

23.3 Those North View tenants who are seeking an Internal or Aspirational move will be advised of the situation in relation to arrears and rechargeable repairs.

24.0 PERFORMANCE MONITORING

24.1 North View will put in place a system to monitor and measure the organisation's performance in relation to rent arrears.

24.2 As part of the overall performance management framework, the Management Committee will set a key performance target annually for rent arrears and will receive reports on arrears performance. This will involve regular reports being made available to the Management and Housing Management Sub-Committee, including an analysis of reasons for targets not being met and any recommendations for Policy change.



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POLICY

RENT ARREARS

25.0 CONFIDENTIALITY

25.1 All information given by tenants in relation to this Policy will be treated as strictly confidential and will not be discussed with third parties without their permission. North View will comply with the requirements of the Access to Personal Files Act 1987 and the Data Protection Act 1998. Individual cases referred to the Committee will be treated in the strictest confidence and information should be provided in such a way that it is not possible for the identities of individuals to be revealed.

26.0 PERSONAL KNOWLEDGE OF INDIVIDUAL CASES

26.1 Staff and individual Committee members should at all times declare an interest in arrears cases relating to themselves or close relatives. They should under no circumstances be involved in such cases and should refrain from participating in any decision making.

27.0 COMPLAINTS

27.1 The Association's aim is to get it right first time, however, the Association has a Complaints Procedure. This procedure can be used where there is dissatisfaction with this Policy or its operation. The Complaints Procedure is available as a separate document and can readily be made available on tape, in Braille, in large print or in translation.

28.0 LINKS WITH OTHER POLICIES

28.1 This Policy has links to the Tenancy Agreement and a number of other Policies including the Rent Policy, Data Protection Policy, Equalities Policy, Eviction Policy and Former Tenant Arrears Policy.

29.0 POLICY REVIEWS

29.1 North View will review this Policy every five years. More regular reviews will be carried out where, for example, there is a need to respond to new legislation or guidance. Reviews will consider legislative, regulatory and good practice changes.

29.2 A copy of this Policy will be provided on request.

End of Policy

Review and amendments

8/11/06 - Policy reviewed
12/10/16 - Policy reviewed

Equality Impact Assessment

6/10/16



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12