

Void Management Policy

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Void Management Policy

1. Introduction/Purpose

- 1.1 The purpose of this Policy is to set out Rosehill's approach for managing empty properties which arise within its housing stock.
- 1.2 It is recognised that Rosehill, as with other landlords, will experience some level of turnover in its stock as tenancies end for various reasons and are subsequently re-let. It is inevitable during turnover that there may be periods where some properties are empty between one tenancy ending and the next one beginning.
- 1.3 We fully recognise that good management of void properties and the limitation of void periods are vital to: maximise rental income; provide a quality service; meet housing need and achieve good neighbourhood management.
- 1.4 Therefore the main aim of this Policy is to minimise any void periods that may arise. This will be achieved by operating efficient and effective systems and procedures; complying with relevant legislative and regulatory requirements and taking into account best practice.
- 1.5 This policy does not operate in isolation of other areas of our work. To ensure good void management practice the policy interlinks with a number of other policies which govern key areas of our work including Allocations, Abandonments, Arrears Management, Anti-Social Behaviour, Racial and Other Harassment, Neighbourhood Management and Decoration Allowances.

2. Legal and Regulatory Framework

- 2.1 Whilst this Policy sets out to explain Rosehill's approach to void management it must do so in the context of legal and regulatory requirements. Therefore the following relevant legislation has been taken into account in the development of this Policy:
 - Housing (Scotland) Act 2001
 - Housing (Scotland) Act 2014
 - Data Protection Act 1998
 - The Gas Safety (Installations and Use) Regulations 1994
 - The Energy Performance of Buildings (Scotland) Regulations 2008
 - Matrimonial Homes (Family Protection) (Scotland) Act 1981

2.2 The Scottish Social Housing Charter

2.2.1 The Social Housing Charter came into effect in April 2012 and was reviewed in 2017 this sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The Charter replaces the Performance Standards and the outcomes relevant to this Policy are:

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.

2 Communication

Social landlords manage their businesses so that: tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

4 Quality of Housing

Social landlords manage their businesses so that: 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.

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.

2.2.2 Social landlords are responsible for meeting the standards and outcomes set out in the Charter. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve the outcomes.

2.2.3 In line with the regulatory principles, the Regulator's approach to monitoring landlords' achievement of the outcomes and standards in the Charter will be based on the landlords' performance information and their own assessment of their performance. Therefore, for each year ending on 31st March, we will be expected to:

- Measure and assess our performance in progressing towards or achieving the Charter outcomes and standards
- Provide the Regulator with some key performance information on our achievement of the outcomes and standards
- Report our performance to tenants and other service users who use our services.

3. Tenancy Terminations

- 3.1 There are four main ways a tenancy can end which could lead to the property becoming void for a period of time:

Tenant giving notice

The death of the tenant (where there is no-one in the household to succeed to the tenancy)

The tenant abandons the property

By court order e.g. tenant evicted for rent arrears

3.1.1 Tenant giving notice

- 3.1.1.1 Once a tenant advises of their intention to end their tenancy, staff within the Generic Team will issue the tenant with our Termination of Tenancy Form. It is preferable that staff are present when the Form is being completed but if this is not possible it can be posted or emailed to the tenant. For the avoidance of doubt we will not accept any verbal notification of a tenant's intention to end their tenancy.

- 3.1.1.2 The termination form must be signed by the tenant **and** any joint tenant, spouse, civil partner or anyone living with them as husband or wife.

- 3.1.1.3 Tenants are required to give 28 days' notice as per the conditions of their tenancy agreement. This period of notice can be reduced in exceptional circumstances and only with the authorisation of the Housing Services Manager or the Director. For example where a new tenant has been identified for the property and is able to move in before the 28 day period elapses.

- 3.1.1.4 Pre tenancy end inspections will be carried out where possible to enable staff to assess the repair and decoration standard of the property and to discuss any other matters relating to the tenancy such as the rent account or qualification to the Right to Compensation for Improvements. During the 2020/21 pandemic these inspections were carried out via video call. Where it is absolutely not possible to visit in person for any reason the video call is acceptable as an absolute minimum. Permission to undertake the inspection via this means must be approved by a Senior Manager as it is preferable to see the property and outgoing tenant in person.

3.1.1.5 Tenants will receive written confirmation of any key details discussed and agreed at the pre tenancy end inspection. For example if the tenant is required to undo and make good any damage as a result of unauthorised alterations.

3.1.1.6 As the intention is to minimise and preferably prevent any void period arising, the task of finding a new tenant is begun immediately upon receiving a valid notice of termination of tenancy. To assist with this, where possible, viewings of the property should be arranged with the outgoing tenant during the notice period.

3.1.1.7 To ensure tenants do not fall foul of their responsibilities as set out in Clause 6.7 of their legally binding tenancy agreement, we will periodically publish articles in our newsletters about what tenants need to do if they plan to end their tenancies. This information will also be published on our website.

