



Cassiltoun

Housing Association

VOID MANAGEMENT POLICY

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Registered Scottish Charity no 035544

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VOID MANAGEMENT

1. INTRODUCTION

Turnover of housing stock is an integral part of Cassiltoun Housing Association's housing provision which inevitably results in periods where properties are void. Cassiltoun Housing Association is well aware that good management of void properties and limitation of void periods is vital to maximise rental income, provide a quality service, meet housing need and achieve good estate management.

The main purpose of this Policy is to give guidance on compliance with the legal and regulatory frameworks within which voids must be managed, and then to provide guidance on voids policy and practice.

1.1 Scope of the Policy

The purpose of this policy is to set out the Association's position on the management of voids.

Void management activity covers a number of related activities. These include:-

- tenancy termination
- property inspections
- identifying rechargeable works and other tenant responsibilities
- ordering and supervising repair work
- offering tenancies and arranging viewing
- creating and signing tenancy agreements

The Void Management Policy applies to all rented property owned by the Association.

The Void Management Policy complies with Cassiltoun Housing Association's Financial Regulations.

1.2 Definitions

A void is a property for which there is a current rent account, but for which no current tenancy exists. For the purpose or reporting in the Annual Return on the Charter a property may be counted as a void on more than one occasion during the year. The Void Period is measured in calendar days and is calculated between the date of termination of a previous tenancy or repossession and the start date of a new tenancy. An empty property is *not* a void where the tenant is still legally 'in occupation', for example where someone is in hospital for a long period and other exclusions apply including leased properties and properties let to Glasgow City Council as Temporary Accommodation. Full list of exclusions is contained within the Technical Guidance for the ARC.

2. Regulatory Framework

This Policy will comply with all regulatory, legislative and good practice requirements which includes the following :-

2.1 Housing (Scotland) Act 2001

Most of the relevant legal obligations for landlords under the Housing (Scotland) Act 2001 are maintenance related, i.e. the duty to ensure that a house is wind and watertight and reasonably fit for human habitation, both at the beginning of the tenancy and throughout its term. Section 11 of the Act requires tenants to occupy the house as their only or principal home.

Section 12 of the Act states that a tenancy can be ended by the tenant giving four weeks' notice to the landlord.

Section 30 of the Act gives tenants a right to be compensated, at the end of the tenancy, for certain specified improvements carried out with the landlord's consent. Such improvements would need to be assessed as part of the end of tenancy inspection process.

Section 29 of the Act gives landlords the discretionary power to compensate tenants for improvements not covered by the statutory scheme.

Section 27 of the Act gives landlords a legal right to enter a property on 24 hours notice to inspect it. This may need to be enforced where a tenant gives notice of leaving the property but fails to allow access for a pre-termination inspection.

Sections 17, 18 and 19 of the Act cover abandonment procedures. The secondary legislation sets out the duty on landlords to store tenants' personal possessions for up to six months, providing that the storage costs, along with any rent arrears, are not greater than the value of the goods in question.

Most other tenant obligations relevant to void management are likely to be contractual rather than statutory, e.g. relating to the need for tenants to comply with a number of "end of tenancy" responsibilities.

2.2 The Scottish Social Housing Charter 2017

The Scottish Social Housing Charter was introduced in 2012 as a requirement of the Housing (Scotland) Act 2010 and reviewed in 2016 with approval in April 2017. Social landlords are responsible for meeting the standards and outcomes set out in the Charter and the relevant outcome and standard for this Policy is:-

Charter Outcome and Standard 4: Quality of Housing: *tenants homes as a minimum, meet the Scottish Housing Quality Standard (SHQS) when they are allocated; are always clean, tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (EESH) by December 2020.*

2.3 Other Legislative and Good Practice Requirements

Cassiltoun Housing Association comply with all legislation relating to voids management which includes but is not an exhaustive list:-

