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Committee Approver	Operations Committee
Stakeholder Consultation	External Legal Advice, Viewpoint staff
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Title	Abandonment Policy
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Revised by	Housing Team Leader and Head of Housing
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Related Documents	Scottish Secure Tenancy (SST) Short Scottish Secure Tenancy (SSST)
Location of Electronic Copy	V:\Policies and Procedures Shared\Policies\Housing

1. Viewpoint's Values

Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words;
- Say ‘yes I can and I will’;
- Celebrate age, experience and wisdom;
- Do according to our customers’ wishes and ambitions;
- Treat people (everyone is a VIP) as we would a “loved one”;
- Work hard, have fun and laugh;
- Stay courageous, creative and ahead of the game;
- Work with those that share our values.

These promises shape us. They are a commitment to our residents, staff and suppliers. They are fundamental to every single plan, decision and project we embark on.

Ensuring that we have systems and processes in place to manage risk effectively will support us to deliver those plans, decisions and projects, in accordance with our vision and values.

2. Policy Statement

- 2.1 This policy sets out the steps Viewpoint will take where it has been established that a property with a Scottish Secure Tenancy or Short Scottish Secure Tenancy has been abandoned, taking into account statutory and regulatory requirements.

3. Aims, Objectives and Principles

- 3.1 Viewpoint recognises that the reasons why tenants abandon properties are varied and has a range of policies that ensure we assist tenants in sustaining their tenancies. However, where abandonment is suspected, Viewpoint will take prompt action to repossess an abandoned property as quickly as possible in order to minimise income loss and secure any property or its fixtures or fittings from vandalism.
- 3.2 The policy supports the delivery of the following strategic aims and outcomes:

Strategic Aim	Outcomes
To deliver an excellent customer experience	Our customers are empowered and supported to live as independently as they choose. Our customers receive a consistent service that delivers high customer satisfaction
To provide good quality homes	Homes that are safe and secure. Homes that are functional, warm, comfortable and desirable. Homes that meet evolving customer needs and aspirations. Homes that deliver improved customer satisfaction.
To be efficient and effective whilst considering value for money	We review our internal processes to ensure we are maximising our income. We continue to review our overall costs and consider how to reduce these to ensure our operating business is financially sustainable

4.

Legislation	Clauses
<u>Section 17 of the Housing (Scotland) Act 2001 as amended</u>	Clause 6
The SST (Abandoned Property) Order 2002	Clause 7
Section 20 of the Housing (Scotland) Act 2001 as amended	Clause 8
Section 19 & 21 of the	Clause 9

Social Housing Charter

4.1

The Scottish Government, through the Scottish Housing Regulator, sets the outcomes it expects social landlords to achieve for its residents. In terms of abandoned properties, the relevant Social Housing Charter standards include:

Outcome 1: Equalities

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.

Outcome 6: Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes

Tenants and other customers feel they live in well maintained neighbourhoods where they feel safe.

Outcomes 7, 8 and 9: Housing Options

People at risk of losing their home get advice on preventing homelessness

Outcome 11: Tenancy Sustainment

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.

Outcome 13: Value for Money

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

4.4 Annual Return on the Charter (ARC)

VHA is required to submit an Annual Return on the Scottish Social Housing Charter each year in accordance with published guidance. The following ARC indicator is of particular relevance:

Indicator C4: Number of abandoned properties reported during the year.

5. Scope

5.1 Viewpoint will deem a property to have been abandoned by the legal tenant and initiate proceedings to bring that tenancy to an end when all of the following apply:-

- The tenant has ceased to occupy the property without

giving notice in writing or verbally of their intention to terminate, nor has the tenant given notice that they will be absent from the property for a period of 4 weeks or more and intends to return; and

- There is physical evidence (removal of all belongings) or reliable information from neighbouring residents that the tenant has not been in occupation for four consecutive weeks or more

6. Abandoned Properties

6.1 Enquiries

6.2 Viewpoint will make suitable internal and then external enquiries to establish if a property has been abandoned. Internally staff will establish when the last contact from the tenant occurred i.e. last reported repair, last seen by Sheltered Housing Coordinator, last payment to rent account etc. A home visit to the property will also be carried out. If these enquiries do not resolve the tenant's absence then external enquiries will be made. These external enquiries can include but are not restricted to contacting next of kin, key holders, Telecare services, support providers, neighbours, hospitals, Police, schools etc.

6.3 Serving Notices

6.4 If Viewpoint is satisfied that Clauses 6.1 and 6.2 above apply then a notice will be served on the tenant which states that Viewpoint has reason to believe that the property is unoccupied and that the tenant does not intend to occupy the property as their home. The notice will advise the tenant to inform Viewpoint within 28 days of service of the notice, if they intend to occupy the property as their home and that if it appears to Viewpoint at the end of that period that the tenant does not intend to occupy the property, then the tenancy will be terminated with immediate effect.

6.5 The notice will be served on the tenant by delivering it to the tenancy address and this delivery will be undertaken by 2 members of staff. A copy will also be sent to the tenant's power of attorney address, where applicable.

6.6 If the property is not secure, at risk of vandalism, or constitutes a danger to surrounding residents (i.e. water turn off required to avoid flooding, gas leaks, or very dirty houses), then Viewpoint may forcibly enter the property and make safe. If this is done at the service of the first notice or during the 28 day notice period, then 7.0 below will be followed in relation to forcing entry and 7.1 – 7.5 will be followed in relation to taking an inventory of tenants belongings left in the property.