3.1.2 The Death of a Tenant (where succession to tenancy does not apply)

3.1.2.1 Where we are formally notified of a tenant's death staff will liaise with whoever has the authority to act upon the deceased tenant's behalf and this generally will be other family members.

3.1.2.2 The tenancy formally ends upon the tenant's death and any entitlement to housing benefit/ Universal Credit housing element will also cease at that point. The rent account will be closed down from the date of the tenant's death. Therefore it is important that every effort is made to minimise the rent loss however this must be approached with sensitivity and care, fully recognising the difficult time it can be for people.

3.1.2.3 We will give up to a maximum of four weeks for the property to be completely cleared and the keys to be handed back to us. Any extension to this period will only be granted where payment is made in line with the rent for the property. Any extension must be authorised by the Housing Services Manager or in their absence the Housing Officer (Generic Team).

3.1.2.4 It is expected that the authorised person(s) will clear out the house, however in exceptional circumstances we will assist with the disposal of larger items of furniture. Such a decision will be made by the Housing Services Manager or Director. In such circumstances we reserve the right to either charge for this disposal service or reduce the time the authorised person(s) has to hand over the keys.

3.1.2.5 Due to the difficulties in a tenancy ending in such a way, it is highly unlikely that staff will be able to begin viewing the property until the keys are handed in. However staff will still begin the task of finding a potential new tenant as quickly as possible after being notified of the tenant's death.

3.1.2.6 On occasion we will hear about a tenant's death through word of mouth and not through any formal means. In such circumstances, upon hearing of a tenant's death, we will wait approximately 3 working days to see if anyone makes contact to formally advise us. In the event that no contact is made staff will begin making appropriate enquiries.

3.1.2.7 Staff will begin by checking if we hold any contact details on file for any friends or family of the tenant or if there is any involvement with Social Services. Failing which staff will contact the Police to assist with identifying family of the deceased tenant.

3.1.2.8 We will work with all relevant agencies to conclude matters and to enable the property to be emptied and handed back to us.

3.1.3 Tenant Abandons the Tenancy

3.1.3.1 We have a separate Policy which governs how we manage abandoned or suspected abandoned properties. The associated procedures clearly set out the processes staff will undertake to identify, verify and recover abandoned properties.

3.1.3.2 Once staff are satisfied that it is more than likely that a tenant has abandoned a property the first abandonment notice will be served which will run for a clear 28 days. During this period staff will tentatively begin the process of identifying a potential new tenant.

3.1.3.3 Upon the 28 day notice expiring, and there having been no contact by the tenant, staff will serve the second and final notice and recover the property in accordance with our Abandonment Policy. This will include taking an inventory of any property and belongings of the tenant and making any arrangements for storage of such items if deemed feasible under the statutory requirements.

3.1.3.4 The tenant, who has abandoned the property, will be held liable for the rent during the period from service of the 1st Abandonment Notice to the 2nd Abandonment Notice.

3.1.4 Tenancy Ended by a Court Order

3.1.4.1 We will normally only pursue and enforce a court order to evict a tenant on the grounds of rent arrears or anti-social behaviour.

3.1.4.2 The process for recovering properties through eviction proceedings are covered under the Procedures relating to Rent Arrears and Anti-Social Behaviour.

4 Void Procedures

- 4.1 We have procedures which describe the operational process, in detail, for managing void properties and clearly demonstrate the role of different staff at various stages in the process. This is a working document and the process will be reviewed/updated as required.

5. Communication

- 5.1 Good communication is key to the effective management of void properties and can contribute to the aim of preventing and minimising void periods.

5.2 Communication with Tenants

- 5.2.1 We will ensure tenants have access to important information about their tenancy rights and responsibilities including what they need to do if they wish to end their tenancy.

- 5.2.2 Information is made available at the sign-up stage for new tenants, articles will be published periodically in our newsletters and information will be made available on our website.

- 5.2.3 In addition we will ensure we have well trained staff who are able to provide tenants with good quality advice and assistance in relation to tenancy matters.

5.3 Communication between Staff

- 5.3.1 The process of dealing with a void from start to finish is extensive and involves more than one member of staff and more than one team i.e. Housing Services and Technical Services. Therefore, it is vital that all concerned communicate with each other throughout the entire process and work to the common goal of re-letting properties as quickly as possible whilst ensuring the condition of the properties are to the Lettable Standard.

- 5.3.2 The need for good communication extends to the contractors who are carrying out any repairs to void properties.

- 5.3.3 Whilst a number of staff may play a role in the void process, the Housing Officer (Generic Team) will take the lead role for overseeing that the procedures are followed throughout the process. They will closely liaise with the Technical Services Officer to ensure repairs are being progressed within the agreed timescales and that the target hand back date will be achieved. She will also keep the Housing Assistant, whose patch the void is in, informed of all progress.