- Scottish Secure Tenancy
- The Energy Performance of Buildings (Scotland) Regulations 2008
- Electrical Test Safety Certificate (NICEIC)
- Asbestos
- The Gas Safety (Installations and Use) Regulations 1994
- CDM Regulations
- Data Protection Act 1998 and updated GDPR 2018

3. Definition of Void Properties

There are different ways in which a property can become void and can be defined as follows:

- Formal termination - Formal Termination – The tenant is required to give 28-days written notice in terms of their tenancy agreement of their intention to leave the property. Their rent liability will continue if the keys are not handed in on time. There are circumstances in which a tenant may not reasonably give 28-days" notice prior to vacating their property. These circumstances will be reviewed by the Director of Operations and a decision taken as to whether the tenant will be held liable for the rent for the full notice period.
- Death of tenant - where Cassiltoun is notified of the death of a tenant and there is no successor the tenancy will terminate from the date of death. The Next of Kin will be advised that keys to the property should be returned as soon as possible after bereavement.
- Abandonment - where Cassiltoun issues a legal notice to a tenant who has vacated the property without notice. (See Abandonment Policy and Procedures)
- Eviction - where Cassiltoun completes court action to evict a tenant. The tenancy will terminate on the date that we repossess the property
- Transfers - where the tenant is re-housed in another Cassiltoun property. The tenant is still required to give 28 days notice but where the property can be relet before the 28 days notice is up they will only be charged until the date that the property has been re-let.
- Development voids - Where a new property is handed over to Cassiltoun as complete but is not let to the tenant on the handover date. They will be included in the voids numbers once ready for let, with rent due and payable.

4. Void Management Policy Aims

The overall aim of the Void Property Management Policy is to ensure that empty Association properties are let in an efficient, cost effective and equitable fashion. The specific objectives of the Void Property Management Policy are:

- to ensure that properties allocated by the Association meet acceptable standards or enhanced specifications within hard to let properties
- to ensure that rent loss through vacant housing is minimised
- to ensure that the Association makes the most effective use of the housing resources available to it, to meet housing need.
- to let properties to a standard which maximises the prospects of the incoming tenant sustaining the tenancy and reducing the likelihood of a tenant terminating the tenancy as a consequence of the property condition itself.

To achieve the above objectives the Association will –

- provide a clear statement of the level of service and standards to which the Association will work
- have procedures and agreed practices that are applied uniformly across the service
- re-let vacant properties as quickly as possible
- undertake repairs of vacant properties in accordance with the Association's letting standard and statutory responsibilities
- ensure that the condition of the property is of a standard that will not normally lead to an offer of accommodation being refused
- ensure that all offers of accommodation are consistent with the Association's allocations policies
- record any action taken at each stage in the void management process
- provide training to ensure that staff are equipped to carry out the roles expected of them
- keep tenants and service users informed during the void management process
- ensure that communication with tenants and service users is in plain English and makes clear in all cases who is the officer to contact in case of queries etc.

Communication procedures include regular team briefings, use of the 'void' record board, inspection and other relevant forms, SDM being kept up to date with progress and updating the Operations Sub Committee through the Property Services Performance Monitoring Presentation.

5. Performance Monitoring

The Association operates within a performance management framework which reports to and aims to meet the requirements of our tenants, factored owners, Board of Management, the Scottish Housing Regulator and the Scottish Social Housing Charter. Void performance monitoring is undertaken for main purposes:

- To provide day to day control over the voids function and individual void properties.
- To Monitor Cassiltoun Housing Association's overall performance in relation to voids over a period of time.
- To provide good quality information about Cassiltoun's void performance against it's stated objectives to inform service review.
- To allow benchmarking against other landlord organisations to improve performance.

As required by Section 31 of the Housing (Scotland) Act 2010, the Scottish Social Housing Charter sets out the standards and outcomes that all social landlords should aim to achieve when performing their housing activities:

Charter Ref.1 – Equalities

Social landlords perform all aspects of their housing services so that:

- 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.

