

| | |
|---------------------------------------|---------------------------|
| POLICY TITLE | Illegal Occupation Policy |
| POLICY NUMBER | JO/PO/15 |
| AUTHOR | Brian Trodden |
| DATE AGREED | 02.08.10 ® |
| REVIEW DATE | 2013 |
| OFFICER RESPONSIBLE FOR REVIEW | Rob Thompson |

ILLEGAL OCCUPATION POLICY

1 POLICY STATEMENT

- 1.1 Erimus Housing (EH) and Tees Valley Housing (TVH) aim to deal effectively with persons illegally occupying their properties for the benefit of nearby residents and those who are in need and waiting to be housed.
- 1.2 EH and TVH aims to continually improve services based on customer needs, clear service standards and costs.
- 1.3 This policy demonstrates EH and TVH's commitment to the provision of an efficient and effective policy for dealing with illegal occupation, and ensures that an illegal occupier is removed in a lawful manner.
- 1.4 EH and TVH will ensure that no individual is socially excluded or disadvantaged in accessing services.
- 1.5 EH & TVH will aim to promptly re-let properties once illegal occupiers have been removed.

2 REFERENCES

2.1 External

Legislation and Regulation

- Housing Act 1988;
- Disability Discrimination Act 1995.

Guidance

- KLOE 6 – Tenancy and Estate Management;
- KLOE 7 – Allocations & Lettings;
- CRE Code of Practice on Racial Equality in Housing 2006.

2.2 Internal

- Strategic Plan/Strategic Priorities.

Related documents:

- Choice Based Lettings Policy and Procedure;
- Service Standards;
- Tenants Handbook;
- Tenancy Agreement;
- Anti-social Behaviour Policy & Procedure;
- Equality & Diversity Strategy;
- Vulnerable Persons Policy.

3 DEFINITIONS

3.1 The Company relates to either or both EH and TVH.

4 POLICY CONTENT

4.1 The Company will prevent unauthorised occupancy wherever possible by:

- Protecting vacant properties with good security measures, including screening of doors and windows where necessary;
- Checking empty properties on a regular basis;
- Keeping good tenancy records of all occupants from sign-up and updating records on a regular basis;
- Carrying out reviews on tenancies and current occupiers through annual property inspections.

4.2 The Company will encourage neighbours and existing tenants to report unauthorised occupants.

4.3 The Company will arrange to investigate any report of an illegal occupier within one working day of a report being received.

4.4 Extensive follow-up enquiries will be made to establish if there is a current tenant who intends to return to the property and that no unlawful evictions are carried out.

4.5 The Company will liaise closely with other agencies including the police, Social Services and the Local Authority when investigating a report of illegal occupiers.

4.6 Where illegal occupiers are vulnerable and/or have children, EH and TVH will contact social services and make a referral to the Homelessness/Housing Advice Team.

- 4.7 The Company will help new or existing tenants who have illegal occupiers in their home to seek advice and assistance on how they can remove them from their property.
- 4.8 Where there is a no new or existing tenant, the Company will always apply to the County Court to remove illegal occupiers.
- 4.9 The Company will not issue a rent payment card to any person believed to be illegally occupying a property. If money is received, this will be held in a general account not as rent but for use and occupation, and immediate legal advice will be sought. However, the Company will request any rent loss be awarded from the County Court.
- 4.10 The Area Manager for EH or the Housing Services Manager for TV will approve any legal action to be taken before possessions proceedings are commenced. The possession proceedings, if taken, will also include evidence where possible, of any damage that has been caused by the illegal occupant to the property.

5 EQUALITY AND DIVERSITY

- 5.1 The Company recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 5.2 Through the management of illegal occupation, the Company aims to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 5.3 To enable all residents to have appropriate information and equal access to this policy, the Company publishes clear information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customer's preferences or needs.
- 5.4 The investigation of any illegal occupation is fully in-keeping with our equality and diversity aims and objectives.
- 5.5 The Company will be accessible, responsive and sensitive to the diverse needs of individuals, and officers will be trained to a high standard in valuing and promoting equality and diversity in the delivery of the Illegal Occupation policy.
- 5.6 Full details of our approach are set out in our Equality and Diversity strategy.

6 CUSTOMER INVOLVEMENT AND CONSULTATION

6.1 The Company recognises the importance of working in partnership with its customers to develop and continuously improve our services and raise standards.

6.2 The Company actively involves customers at the beginning of decision making processes and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full, in our Resident Involvement strategy.

6.3 To demonstrate this commitment, this policy:

- Will be reviewed in consultation with service users and customer's panels;
- Involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
- Publishes information in relation to performance against the aims and standards set down by this policy;
- Will be developed and reviewed in light of customer feedback, comments and complaints.

7 POLICY MONITORING AND REVIEW

7.1 Monitoring

7.1.1 The monitoring of outcomes is essential for the Company to track the impact of our approach to managing illegal occupation. Monitoring of the implementation of the Illegal Occupation policy and the associated procedures will consider:

- The number of properties illegally occupied each quarter, in order to substantiate the effectiveness of the policy and procedures;
- Of those properties being illegally occupied, the period of time that any illegal occupier remains and the effect on our rent loss.

7.2 Review

7.2.2 Monitoring results will be used by the Company to inform future policy reviews in this area. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- The aims and objectives of the policy are being met;
- The current policy outcomes meet the needs and aspirations of our diverse customer base;
- Service users are aware of and understand the policy and believe it to be consistent and fair;

- The policy provides sufficient choice for customers;
- The service offers value for money;
- Partnership arrangements are working effectively.

7.2.3 Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff groups;
- Board members;
- Existing and future service users;
- Resident and community groups;
- Relevant partners, local voluntary agencies and other statutory services as appropriate.

7.2.4 This policy will be reviewed on a three yearly basis or in-line with legislative or regulatory changes.

8 RESPONSIBILITY

8.1 The Managing Director retains the overall responsibility for the implementation of this policy.

8.2 The Group Director of Operations is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