- 6.7 If the tenant contacts at any time during this period –we will review whether the circumstances warrant continuation of the Abandonment policy.
- 6.8 If at the end of the 28 day notice period, Viewpoint has had no contact from the tenant and having carried out further enquiries, remains satisfied that the property is unoccupied and that the tenant does not intend to occupy the property as their home, then Viewpoint will serve a second notice advising the tenant that the tenancy has been terminated with immediate effect.
- 6.9 The second notice will be served on the tenant by delivering it to them at the tenancy address and this delivery will be undertaken by 2 members of staff. A copy will also be sent to the tenants power of attorney address, where applicable.
- 6.10 Viewpoint will then take possession of the property without further proceedings.

7. Forcing Entry and Securing Tenant's Belongings

- 7.1 Where the tenancy has been recovered in accordance with clause 6.10, entry will be forced to the property by Viewpoint contractors and 2 members of staff will be in attendance. Photographs will be taken of the property in general and of any tenant's belongings left.
- 7.2 Viewpoint will arrange storage of the belongings for a period of up to 6 months provided that the value of them outweighs the cost of uplift and storage and outstanding rent arrears. If the value does not outweigh these costs, then the property will be disposed of as part of the void procedures.
- 7.3 If a tenant contacts within these 6 months then the tenant requires to pay Viewpoint the cost of uplift and storage before their belongings can be returned to them.
- 7.4 Viewpoint may sell any belongings not claimed within the 6 month period and deduct from the proceeds, any uplift and storage costs. If there is any monies left over these will be paid towards any outstanding rent arrears.
- 7.5 Viewpoint will maintain a register for a period of five years of properties in which belongings have been found and what has happened to these. This register will be available for public inspection.

8. Abandonment by Joint Tenant

- 8.1 If after carrying out enquiries as detailed in this Policy, Viewpoint has reasonable grounds for believing that one joint tenant is not

occupying the property and does not intend to occupy the property as

their only or principal home, Viewpoint will follow the steps in Clauses 6.1 to 7.5 above ensuring that the remaining joint tenant receives a copy of the notices.

- 8.2 For this type of abandonment, the second notice will state that the tenancy will be ended at the end of 8 weeks from the date of delivery of the second Abandonment notice if there is no further contact.
- 8.3 If the joint tenancy is terminated then the tenancy will continue to run with the remaining tenant as sole tenant.
- 8.4 If there are rent arrears outstanding at the date of termination of the joint tenancy, the remaining tenant and the former tenant will be jointly and severally liable for these arrears. Staff will pursue the arrears in line with the Arrears Management Policy.
- 8.5 Viewpoint will not have any regard to belongings left by the abandoning tenant.

9. Appeals

9.1 A tenant whose property has been repossessed through the abandonment procedures will have the right of appeal to the Sheriff Court. The appeal needs to be raised in the Sheriff Court within six months from the date of termination.

9.2 A joint tenant whose joint tenancy has been terminated through the abandonment procedures will also have the right of appeal to the Sheriff Court. The appeal needs to be raised in the Sheriff Court within eight weeks of the date of termination.

9.3 Viewpoint may continue the tenancy or, if the property has been re-let, provide other suitable accommodation, if the court finds that Viewpoint acted wrongly, unreasonably or outwith any of the provisions set out in Section 18 of the Housing (Scotland) Act 2001.

10. Authorisation and Delegated Responsibility Levels

Abandoned Stage	Member of Staff whose responsibility this is
Enquires and service of first notice	Housing Officer
Enquiries and service of second notice	Housing Officer and approval from Housing Team Leader or Head of Housing
Tenancy termination and Force Entry	Housing Officer with approval from Housing Team leader or Head of Housing
Decisions re belongings	Housing Team Leader or Head of Housing

11. Compliance and Support

- 11.1 It is the responsibility of all staff to familiarise themselves with the content of this policy and to ensure that they comply with the policy and associated procedures.
- 11.2 If advice or support is required, this is available through the Housing Team Leaders in the first instance, or Head of Housing.

12. Equality Impact Assessment (EIA)

- 12.1 Viewpoint will treat all customers with fairness and respect in line with its Diversity Strategy. Viewpoint recognises that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination. An EIA has also been carried out.
- 12.2 Where any group has difficulty in understanding this process staff will assist to ensure that the policy is available in other formats, if required, and that groups are supported through the process. This policy is available in other formats, including large print, if required.

13. Privacy Impact Assessment

The initial screening questions of Privacy Impact Assessment have been completed and as a result of the assessment no new potential information risk has been identified.

14. Monitoring and Evaluation

- 14.1 Viewpoint will:
- Undertake effective monitoring of the management of abandoned properties to ensure that timescales are met and thus the loss of rental income is minimized and,
 - maximise use of its IT system to ensure good management of abandoned properties as well as aid good internal communication.
- 14.2 Details of abandoned properties will be reported annually to the Board as part of our annual ARC return performance report and to other subcommittees as directed and as appropriate.
- 14.3 The Head of Housing is responsible for ensuring that this Policy is put into practice by all the appropriate staff and ensuring that procedures and training are developed to support its implementation.

14.4 The Policy will be reviewed at least every three years unless there is an important business or legislative need to carry this out sooner.