Charter Ref.3 – Participation

Social landlords manage their businesses so that:

- Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

Charter Ref.4 – Quality of Housing

Social landlords manage their business so that:

- Tenants homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS), and continue to meet it thereafter and are always clean, tidy and in a good state of repair when they are allocated.

Charter Ref.11 – Tenancy sustainment

Social landlords ensure that that:

- Tenants get the information they need on how to access support options to help them to remain in their home and can get suitable support including services provided directly by the landlord and by other organisations.
-

Charter Ref.13 – Value for Money

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.

The Director of Operations is responsible for ensuring that the Void Policy and Procedures are in place and being carried out; for reviewing the policy and for reporting on performance to Cassiltoun's Senior Management Team and the Operations Sub Committee. The Director of Operations will have delegated authority to annually agree targets for the effective management of voids in the financial year. Performance information will also be provided quarterly to our tenants.

Externally, the Scottish Housing Regulator will monitor performance in terms of outcomes and standards achieved in line with the requirements of the Scottish Social Housing Charter. We will, annually, submit key performance information on our achievements to the Regulator in order to ensure that this policy remains fit for purpose and continues to meet Charter requirements, the Tenants Focus Group will monitor and review the performance standards.

Statutory Performance Indicators – Social Housing Charter

- Percentage of rent due lost through properties being empty during the last year
- Average length of time taken to re-let properties in the last year
- Percentage of tenants satisfied with the standard of their home when moving in
- Percentage of tenancy offers refused during the year
- Percentage of lettable houses that became vacant in the last year
- Percentage of new tenancies sustained for more than a year, by source of let

Local Performance Indicators

- Rent, property and void positions
- Actual number of voids received and completed
- Nature of tenancy termination (including reason for termination where appropriate).
- Offer refusal rate and reasons for refusal
- Rent loss (£ and as %age of annual rent due)
- Cumulative void loss.
- The percentage turnover of stock
- The number of houses where the void period has been 6 months or more
- The average cost of repairs per void
- The number of properties refused 3 or more times, by reason
- The average number of days taken to complete void repairs

6. Void Repair and Re-let Targets

Targets are an essential factor in ensuring that Cassiltoun are working to specific timescales in managing void properties. They encourage staff to be clear about the importance of speed. Ideally all Cassiltoun's properties should have 28 days notice given and therefore be able to be let with a nil void period, however in practice this is not always achievable.

In dealing with voids, and to enable Cassiltoun to measure their performance against the targets and take any remedial action needed, target timescales are attached to specific "events" such as, date of termination to date of void inspection, (**3 working days**) how long it should take for void repairs (**10 working days**), time period for identify new tenants (**5 working days**), and the time period from being ready for letting and signing the new tenancy(**0 days**).

7. Tenant Involvement

In reviewing services, feedback is sought from tenants, and used to improve service delivery. This is done in a number of ways:

- getting feedback on new tenants' satisfaction with the house at the start of their tenancy and through settling in visits (**during a six week period from the date of entry**)and follow up satisfaction surveys.
- monitoring comments and complaints from tenants and using this to improve service delivery.
- void related feedback from Focus Group, Estate Action Group or representatives on Governing Bodies.

8. Tenant's Responsibilities and Rights

8.1 Ending the Tenancy

Cassiltoun Housing Association ensure that tenants are fully aware of their responsibilities relating to leaving the property:

- End of tenancy responsibilities are clearly stated in the Scottish Secure Tenancy agreement and fully explained to the incoming tenant when signing the tenancy agreement. The end of tenancy procedure is also outlined in the tenant's handbook, newsletters and reiterated when a tenant first expresses their wish to move or transfer.
- The requirement to give 28 days notice in writing is emphasised. It is clearly stated that full rent will normally be charged until formal notice has been received and the notice period has elapsed, and that Cassiltoun will pursue outstanding arrears in such cases.
- To avoid re-letting delays and minimise void periods, outgoing tenants are given

clear guidelines on their termination responsibilities. There are several end of tenancy duties which Cassiltoun has stated in the tenancy agreement. These duties are also outlined to the tenant at the pre-inspection end of tenancy visit which must then be followed up in writing.

