

## Eviction Policy

**Date Written:** July 2012

**Date(s) Reviewed:** July 2015; August 2018; August 2021

**Purpose:**

To set out our commitment to using evictions only as a last resort in dealing with serious breaches of tenancy.

**Scope:**

Assured non shorthold tenancies  
Assured shorthold tenancies (Starter Tenancy)  
Protected rights tenancies  
Licenses to occupy  
Equitable agreements

**Definitions:**

Eviction – the reversion of possession and removal of the tenant from the property by an officer of the Court

Tenant – person/s with a contractual right to occupy the Association's property

Tenancy – all of the above occupancy agreements

**Associated documents:**

Arrears Recovery Policy  
Anti-Social Behaviour Policy  
Tenancy or occupation agreement  
Safeguarding Policies  
Equality, Diversity and Inclusion Policy

**Date for review:**

August 2024

**Responsibility:**

Heads of Service

## Policy

### 1. Introduction

- 1.1 Bernicia, in delivering its objectives of providing affordable housing and sustainable communities, will seek to maintain the security of tenure of its tenants by only using eviction as a last resort.

### 2. Policy statements

- 2.1 Bernicia will only use eviction as a last resort and only where all endeavours to ensure compliance with the tenancy obligations or statutory requirements have been exhausted.
- 2.2 No one will be evicted from their home as a result of financial hardship, providing they are working or engaging with us to get their payments back on track.
- 2.3 Bernicia will use all grounds for possession as detailed in the Housing Act including both discretionary and mandatory grounds.
- 2.4 The use of mandatory grounds is to be used in exceptional circumstances with the authorisation of the Head of service and the Director of Housing.
- 2.5 Bernicia will ensure that the tenant and other involved parties are kept informed at each stage of the eviction process using personal contact wherever possible.
- 2.6 Where appropriate Bernicia will engage with advice agencies in order that appropriate and early interventions can be made.
- 2.7 Bernicia will treat joint tenants in accordance with their agreement as jointly and severally liable for the breach in tenancy.
- 2.8 Bernicia will ensure proper internal authority is obtained before a warrant of Possession is sought.
- 2.8 Bernicia will treat all tenants in a fair and non-discriminatory way in accordance with our Equality, Diversity and Inclusion Policy.
- 2.9 This policy will be reviewed on a regular basis.

### 3. Responsibility for implementation

- 3.1 The Director of Housing will be responsible for the effective implementation of this policy and for ensuring that staff are aware of and appropriately trained in our policies and procedures relating to safeguarding, homelessness, tenancy support and the breach of Court Orders.

### 4. Actioning the policy

- 4.1 This policy will be actioned whenever Bernicia need to regain possession of a property through the legal process.

### 5. Monitoring the policy

- 5.1 All evictions will be reviewed and recorded as part of the monitoring of performance.

### 6. Resources

- 6.1 The implementation of this policy will require staff resources to deliver and funds to pay the relevant court application and warrant fees and for any legal advice obtained.

### 7. Equality and Diversity

- 7.1 In carrying out its services, Bernicia is committed to:
- Treating all customers and employees positively regardless of race, religion or belief, ethnic origin, gender, age, disability, sexual orientation or gender identity
  - Taking seriously all complaints and investigating and responding accordingly
  - Using plain language and providing information in other languages, large print, audio and Braille on request
  - In reviewing this Policy an impact assessment has been completed

**Uncontrolled if printed – This may not be the latest version of the policy**

**All policies must be printed from Connect only – please make sure it is the latest version.**

# Policy Planning Document (PPD)

**ALL sections must be completed with a review or any creation of a new, policy. For anything that doesn't apply, please state N/A. Anything left blank will be returned to you.**

1. Policy Title*	Eviction Policy
2. Staff/Departments that must be tested*	N/A
3. Staff/Departments for mandatory read*	All Housing Services staff
4. Supporting <b>documents, procedures &amp; process maps</b> *	Rent Arrears Recovery Procedures, Eviction Procedure, Tenancy Agreement
5. Associated <b>Policies</b> *	Rent Collection Policy, Arears Recovery Policy
6. Completed E&D Submitted:*	Yes
7. Reason for review (scheduled/non-scheduled)*	Scheduled
8. Minor or Significant change?*	Minor
9. Details of Changes (if any)*	Clarification of responsibilities and insertion of non-engagement eviction commitment.
10. What good practice and ext. learning sources have been used?*	Policy is based on sector good practice models.
11. Who has been consulted?*	Heads of Service and Director of Housing
12. Does this Policy need to go to Board for approval?*	No
13. If any significant change, who has approved this?*	N/A
14. Have all legal implications been considered in the policy?*	Yes
15. Does this policy meet regulatory requirements?*	Yes
16. How is the impact of this policy measured?*	Effect will be measured by recording and monitoring the impact of the implementation of this policy.
17. How will training be offered to support these changes?*	N/A
18. How will the distribution of knowledge be tested?*	The changes do not change the working practices of Officers
19. Any other information	
<b>Please confirm details below</b>	
Policy Holder	Head of Housing (North)
Next Review Date	August 2024

## Policy Risk and Compliance Assessment

*“Policies are documents devised to advise individuals as to a set of behaviours required on a specific topic. Within an organisation they provide a “voice” to the organisation and ensure consistency as well as providing a mechanism for performance management and monitoring.”*

As part of reviewing or developing a new policy it is important you complete one of these Policy Risk & Compliance Assessments to tell us a little more about what you are planning so we can support you and your teams appropriately.

