



AWHA Housing Association

Arrears Policy September 2023

Approved by	Board of Management
Date of Approval	September 2023
Date issued to staff	September 2023
E&D impact Assessed	Yes
Date of Next Review	September 2023
Policy Ownership	Housing Services Manager
Strategic Bridges	We are keen financial managers
Legal Review	Yes
Version	1.0
Revision details	04.08.25 Action from Income Management Audit to update the policy to reflect the accurate document control details
Statement of Values	We are keen financial managers

1 Introduction

- 1.1 This policy sets out the approach of Arawak Walton Housing Association (AWHA) to preventing and recovering arrears. This policy covers all AWHA general needs tenants, and those living in sheltered housing.
- 1.2 This policy addresses current tenant arrears. Former tenant arrears are addressed in our Former Tenant Arrears Policy.
- 1.3 Arawak Walton works in areas where BME communities predominantly live, or aspire to live. Our Arrears policy ensures we provide bespoke support by treating every tenant as an individual. This is more critical to tenants' whose first language is not English, and who might be unfamiliar with navigating the welfare benefits system.
- 1.4 As a specialist BME housing provider, this Policy recognises the lack of affordable housing in inner cities, a problem which disproportionately affects BME people, and the importance of maintaining social housing rents. Maintaining social rents wherever possible enables tenants in low paid employment to lead rich, fulfilled lives, with minimum recourse to welfare, which is always vulnerable to changes in government policy.
- 1.5 To further support our tenants in relation to rent payment, we work with specialist partners who provide welfare benefits advice to specific BME groups and take a holistic approach to improving their financial resilience, such as language and budgeting skills.

2 Policy Objectives

- 2.1 The overall aim of this policy is to maximise rent collection and work proactively with tenants to improve their financial position in order to minimise tenant debt.

- 2.2 To provide a range of means of payment for tenants to pay rent including any emerging technologies.
- 2.3 Efficient arrears management will enable the association to meet its objective of tackling poverty and providing services to residents.
- 2.4 We will take early intervention and keep arrears to a minimum through firm but fair and equitable action. Eviction is used only as a last resort.
- 2.5 We will work within our policy commitment to equality, diversity and inclusion.
- 2.6 We will work within the context of our legal and regulatory obligations and other related AWHHA policies.
- 2.7 AWHHA will apply and enforce this policy consistently to ensure that all tenants receive fair treatment.
- 2.8 AWHHA's management of arrears is part of a continuous process with the following three distinctive stages:
 - 2.8.1 arrears prevention
 - 2.8.2 early identification and intervention
 - 2.8.3 enforcement

3 Relevant Legal and Regulatory Information

- 3.1 Housing Act 1985 Schedule 2: This part of the Housing Act 1985 sets out the grounds for possession for secure tenants. The rent arrears ground of Schedule 2 is Ground 1 (discretionary).
- 3.2 Housing Act 1988 Schedule 2: This part of the Housing Act 1988 sets out the grounds for possession for assured tenants. The rent arrears grounds of Schedule 2 are Grounds 8 (mandatory) and Grounds 10 and 11 (discretionary).
- 3.3 HOL Judgement - Knowsley Housing Trust v White, Porter v Shepherds Bush Housing Association, Honeygan-Green v Islington LBC (10 December 2008): This judgement removed the status of tolerated

trespasser for assured and assured shorthold tenancies with immediate effect. All former assured tolerated trespassers had their assured tenancies reinstated by this judgement.

- 3.4 Housing and Regeneration Act 2008 Schedule 9: Part 1 of this Schedule amends the Housing Acts 1985, 1988 and 1996 to prevent the creation of future tolerated trespassers. Part 2 of this Schedule provides for replacement tenancies which restore the security of tenure for those who are currently tolerated trespassers.
- 3.5 The Insolvency Act 1986 s285(3)/The Enterprise Act 2002: This legislation includes details of how bankruptcy orders and debt relief orders are made and the rights and responsibilities of the official receiver in dealing with people who are subject to such orders.
- 3.6 The Housing Benefit Regulations 2006.
- 3.7 The Rent Standard and The Tenancy Standard: These are regulatory standards that the Regulator of Social Housing expects compliance with.
- 3.8 Pre-action Protocol for Possession Claims by Social Landlords: The Protocol applies to residential possession claims brought by social landlords. Part 2 of the Protocol applies specifically to possession claims based upon rent arrears.
- 3.9 The Welfare Reform Act 2012
- 3.10 Data Protection Act 2018
- 3.11 The General Data Protection Regulations 2018
- 3.12 Safeguarding Policies
- 3.13 Human Rights Act 1998
- 3.14 Equality Act 2010
- 3.15 The Welfare Reform and Work Act 2016
- 3.16 Protection from Eviction Act 1977
- 3.17 Coronavirus Act 2020
- 3.18 Practice Direction 51Z: Stay of Possession Proceedings, Coronavirus
- 3.19 Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.