6. Security

- 6.1 When a tenancy has ended, and the property is to be re-allocated we will carry out a lock change.
- 6.2 In the case of abandoned properties or properties repossessed through eviction proceedings, the locks will be changed within two hours of the properties being recovered.
- 6.3 Where the property is likely to be void for a longer period of time and is deemed to be vulnerable to vandalism, we may consider boarding up the property or 'sitex' the doors and windows. The use of boards/sitex will be avoided where possible as these in themselves can attract unwanted attention and can contribute to a negative view of an area.

7. Winter Prevention

- 7.1 During periods of severe weather or prolonged voids, we will undertake precautionary measures, if assessed as being necessary.

8. Inspections

- 8.1 To establish how long it is likely to take to re-let a property, we will aim to carry out a series of inspections:

8.2 Initial Pre-Tenancy Termination Inspection

- 8.2.1 The Housing Officer (Generic Team) in conjunction with the Technical Services Officer will carry out this inspection. At the inspection staff will highlight any repair issues which the tenant may need to address e.g. the removal of any unauthorised alterations and the making good of any damage caused to the property. In addition, staff will endeavour to highlight any repairs which we will be responsible for.

- 8.2.2 Staff will also obtain the details of the gas and electric suppliers used by the tenant and establish the type of meters installed in the house. Where card meters are installed, staff will arrange for the tenant to hand in the cards along with the keys when he/she leaves the property. Tenants are also encouraged to leave the meter in credit (couple of pounds approximately) to ensure there is some power available in the property.

- 8.2.3 The timescale for carrying out the initial inspection is detailed in the attached procedures.

8.3 Final Pre-Tenancy Termination Inspection

8.3.1 Where the initial inspection highlights that the tenant is responsible for making good any damage to the property or for the removal of unauthorised alterations, a follow up inspection will be carried out.

8.3.2 The timescale for carrying out the final inspection is detailed in the attached procedures.

8.4 First Void Inspection

8.4.1 On receipt of the keys from the tenant, a further inspection will be carried out. All inspections will be carried out within one working day.

8.4.2 The Housing Officer (Generic Team) in conjunction with the Technical Services Officer will carry out the inspection. As the property is empty a thorough inspection will be undertaken, and initial meter readings recorded.

8.4.3 With regard to utilities, staff will carry out the necessary requirements to ensure there is an adequate supply of power for the gas and electric checks to be carried out and any repairs needed.

8.4.4 The number and nature of repairs found, if any, will determine when the house can be relet i.e. either immediately or within a defined timescale.

8.5 Interim Inspections

8.5.1 Where the number of or scale of repairs is significant the Technical Services Officer will carry out interim inspections to check the progress of the work, resolve any issues that might arise and ensure works are on track to meet the agreed hand back date.

8.6 Final Void Inspection

8.6.1 Upon completion of any identified void repairs, the Housing Officer (Generic Team) and the Technical Services Officer will jointly carry out a final inspection to ensure that the property is ready for let and meets the agreed Lettable Standard.

8.6.2 If any issues are identified e.g. repairs not complete or not to a good standard, the Technical Services Officer will be responsible for ensuring such defects are addressed promptly.

9. Void Repair Works

9.1 Housing Services and Technical Services Departments will work in conjunction to ensure repairs are carried out as quickly as possible.

10. Decoration Allowance

- 10.1 We operate a Decoration Allowance Policy which extends to void properties. This clearly sets out under what circumstances a decoration allowance can be awarded to tenants moving into void properties.

11 Energy Performance Certificates

- 11.1 We use an external contractor to produce EPCs for our properties. When an EPC is produced it is valid for 10 years. For any subsequent void the Housing Officer (Generic) must ensure that the current EPC is displayed within the property. If for any reason the certificate has been removed they will re-print a copy and display within the property.
- 11.2 The process for requesting and producing EPCs by the external contractor is set out in the void procedures.

12. Gas and Electrical Inspections

- 12.1 We will not relet any property without the appropriate certifications in relation to gas safety, electrical inspections and fire detection.
- 12.5 Any electric shower which Rosehill has not installed should be the subject of an electrical inspection. If the shower fails the inspection it will be replaced. If there is no shower fitted then Rosehill will arrange for one to be installed.

13. Record Keeping

- 13.1 Good record keeping is important to ensure good void management practice.
- 13.2 The attached procedures set out in detail the process involved in dealing with tenancy ends/voids. However, in summary it is important that staff use the appropriate forms for recording information e.g. tenancy termination notices, pre-tenancy termination/ void inspection forms. In addition, staff must also follow the procedures relating to the tagging of keys, updating the register of voids and notice board, notifying all relevant staff of impending relets and issuing tenants confirmation of tenancy end details.

