



**COUNCIL HOUSING  
INCOME RECOVERY POLICY**

**FEBRUARY 2026**

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Policy: COUNCIL HOUSING INCOME RECOVERY POLICY

Date adopted: [25/02/2026]

Next review date: 24/02/2029]

Version control:

Version Number	Purpose / Change	Author	Date
1.0	First issued	Matthew Wynn	25/02/2026

#### Links to Council Corporate Plan 2025-28

Council ambition	Linked?
<b>Working for a prosperous future</b> <i>We want to ensure the best possible local economy, with opportunities for the Council's tenants to succeed and achieve.</i>	Yes/No
<b>Healthier, safer communities</b> <i>Tenants should feel safe in the Borough and supported to be more active in order to improve their health and wellbeing.</i>	Yes/No
<b>A greener and cleaner environment</b> <i>It's important to everyone that we look after our environment</i>	Yes/No
<b>Restoring the Council to good health</b> <i>The Council will be placed on a sound financial footing ensuring resilience – delivering the service its tenants deserve and expect.</i>	Yes/No
<b>We ♥ Castle Point</b> <i>To encourage pride of place in Castle Point - the Council will help create and maintain the best possible place to live in, work in and visit.</i>	Yes/No

**Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)**

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**Equality Impact Assessment undertaken? Yes**

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## 1. Introduction

- 1.1 As a responsible social housing landlord, Castle Point Borough Council ("the Council") must collect the income for the Council housing it owns and manages; this ensures that the Council has the money it needs to maintain and improve its homes and communal areas. The purpose of this document is to describe how the Council manages its legal obligations in relation to the collection of its income. The Policy demonstrates how the Council complies with the *Regulator of Social Housing's 'Consumer Standards, 2024'*.

## 2. Scope

- 2.1 This Policy outlines the Council's approach to income collection for the Council's general needs, sheltered, leasehold and temporary accommodation (including private sector leased properties ("PSL")).
- 2.2 Rent setting for all units is covered in the Rent Setting Policy. Service charge setting for all units is covered in the Service Charge Policy.
- 2.3 Where the Council manages a property on behalf of another landlord, it will use this Policy and associated procedures to collect rent and recover debt as outlined in the management agreement. The landlord will invoice the Council who will retain their management fee and pay the balance. The Council does not have stock which is managed by another landlord on their behalf.

## 3. Definitions

APA	Alternative Payment Arrangement
ASB	Anti-Social Behaviour
The Council	Castle Point Borough Council
DHP	Discretionary Housing Payment
HB	Housing Benefit
The leaseholder	The named person(s) on the lease agreement.
NoSP	A legal notice informing the tenant if the breach of tenancy does not stop, it is the intention to take legal action to seek possession of the property.
RTB	Right to buy
The tenant	The named person(s) on the tenancy agreement.
Tolerated trespasser	A person who remains in a property after their lawful tenancy has ended, but the landlord allows them to stay on, often in exchange for rent payments or to gradually pay off arrears, without formally restoring their tenancy.
UC	Universal Credit

## 4. Aims and Objectives of the Policy

- 4.1 The aims of this Policy are to provide clarity on the Council's approach to the collection of all income to the Housing Service. The aim of this Income Recovery Policy outlines the Council's approach to:
- Rent accounts
  - Service charges accounts
  - Subsidiary Accounts
  - Former accounts
  - Garage Accounts

## 5. Policy Statement

- 5.1 The Council will work with tenants to meet their obligation to pay their rent/charges whilst ensuring it is affordable. The Council aims to do this in a way which minimises individual debt, which supports sustainable communities and is empathetic to the financial problems its tenants or leaseholders may be facing.

- 5.2 The Council will be proactive in establishing direct personal contact at all stages of income collection and arrears management. As well as writing to tenants and leaseholders, the Council will use a variety of methods to facilitate personal contact, including home visits, telephone contact, email or texts. The Council will provide information in alternative languages or alternative formats, if required. All communication will be recorded on the Housing IT system.
- 5.3 In recovering income the Council will:
- a) Provide assistance and support to its tenants.
  - b) Offer a range of payment methods.
  - c) Maximise the Council's income by enforcing arrears recovery.
  - d) Prevent an arrear occurring, where possible.
  - e) Ensure early intervention to reduce the risk of the debt increasing.
  - f) Work within industry good practice and pre-court protocols.
  - g) Undertake vulnerability assessments as and when required.
  - h) Undertake affordability assessments as and when required.
  - i) Evict only when all other avenues have been exhausted.
  - j) Work in partnership with collection agencies to trace former tenants.
  - k) Seek to refund credits and recover debts for former tenants.
  - l) Write off debt only when all avenues are exhausted.
  - m) Ensure all Council employees are trained to the appropriate standard.
- 5.4 The Council has invested in an IT system that will allow a tenant to self-serve and view their rent account on line 24/7 once the IT system is implemented in its entirety.

