

Transfer of Residents in Arrears Policy

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Version	2
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1.0 Scope and Aims

- 1.1 This policy applies to all Hexagon residents looking to transfer within Hexagon's housing stock.
- 1.2 The policy is appropriate for a resident who either applies for a transfer while in arrears or falls into arrears while their application is live.
- 1.3 This policy meets the requirements of the Regulator of Social Housing's Tenancy Standard [Tenancy Standard](https://www.gov.uk/government/publications/tenancy-standard) [Tenancy Standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/tenancy-standard)
- 1.4 All applications will be dealt with sensitively and in line with the Data Protection Act 2018 and UK-GDPR.
- 1.5 The policy will clarify the position of residents looking to transfer who have current rent arrears and detail the scenarios in which some discretion may be applied.

2.0 Equality and Diversity

- 2.1 An equality impact assessment 'initial screening' has been carried out which determined there to be no negative impact specific to those with protected characteristics.
- 2.2 This Policy will be implemented in accordance with Hexagon's responsibilities and duties under relevant legislation, including the Equalities Act 2010.

3.0 Consultation

- 3.1 *This policy to be reviewed by the Hexagon Resident Advisory Group held on 7th December 2021 and comments were able to be used to improve the policy.*

4.0 Policy Statement

- 4.1 By transferring a resident in arrears Hexagon loses the ability to obtain a Possession Order on debts relating to the former tenancy, which hinders income recovery
- 4.2 Hexagon aims to incentivise the repayment of arrears wherever possible

- 4.3 There are situations where a transfer will aid the repayment of arrears, may release unused bedrooms or there are other considerations that mean discretion should be applied
- 4.4 Although each application will be assessed individually, generally residents in arrears will not be eligible to apply for a transfer until those arrears are cleared and a clear rent has been maintained account for 6 months
- 4.5 Residents that fall into arrears will have their application to transfer suspended
- 4.6 There are certain circumstances where we may consider permitting a transfer for residents in arrears, this will always be at the discretion of a senior manager and must be accompanied by an agreement to repay any outstanding arrears. Residents are expected to continue to clear any arrears after they have moved.
- 4.7 The exceptional circumstances we will consider (with transfer allocation band) are as follows:
 - Resident is in hospital and they are unable to be discharged because their home is no longer suitable (as per medical assessment) – Band A
 - Resident can no longer use stairs and have no ground floor bathroom or room to sleep in – Band A
 - Resident is suffering from an immediately life threatening conditions that relates directly to the current property; and the condition will be improved by moving – Band A
 - Resident is experiencing serious harassment – Band A
 - Resident is experiencing domestic abuse with a high risk of serious personal injury or having had to leave their home –Band A
 - Hexagon is moving the resident to carry out major repairs works to their home – Band A
 - Resident is under-occupying their property – releasing two or more bedrooms – Band A or B
 - Resident is affected by the Spare Room Subsidy (“Bedroom Tax”) or benefit cap and will cease to be affected by moving (this is subject to having arrears under £800 and having an appropriate rent and arrears payment agreement in place) – Band B or C
 - Other exceptional or urgent circumstances of a similar nature – band dependent on case

- 4.8 The Neighbourhood Service Manager or Housing Services Director may approve a transfer of a resident in arrears, following a recommendation by a Team Leader. All requests must be signed off by the Revenues Manager.
- 4.9 Hexagon may consider using alternative methods of rent debt collection if doing so is likely to be effective and would not be unreasonably punitive.
- 4.10 Any resident or applicant wishing to complain about any part of the transfer process should follow Hexagon's complaints procedure.

5. Relevant Legislation and Guidance

- [Tenancy Standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk/tenancy-standard)
- Localism Act 2011
- Homelessness Act 2002
- Immigration Act 2014
- Housing Act 1996

6. Related Hexagon Policies and procedures

- Lettings policy
- Rent arrears policy and procedure
- Complaints Procedure