

# **RESTART WARNING AND EVICTION POLICY**

## **(INCORPORATING POSSESSION)**

### **Overview**

The warning and eviction Policy sets out our approach to the management of occupants accommodated by Saltbox-Restart as defined in the Excluded Licence Agreement. The policy also sets out support provided to occupants exercising their rights under the terms of the agreement.

### **Introduction**

Saltbox-Restart are a provider of social housing concerned with supporting vulnerable people to maintain their homes and make positive changes to their lives. We are committed to preventing homelessness through early and targeted interventions. Sustaining people in accommodation is integral to preventing homelessness and we seek to ensure that eviction is always a last resort where all endeavours to ensure compliance with obligations have been exhausted.

We appreciate the difficulties that people who use our supported accommodation services experience and no one will be evicted from their home due to service charge arrears.

It is evident that an eviction can compound existing problems or result in new ones that make it harder for a person to become independent and make positive lasting changes. We also know that each time someone loses their accommodation, they risk becoming street homeless and further excluded from accommodation, care and support services. As such, we will ensure that where possible, every action is taken via support and compliance to avoid eviction.

### **Policy Aims**

Eviction is a complex process that is challenging for anyone to go through, with far-reaching consequences. As a provider of supported housing, Saltbox-Restart will take care to ensure that all communication is clear, accessible and delivered in ways that service users can understand.

We will seek to ensure that occupants understand the terms of their Excluded Licence Agreement, the consequences of breaching these terms, and what action they can take to remedy any breach. This information will be communicated at the sign up meeting, as part of ongoing support and during processes to deal with breaches.

Saltbox-Restart aim to:

- Ensure that occupants are aware of their rights and responsibilities in accordance with the conditions of occupancy as set out in the Excluded Licence Agreement

- Encourage the voluntary co-operation of occupants to adhere to the terms of their Excluded Licence Agreement wherever possible
- Prevent breaches of the Excluded Licence Agreement where possible via targeted support to sustain accommodation
- Prevent homelessness occurring by exhausting all other management remedies, where appropriate
- Notify occupants of any breaches of the Licence Agreement and provide early intervention and appropriate action to resolve these at an early stage
- Tailor action to the individual circumstances of the occupant and adopt a sensitive and flexible approach.
- Enlist support/information/advice for the occupant from any appropriate agency where a benefit could exist.
- Ensure that occupants are dealt with reasonably and fairly. Any decisions regarding sanction of an individual's behaviour will be based on fact.
- Prevent housing circumstances from becoming a barrier to our occupiers in achieving broader life aspirations
- Make the best possible use of the available stock of social housing, acting responsively and flexibly to meet identified needs

## **Policy Objectives**

- To comply with all current regulatory guidance and the law.
- To provide occupants with appropriate support to help them to remain in accommodation, including liaising with any existing support networks and utilising multi-agency networks.
- To ensure that guidelines are in place, including authorisation processes, to ensure evictions are sought and managed correctly and reasonably by Saltbox-Restart staff.
- To ensure, where appropriate, that eviction is the last resort with alternative interventions explored and pursued at an early stage to prevent unnecessary evictions. In more serious cases, eviction may be pursued at the very outset.
- To ensure appropriate support, advice and guidance are provided to occupants being evicted at all stages in the process.
- To treat residents in a fair and non-discriminatory way, in accordance with

Saltbox-Restart's Equality and Diversity Policy.

- To ensure staff are suitably trained to provide a consistent approach across the organisation.
- To consult with service users regarding proposals to vary the terms/conditions of the Excluded Licence Agreement and communicate any changes.

## **Support**

### **Stage One**

Action is taken before a person is accommodated to identify support needs, existing support networks and to take steps to minimise any risks that could lead to eviction

The initial interview and assessment identifies support needs and any risks that might make a person more vulnerable to eviction prior to admission.

A person may be more at risk of eviction for the following reasons:

- Previous eviction or abandonment
- Drug & alcohol problems
- History or current dis-engagement
- History of rough sleeping or previous homelessness
- Problematic relationships with other residents
- Behavioural problems
- History of violence

It is essential that at the initial access point, consideration be given to how someone can be supported to sustain their accommodation. As soon as concerns that could lead to eviction, become apparent, action is required to mitigate the risk e.g. support to address drug or alcohol misuse, behaviour management etc.

The initial assessment should also identify any other support services involved with an individual and support workers should ensure that they are consulted in the support planning process and kept up to date with how the service user is managing.