8.2 Rechargeable Repairs

The tenants' responsibilities in this regard is clearly specified in the Scottish Secure Tenancy Agreement, in the tenants handbook and reinforced at the termination stage.

Cassiltoun have the right to recharge outgoing tenants for any repairs which are due to tenant damage or neglect. The tenant is advised in writing of the work requiring to be done to a professional standard and the available time for the work to be completed by the tenancy termination.

Rechargeable repairs costs are a tenancy-related debt, and so any parts of the Housing (Scotland) Act 2001 which refer to arrears covers these charges too.

Where a property has been vacated without damage made good, or repairs that the tenant had been advised of not completed, Cassiltoun may decide to give the tenant a chance to have the work completed to a professional standard within a short period, e.g. 1 week. Otherwise Cassiltoun will complete the work and recharge the ex-tenant. (See Cassiltoun Housing Associations Policy on Recharge Repairs).

8.3 The Right to Compensation for Improvements

From 30 September 2002 Cassiltoun must compensate outgoing tenants who have carried out (with the landlord's consent) certain improvement works e.g. replaced kitchen units. As previously noted, this is covered by Section 30 of the Housing (Scotland) Act 2001. The tenant's Right to Compensation for Improvements is detailed in the Statutory Order ratified by Parliament in September 2002.

Cassiltoun also have a power, under Section 29 of the 2001 Act, to make discretionary payments to outgoing tenants for improvements which fall out with the statutory scheme. See Cassiltoun Housing Associations Policy on Tenant's Right to Compensation for Improvements

8.4 End of Tenancy with Inadequate Notice

Where tenants leave a property without the required 28 days notice, staff will try to contact them via any contact numbers/addresses they have previously supplied. Staff need to bear in mind Data Protection responsibilities when doing this, but should endeavor to locate the outgoing tenant and advise them (in writing whenever possible), of their responsibility to clear the rent due for the full 28 days notice period, any clearing or rechargeable repair costs and get a termination notice signed.

It is made clear that until such due balances are repaid to Cassiltoun, any landlords requesting tenancy references to be completed, will be clearly advised that the tenants breached their tenancy agreement.

In situations where the departed tenants' final outstanding balance is considerable, Cassiltoun may consider going for wage arrestments or employing a private debt

collector to pursue the outstanding monies. Such courses of action should only be taken where all other options have been tried, and have failed.

9. Inspections

Inspections are a vital element of good void management practice. A step by step summary guide for void procedures is outlined in Cassiltoun Housing Association Procedures for Void Management.

Pre-termination inspections and/or end of tenancy inspections (at which the tenant is present) will be carried out only where the tenant has given adequate notice. Tenants must therefore be fully aware of their duty to give 28 days notice as discussed in Section 9.1.

Arrangements for advising tenants of their duties is an integral component of the void management policies and procedures.

10. Other Void Management Issues

10.1 Death of a Tenant

Where a tenant dies leaving no successors, Cassiltoun will allow the relatives two weeks to clear the property.

10.2 Security Against Vandalism

Where judged necessary, Cassiltoun will make arrangements to take appropriate security measures at the earliest opportunity where a void property is vulnerable to vandalism, squatting or theft of components.

These may include changing locks, installing boarding, caging or “sitex” doors, fitting burglar alarms and arranging night security for new or refurbished schemes. *Cassiltoun* staff will ensure all security measures comply with building insurance requirements.

Neighbouring tenants’ and residents’ will be advised of any security measures and their assistance in ‘keeping an eye’ on void properties will also be encouraged wherever possible.