Please answer the following questions as honestly and openly as you are able.

This assessment is not to prevent you doing anything, but to centrally offer you the best advice and support in developing and reviewing your policies whilst minimising risk from the outset.

All policies will require this document prior to being hosted on Connect and the review being logged as complete.

Policy Risk & Compliance Assessment	
<b>Name and Job Title</b>	Steven Adey Head of Housing
<b>Department</b>	Housing Services
<b>Title</b> of new policy / policy to be reviewed	Eviction Policy
<b>Brief</b> description of the policy, its purpose, and the areas of the business it covers	To set out Bernicia’s policy on offering compensation to customers  This document defines the areas where, as a matter of policy, the group are prepared to partially compensate tenants for losses which can arise.
<b>Policy Title: Eviction Policy</b>	

<b>Date: 16 August 2021</b>	<b>Name: Steven Adey</b>	
	<b>Yes</b>	<b>No</b>
<b>1. Equality and Diversity, Will the policy be likely to impact or involve...</b>		
Any individual specifically because of one of their protected characteristics?	Yes	
The collection or processing of information relating to the protected characteristics?		No
An event or initiative only open to certain people or groups of people?		No
The processing of any information relating to a persons protected characteristics?		No
The monitoring of a service take up, by protected characteristics?		No
<b>2. Data Protection, Does the policy relate to / involve...</b>		
Collecting data (electronically, with a form or face to face)?	Yes	
Using, sharing or sending data?	Yes	
Taking photos?		No
Sending any information outside of Bernicia?	Yes	
Asking for any information about children?	Yes	
Any sensitive information (sexuality, ethnicity, race, religion etc.)?		No
Technology that will automatically makes decisions or evaluates data?		No
Any systematic monitoring – such as CCTV or tracking?		No
The large scale processing of data? (there is no definition of large scale, so please use of your discretion in line with Bernicia's business)		No
Using electronic communications (text, email)?	Yes	
<b>3. Money Laundering</b>		
Will you be collecting any cash as part of the activity covered in the policy?		No
<b>4. Health and Safety, Will the policy involve...</b>		
Any predominantly offsite activity?	Yes	
Undertaking an activity with members of the public?	Yes	
Using any PPE?	Yes	
Vehicles (or their use) as a key component?		No
Vulnerable adults, young people or children?	Yes	
Bernicia staff be working on their own or out of hours?	Yes	

# Equality and Diversity Impact Assessment

**Policy Name:** Eviction Policy

**Date:** August 2021

**Names of those undertaking the assessment:** Steven Adey

**Question 1:** Please delete as appropriate.

Are there concerns that this policy or practice could have a positive or negative impact on any of the following?							
Race	Gender	Age	Sexual Orientation	Disability	Religion	Gender Reassignment	Other
N	N	Y	N	N	N	N	N

**Question 2:** Please complete all fields, detailing any supporting knowledge you have for your assertions. Please note, the term N/A should not be used, and all field should be completed.

Please describe the positive and negative impacts for each group as identified above, and what supporting knowledge you have for identifying these impacts:		
Race	Impact	There are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Gender	Impact	There are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Age	Impact	With the exception of Extra Care Accommodation provision, there are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Sexual Orientation	Impact	There are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Disability	Impact	There are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.



Religion	Impact	There are no impacts identified
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Gender Reassignment	Impact	There are no impacts identified.
	Support knowledge	The policy sets out a clear approach to the use of evictions and can be produced in different languages. The policy gives a commitment that evictions will be managed and within operating policies and procedures for all tenants.
Other	Impact	There are no impacts identified.
	Support knowledge	N/A.

**Question 3:** Please complete all fields.

Can any of the above impacts be justified? Please describe how and why.	
Race	There is no impact to be justified.
Gender	There is no impact to be justified.
Age	Extra Care Accommodation offers more intense tailored management and support for older residents.
Sexual Orientation	There is no impact to be justified.
Disability	There is no impact to be justified.
Religion	There is no impact to be justified.
Gender Reassignment	There is no impact to be justified.
Other	There is no impact to be justified.

**How do you feel that you can minimise any of the negative impacts identified? Please describe what actions you will take to do so, and undertake or escalate these as appropriate.**

Different management approaches and appropriate policies and procedures will ensure that any tenants who are to be evicted via the legal possession route will receive the support and signposting they need. We will monitor and evaluate the impact of this policy on an ongoing basis.

**Does this policy require a fuller impact assessment?**

Please delete as appropriate