It is important that there is a shared and joint focus on supporting people to sustain their accommodation across all providers of support services. Getting the support right at the beginning can make all the difference.

### **Stage Two**

Action required to deal with any problems that arise with occupants.

Following the sign-up procedure, a copy of the excluded licence agreement is retained by the occupant and a copy retained by Saltbox-Restart. Support workers

will explain the occupant's responsibilities and reasons why they could be asked to leave. They are also responsible for dealing with initial breaches and warnings.

Recognising and understanding behaviour and actions that can result in the breakdown of accommodation is essential in preventing an eviction from occurring.

When an occupant starts to display behaviour that may result in eviction, action is necessary involving support workers and agencies that may be able to assist with the situation. A client case review and/or a Multi-disciplinary team meeting is required to determine support interventions and/or sanctions.

We acknowledge that there will be breaches of house rules, especially in shared supported housing. The eviction process will not be used for minor breaches, where an occupant fails to comply with the house rules, various approaches can be taken in attempt to deal with the issue.

Informal methods will be used to challenge/address minor incidents/behaviour, which may include:

- Discussion
- Intensive targeted support
- Mediation
- Visitor bans
- Internal moves
- Exclusion from some services, activities or trips

Formal methods will be used for more serious incidents/behaviour as described in the Licence Agreement house rules. This involves the use of a three stage warning system.

- Verbal warning
- Written warning
- Final written warning

A conditional Notice to Quit (behavioural contract) may be considered for lower level recurrent breaches where it is felt that a behavioural change is likely to avoid eviction.

Generally, the main reasons leading to eviction are serious harassment, nuisance, health and safety, safeguarding breach and threatening aggressive or violent behaviour.

Eviction notice periods will range from immediate to 7, 14, 28 or 56 days' notice depending on the reason for eviction.

We will involve other authorities where required in the case of serious incidents such as the Police, Probation, Social Services etc.

In the case of serious harassment, nuisance or threatening or violent behaviour, please also refer to the guidance outlined in the Anti-social behaviour policy.

## **Process**

When Saltbox-Restart become aware of a breach, or possible breach of the Licence Agreement house rules, we will make reasonable attempts to intervene at an early stage and to investigate and consider the individual circumstances of each occupant including any vulnerability. Vulnerabilities may be linked to age, disability, mental health, ethnicity and other factors.

Saltbox-Restart will instigate the warning process where appropriate and will normally only evict occupants after reasonable steps to ensure compliance with the agreement have failed. In exceptional circumstances, e.g. very serious breaches as outlined in the priority house rules, immediate action may be taken to evict.

Full details of any breach of the house rules need to be recorded by any staff member who witness incidents and the following steps will apply.

### **Step one**

If an occupant breaches the terms of the agreement, the support worker will exercise discretion and discuss with the Senior Support Worker whether to issue a verbal warning. If the warning is issued it will specify the nature of the breach and duration on record. All details including the warning letter are added to the In-Form CRM. The incident(s) need to be discussed with the occupant and must be directly related to the agreement. The signed licence agreement should be looked at with the occupant and explained where required, to remind them of their responsibilities. Changes that are required should be agreed with the occupant and recorded.

### **Step two**

If there is no improvement and further breaches occur within the duration of the verbal warning, the support worker will exercise discretion and in consultation with the Senior Support Worker consider issuing a written warning. If the warning is issued, a meeting will take place with the occupant to discuss the impact of their behaviour (as in step 1), which will be closely monitored.

### **Step three**

If there is no improvement and further breaches occur within the duration of the written warning, the support worker will raise this with the Client Services Manager who will decide whether a final written warning is required. If the written warning is issued, the support worker may call a review meeting with the occupant and any other support services involved. All aspects of the behaviour are considered – for example, recent events causing distress and any mental health or medication issues. At this stage, referrals to specialist support services for counselling or other appropriate input should be considered. Alternative accommodation or increased support may also be considered.

Where the duration of warnings have expired, this will be taken into account and the appropriate steps will recommence.

## **Step four**

If there is no improvement and further breaches occur within the duration of the final written warning, a request may be made to consider eviction. The Support Worker will need to complete a Notice to Quit Recommendation form. The form will detail the circumstances for the eviction, steps taken to resolve the matter and details of the proportionality assessment. This will include copies of warnings, details of support interventions to mitigate behaviour and evidence (where available) to the Client Services Manager. The Client Services Manager will review the case to ensure that all appropriate actions have been carried out in line with Saltbox-Restart's policies and procedures. Where appropriate, the eviction will be authorised and the notice period determined depending on the severity of the breach.