10.3 Measures for Winter Voids

Cassiltoun advise tenants how to protect their properties in the winter through the Tenants Handbook and newsletters, but also have specific procedures in place to ensure that winter voids are properly managed in order to prevent frost and/or flood damage which could considerably add to the re-letting period.

The need to take action to protect void properties in the winter varies enormously between property types, ages and different geographic locations. At the void inspection the decision will be made as whether to:

- employ specific frost precaution measures.
- monitor the weather over the winter/void period and review the required action as a result.
- decide that the property will not require frost precautions to be taken due to its location or type.

Frost and/or flood precautions include:

- conducting regular inspections.
- draining down of any water supply pipes and water heating systems.
- keeping on timed low level heating a couple of times a day.
- putting anti-freeze in WC pan to prevent cracking of the toilet base.

10.4 Health and Safety

As previously mentioned, Cassiltoun have to comply with legislation but also have specific policies and procedures in place to ensure the health and safety of staff and the incoming tenant at void management and re-letting stages. Cassiltoun's include void management and abandonment procedures specialist house emptying arrangements and 'sharps or needle disposal' protocol.

11. Allocation Issues

11.1 Pre-allocations and Early Viewings

As soon as Cassiltoun Housing Association are advised of a void or prospective void, it identifies prospective tenants and pre-allocates the property, seeking to commence the new tenancy as quickly as possible after the property has been returned to a lettable condition. Cassiltoun Housing Association have a minimum lettable standard in place, so that staff are clear about the expectations on them when they are assessing what work is needed prior to re-letting. The standard attached is attached in .

Cassiltoun Housing Association have taken into account the following factors which influence efficient pre-allocations including:

- maintaining up-to-date housing lists.
- considering internal transfer requests.
- effective nomination arrangements and good liaison with local authorities.
- developing special referral arrangements (e.g. with Women's Aid or SAMH).

- developing effective working relationships with the council in complying with the Housing (Scotland) 2001 Act's new Section 5 duty to house homeless people.

11.2 Minimising Offer Refusals

Notes of interests should be issued to applicants on the waiting list to assess who is interested in the void property minimizing the risk of refusal. All prospective tenants viewing a property must be accompanied by a staff team member from Cassiltoun as this significantly improves the success rates of lettings and reduce the possibility of refusals. Accompanied viewings give applicants a chance to ask questions and for Cassiltoun to give the applicant realistic advice on their options, provide information on the property and surrounding area, explain about outstanding repairs and any proposed investment works.

Correct allocations and the condition of the property can all help to minimise the number of refusals, which in turn helps achieve sustainable communities, good estate management and reduces anti-social behaviour problems.

Applicants are made aware of their right to access an appeals procedure, where they are unhappy with Cassiltoun's' allocation decisions or temporary suspension from the waiting list due to the maximum number of offers/refusals having been reached.

Cassiltoun have a clear, promoted and openly available internal appeals procedure and must also make tenants or applicants aware that they may approach the Public Services Ombudsman if they are still unhappy at the end of the internal appeals procedure.

See Cassiltoun Housing Associations Allocations and Complaints Policies.

11.3 Tenancy Agreements

The terms of the Scottish Secure Tenancy Agreement and the Short Scottish Secure Tenancy Agreement that are specific to the implementation of the Void Policy are found in Section 6 entitled "Ending the Tenancy".

Cassiltoun will ensure that these terms are explained to tenants at the Sign Up Process. Where a tenant is transferring internally they will be given clear guidelines on their termination responsibilities.

11.4 Sign Up Process

Prospective tenants will be provided with a Tenant Information Pack and Tenant's Handbook once they have accepted the property. New tenants will be asked to read and to confirm that they understand the terms and conditions contained within the Scottish Secure Tenancy Agreement. Information will also be provide to new tenants on tenancy and property related matters. New tenants will be asked to sign to confirm that they understand their obligations.