14. Performance Management

- 14.1 We set targets for re-letting void properties which enable us to measure and monitor our performance in relation to how quickly we let void properties and how much rent we lose through voids.

- 14.2 The measures we use for these targets are in line with the requirements of the Annual Return we have to submit to the Regulator.
- 14.3 Our Management Committee monitors performance in relation to these two targets for voids along with other key performance information on a quarterly basis. In addition we compare our performance from year to year and against other RSLs in our Peer Group (as determined by the Regulator).
- 14.4 In addition to these two key void targets, our Management Committee also receives reports on the following on a quarterly basis:
- Percentage of lettable houses which became vacant
 - Percentage of tenancy offers refused
 - Spend on void properties (via quarterly management accounts)
- 14.5 Annually we monitor and compare our performance over the last five years and against other RSLs in our Peer Group.

15. Tenant Participation

15.1 Tenant Participation

One of our strategic objectives is to engage effectively with tenants and service users so that our service delivery meets their requirements. In order to ensure we do this effectively we have a tenant participation strategy. Tenants are encouraged to engage with the operational design of services.

Further details of this can be found in our Tenant Participation Strategy. Copies of this are available in our office or online at www.rosehillhousing.co.uk

16. Equalities and Human Rights

- 16.1 Rosehill's Equality and Human Rights policy (January 2024) outlines our commitment to zero tolerance of unfair treatment or discrimination towards any individuals or group of individuals, particularly those belonging to a protected characteristics (as defined by the Equality Act (2010)). This includes ensuring everyone has equal access to information and services, by making copies of all policies available in a variety range of alternative formats (i.e. large print, translated etc.) in response to reasonable requests.

Rosehill is aware of the potential for policies to inadvertently discriminate against individuals or groups of individuals. To help address this we out Equality Impact Assessments (EIA) to help identify any part of a policy that may be discriminatory so this can be addressed (please see Section 9 of our Equality and Human Rights policy for more information).

As this policy applies equally to all groups, Rosehill (with Committee approval) made the decision not to carry out an Equality Impact Assessment on this policy.

17. Risk Management

- 17.1 In all the key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our material risks which are regularly monitored by our Management Team and Audit Sub-Committee.

Key to the mitigation of the risks associated with allocations issues and the subsequent impact on the reputation of Rosehill and possible litigation risk is having a comprehensive policy in place to govern the management of allocating our properties and ensuring we meet our statutory and community obligations.

18. Complaints Procedure

- 18.1 We aim to get things right first time and provide a good quality service to our tenants. However, we acknowledge that things can go wrong and that some tenants may be unhappy with the service provided. We have a Complaints Policy and procedure. The procedure can be used where there is dissatisfaction with this Policy or its operation. Our Complaints Policy is available in our office or online at www.rosehillhousing.co.uk.

19. Data Protection

- 19.1 On the 25th May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR). Following the UK's exit from the EU, and the end of the transition period which followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.
- 19.2 We hold a variety of Personal Data relating to individuals including tenants, waiting list applicants, factored owners, other service users, employees and Committee Members. Our Privacy Policy sets out the basis on which we can process and share such data with third parties, it

also sets out how we will securely store individuals' data, whether electronically or in paper format. It also provides information on individuals' rights under UK GDPR including: to view personal data held about them by us; to request a restriction of processing of their data; the right to be forgotten and a right to object to us processing their data. In terms of the rights to be forgotten and to restrict or object to processing of Personal Data, any such requests will require to be considered on their own merits and legal advice will need to be obtained in some circumstances. We have the responsibility for accepting or refusing such requests and will do so in writing.

- 19.3 Under UK GDPR we are required to provide all customers whose Personal Data we hold with a Fair Processing Notice (also known as a Privacy Notice). The Notice sets out the Personal Data we process and the basis for doing so.
- 19.4 We will only keep and process Personal Data for the original purpose we gathered it for and we will not keep it for any longer than necessary. Attached to our Privacy Policy is a table of Retention Periods for Personal Data held and processed by us. We recognise that not all Personal Data can be processed and kept for the same period of time, and this will vary depending on the individual circumstances of each person whose Personal Data we hold.
- 19.5 The Privacy Policy sets out what should happen in the event of a Data breach e.g. does the breach require reporting to the Information Commissioner's Office and whether the individual affected should be notified. Timescales are set out for dealing with data breaches.
- 19.6 Full copies of our Privacy Policy are available upon request at our office or from our website www.rosehillhousing.co.uk

20. Policy Review

- 20.1 This Policy will be reviewed at least every three years or sooner to ensure it continues to reflect current thinking and practice and to comply with legislative requirements and regulatory guidance.
- 20.2 Any tenant wanting to get involved with the review of any Rosehill policy can do so. Further details of this can be found in our Tenant Participation Strategy. Copies of this are available in our office or online at www.rosehillhousing.co.uk