Where eviction is not considered appropriate, the Client Services Manager will decline the request for eviction and the support worker will be advised of further steps and interventions to prevent eviction. This may include a Conditional Notice to Quit (behavioural contract) that will stipulate conditions required for a specified duration. If the occupant complies with the conditions, the notice will be revoked. If there is no compliance then the eviction will proceed.

## **Accelerated proceedings**

Support workers will exercise discretion to determine the level of warning to issue. In cases where a breach of the house rules is serious, the sanction will escalate to a warning level that reflects the severity of the breach.

In cases where there is a breach of priority house rules, where the safety of other occupants and colleagues is threatened, accelerated proceedings can be requested, and the process may go straight to a final written warning or notice.

## **Notice to Quit (NTQ)**

If despite the use of targeted support, sanctions and warnings eviction is assessed as the only reasonable course of action, all agencies involved will be notified.

When a decision is made to issue a NTQ, the notice will state the grounds for eviction, the notice period, the date and time of the eviction, advice about clearance and storage of belongings and details regarding advice and support. The support worker will usually serve the notice in person. If the occupant is not present, the notice will be left in their room.

Occupants will continue to receive support during any notice period where it is safe and appropriate to do so. Support will consider housing options and assistance that can be provided to seek alternative accommodation, including signposting to other agencies/services.

## **Right to Appeal**

Occupants have a right to appeal a decision to evict and will be advised of this right in the notice of eviction. If an occupant feels they have been unfairly treated they, or an advocate acting on their behalf, can appeal to the Client Services Manager within 5 working days of the notice being served. An appointment will then be arranged for the occupant to attend an appeal meeting that will be heard by a Manager who has not been involved in the decision to issue the eviction notice.

## **Ending a Licence – Possession**

Eviction will generally be an act of last resort, taken when any other action would be inappropriate, or when all efforts to tackle breaches of the licence agreement have been exhausted.

Excluded Licences may be terminated at short notice, and sometimes with immediate effect, for example in the case of seriously violent, disruptive, or threatening behaviour. Details can be found in the licence agreement itself.

The Excluded Licence Agreement is excluded from the provisions of the Protection from Eviction Act 1977. When a licence is ended through eviction, the occupant is required to vacate the property at the end of the notice period. We do not need to obtain a Court Order for possession to evict. Saltbox-Restart will usually allow 'reasonable notice' to quit.

The notice period is usually 28 days but this may be shortened in extreme cases. If any further breaches occur during the notice period, then this will escalate proceedings and depending on the severity of the breach may result in immediate eviction.

All evictions will be attended by a minimum of two persons from Saltbox-Restart, usually the relevant member from the support team and a member of the Maintenance team who will complete a lock change. Where there is a concern that the occupant or their visitor(s) may become violent or may refuse to leave then arrangements will be made for the police to attend.

## **Setting and reviewing exclusion periods**

Where an occupant is evicted, they will be advised what they can do in order to be given a review for accommodation and whether there is an exclusion period. All exclusions should be time-limited and should be entered on the exclusion list. Any service charge arrears and re-charges should also be recorded. All exclusions will be reviewed regularly on a case-by-case basis.

## **Belongings**

If an occupant being evicted is unable/unwilling to remove their belongings from the

property, the TORT's process must be followed.

## **Equality and Diversity**

- We will ensure that this policy is applied fairly and consistently to all occupants
- We will not directly or indirectly discriminate against any person or group of people because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, or sexual orientation, or any other grounds set out in law and our Equality and Diversity policy
- When applying this policy we will act sensitively towards the diverse needs of individuals and communities
- When applying this policy we will take positive action to reduce discrimination and harassment in local communities

## **Monitoring, Review and Consultation Process**

Regular monitoring will take place to ensure that Saltbox-Restart are only taking action to evict occupants in line with this policy. The level of evictions and reasons for each eviction will be reported as part of routine operational performance reporting each quarter.

## **Responsibility**

The Chief Executive Officer is responsible for the monitoring and review of this policy.

The Restart Operations Manager is responsible for ensuring the implementation of this policy and supporting procedures for the maintenance of all necessary records on the CRM system to enable the compilation of regular reports on performance and for the monitoring of performance.

The Restart Support Manager is responsible for the day-to-day management and oversight of this policy.