4. Monitoring Information

4.1 AWWHA will monitor the effectiveness of this Policy on a regular basis to continually improve service quality, and to consider the current economic climate.

4.2 The Board of Management will set targets each year for the level of rent collection and the level of rent arrears. The Board will receive quarterly updates throughout the year on the progress against these targets. The management team will consider the performance monthly, staff will discuss arrears in monthly liaisons and staff will be updated on the team performance against target on a regular basis.

5. Equality, Diversity & Inclusion

5.1 The organisation will operate within equality legislation and regulation and recognises the nine protected characteristics of Equality Act 2010 which are: Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Marriage and Civil Partnership, Age and Pregnancy and Maternity explicitly.

5.2 The organisation will provide information relating to payment of rent and reduction of arrears, translated, or interpreted into relevant languages and other communication methods where required

5.3 Appropriate support will be provided to all tenants whose first language is not English, or those who are unable to read or understand. Assistance and the consideration of reasonable adjustment will also be given to all tenants who have a disability.

5.4 Information will be given on the potential impact for individuals of the phasing in of any new benefit arrangements or of upcoming/new legislation. Where appropriate applicants will be signposted to specialist advice agencies.

5.5 Arawak Walton will promote equality, diversity and inclusion by:

5.5.1 Encouraging individuals to participate and gain full access to services to which they are entitled.

5.5.2 Recognising that some individuals and certain communities are particularly disadvantaged and will require extra recognition and support to deal with their disadvantages and access services.

6. Related Policies:

6.1 Former Tenant Arrears Policy

6.2 Tenancy Management Policy

6.3 Equality, Diversity & Inclusion Policy

EQUALITY IMPACT ASSESSMENT SCREENING FORM

This form should be used when a strategy/policy/procedure/process/project (SPPPP) has been identified as minimal/low impact.

This may be due to the fact that the overall strategy in an area of operation had a full EIA.
It may also be due to the type of SPPPP and because it has mainstreamed equality, diversity and inclusion.

Title of the SPPPP being assessed	Arrears Policy.	Lead Officer	Chief Executive.
Aims of the SPPPP being assessed	To outline in detail the organisations approach to arrears.	Staff carrying out the EIA screening	Chris Root – External EDI Critical Friend completed this EIA screening.

Date of EIA screening	26th June 2023.	Why is the document being screened?	Part of on-going EIA timetable.
Date for next EIA	2026.	Was this screening process taken as an opportunity to update language and wording of policy	YES.

THE EIA SCREENING OUTCOMES AND ACTIONS

This EIA screening process is undertaken by an external equality, diversity and inclusion champion/critical friend, considering the Equality Act 2010 and its Protected Characteristics including: Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Marriage or Civil Partner, Age and Pregnancy and Maternity explicitly.

Have actions arisen from the screening process	YES.
	This Policy will be in line with equality legislation and the organisations equality, diversity and inclusion commitments and requirements, if the following are undertaken:

In July 2020 this policy had an EIA undertaken, all recommendation are included in this policy.

This EIA recommends additional changes as listed below:

- 1. Page 3 - 2.5 - change Equality and Diversity to: Equality, diversity and inclusion.**
- 2. Page 5 - 5. Change title to: Equality, diversity and inclusion.**
- 3. Page 5 - Change 5.3. to read: Appropriate support will be provided to all tenants whose first language is not English, or those who are unable to read or understand. Assistance and the consideration of reasonable adjustment will also be given to all tenants who have a disability.**
- 4. Page 5 - 5.5. change to read: The organisation will promote equality, diversity and inclusion by:**
- 5. Page 6 – Related Policies - add: 6.3. Equality, diversity and inclusion Policy.**