11.5 New Tenant Contact

Within one week of the new tenant's date of entry they will be issued with a New Tenant letter and their rent payment card. A new tenant visit will be carried out within two

weeks of the date of entry to check that the tenant has moved into the property, to discuss the rent account and identify any support or property related issues.

At the New Tenant Visit the New Tenant Form will be completed including seeking views on how satisfied or dissatisfied a tenant is with the condition of their home when moving in. This information will be collated and used to inform Cassiltoun's void standard.

12. Difficult to Let/Low Demand Properties

Cassiltoun have strategies in place to assist in minimising difficult to let properties or improving take up of properties in low demand areas. The good practice strategies used by Cassiltoun limit the number of such properties include:

- Making physical, social conditions and environmental improvements in areas of difficult to let housing.
- Converting and improving unpopular properties to a higher standard.
- Allocating difficult to let properties to non-priority applicants where applicants with more housing points are not forthcoming.

A more comprehensive list of management steps used to address difficult to let/low demand property relets are outlined in the Procedures for Void Properties.

12.1 Decoration Allowance

Cassiltoun will not offer decoration allowances to new or existing tenants, however, it will be at the discretion of the Housing Manager (property) to choose to redecorate all or part of a void property where the condition of the property is such as to make re-letting potentially difficult or as part of an increased specification for voids that are created as a result of the newbuild programme. .

13.1 Specialist and supported housing

Void periods in specialist housing can sometimes be longer than normal because either

(a) Cassiltoun may not be in control of the assessment process, or (b) it can take longer to identify a suitable applicant. Sometimes both of these factors are in play. The effect (on voids) of both of these factors can be minimised by effective liaison arrangements with social work and other relevant partner agencies, and by pre-allocating a property wherever possible.

Leased properties to other agencies are not affected, but those which have management agreements with other agencies should try to limit their responsibility for void costs where it is the managing agency (and/or the social work department) which is largely in control of the assessment and allocations process.

Whether managed directly or via a management agreement, Cassiltoun will record supported housing voids separately, both internally and in their returns to the Scottish Housing Regulator

13.2 Lets to Homeless Households

Permanent lets made as a result of a referral of a homeless household by the local authority, under section 5 of the Housing (Scotland) Act 2001, should not automatically lead to longer void periods unless there is a dispute over a particular let and the dispute involves a specific property.

14. Delegation of Responsibilities

- **Director of Operations** - has responsibility for ensuring that this policy complies with Regulatory and Legislative requirements and in meeting the Association's Business Plan and budget commitments.
- **Housing Manager - Property** – has responsibility for ensuring that appropriate support and timely advice is provided to relevant staff to ensure compliance with Regulatory and Legislative requirements and in meeting the Association's Business Plan and budget commitments

The practical implementation of the policy and the day-to-day operation of the void procedures will be undertaken by members of the Association's Operations Team. Normally the void properties will be the responsibility of the Maintenance Officer and Housing Officer, but, in his/her absence, other members of the Operations Team may carry out the void functions.

Any need to deviate from the policy will be reported to the Operations Sub Committee after the decision by the Director of Operations.

15. Risk Assessment

The Void Policy and Procedures aim to control the following risks to the Association:

- The Association acting illegally and not meeting good practice guidance in the void process.
- The financial security of the Association being compromised by high void periods and the corresponding loss of rental income.
- The Association dealing with all aspects of Estate Management and ensure that the communities in its area of operation are sustained.

16. Policy Review

The Association will review this policy every 3 years. More regular reviews will be considered where, for example, there is a need to respond to new legislation/policy guidance. Reviews will consider legislative, performance standard and good practice changes.

The Association has developed this policy in consultation with tenants and other service-users and account has been taken of representations made. Similar consultation will take place for all proposed policy reviews.

17. Confidentiality and Data Protection

All information provided by tenants and applicants will only be used for the purpose provided.

We will ensure that we meet the requirements of the General Data Protection Regulation 2018.