## **6. Legislation, Regulation and Guidance**

- 6.1 In developing this Policy; the Council has followed and fully considered the following housing legislation, regulations, and statutory guidance:
- Protection from Eviction Act 1977
  - The Landlord and Tenant Acts 1985 and 1987
  - Housing Act 1985 (as amended by the Housing Act 1996)
  - Housing Act 1988 (as amended by the Housing Act 1996)
  - The Leasehold Reform, Housing and Urban Development Act 1993
  - The Commonhold and Leasehold Reform Act 2002
  - Pre-action Protocol for possession claims based on Rent Arrears 2006
  - Civil Procedure Rules, Ministry of Justice, 2017
  - Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
  - The Homelessness Reduction Act 2018
  - Welfare Reform Act 2012
  - Equality and Diversity Act 2018
  - The Regulator of Social Housing, Tenancy Standard, 2024
  - Service Charge Consultation Requirements (England) Regulations 2003

## **7. Income Maximisation**

- 7.1 The Council charges a weekly rent. The rent year runs from the first Monday of April to the first Sunday of the following April or the last Sunday of March. This means that normally there will be 52 weekly payments in a year but there will be some years which require 53 weekly payments. All rents are payable weekly in advance.
- 7.2 The average rent for a Council property is included in the annual budget reports and schedules of fees and charges; they are reviewed annually.
- 7.3 The Council will not change the rent charging regime unless it is in the interest of the Council and its tenants, as detailed in the Rent Setting Policy. Tenants will be fully consulted before any change takes place.

- 7.4 The full rent and all relevant service charges will be applied to all properties that are currently occupied by a tenant. Tenants cannot opt out of any part of the rent or service charge for the property. Unauthorised occupants who are “tolerated trespassers” will also be charged the full rent and service charge for the property, known as a use and occupation charge.
- 7.5 Any arrears on the rent account when a tenancy ends following the death of the tenant will be recovered from the estate of the tenant wherever possible.
- 7.6 The Council’s overriding aim is to help and support tenants to sustain their tenancy and take enforcement action only as a last resort. The Council will always give every tenant in arrears the opportunity to repay the arrears in realistic instalments where this is essential, but it will always insist they see rent as the priority debt.

**8. Prevention of Rent Arrears**

- 8.1 The Council does not want tenants to enter into rent arrears and run the risk of losing their homes and is committed to helping tenants sustain their tenancies. Therefore, it is important that tenants understand the help they can receive should they struggle to pay their rent, or their personal or economic circumstances change. The Council is committed to finding a solution that is affordable to tenants and does not expose the Council to long term risk that cannot be sustained and reduces the use of rent to invest in properties. This will be helped by establishing a trusting relationship with tenants.
- 8.2 All housing applicants will receive an affordability check before signing their tenancy agreement. This is to ensure that tenancies are sustainable. Where a prospective tenant has not met the affordability criteria, they will be offered advice on options for maximising their income so that they can afford the rent. If they still cannot afford the rent other housing options may be considered. If all options are exhausted the Council may withdraw the offer.
- 8.3 Where a new tenant is claiming Universal Credit and meets the tier 1 or tier 2 criteria, an immediate request for an Alternative Payment Arrangement (APA) will be made.

<b>Tier One</b>	Cases most likely to be accepted for an APA. People with a drug or gambling addiction, families with multiple debts or complex needs, living in supported accommodation, domestic violence/abuse, and mental health.
<b>Tier Two</b>	People with a history of rent arrears, 3rd party deductions, previously lived in supported housing, a disability or someone who has just left hospital or prison or is recently bereaved.

- 8.4 Where a new tenant is claiming Housing Benefit, they will be asked to transfer that claim to their new address immediately and provide the Council with the necessary evidence. An online calculation will be made to provide an indicative entitlement and either the claimant will be asked to pay the shortfall or the full rent in the intervening period.
- 8.5 At sign up, the tenant will be asked to make their first rental payment and provided with information on their rent payment responsibilities. They will be offered a variety of convenient payment options and support/advice. This will be followed up with a settling-in visit 6-8 weeks off their tenancy start date where the tenant will be reminded of their requirement to ensure that their rent is paid in advance and any advice, support or signposting to assist them with this will be provided.
- 8.6 The Council will work with tenants to pay their rent promptly alongside other bills. It will consider personal circumstances of the tenant when deciding the most appropriate method of rent arrears recovery and will make every effort to engage and build a constructive relationship in working with them to resolve any difficulties with rent and other financial issues.
- 8.7 A vulnerability assessment will be taken as part of any pre-court action. Whenever the Council consider arrears recovery action, it will engage with people or agencies who are already involved with the tenant (where this is known) or who can give support.

- 8.8 Mutual exchanges or tenancy assignments are subject to a clear rent account. This includes any subsidiary accounts they may have. In the cases where the tenant has accrued arrears because they are subject to the under-occupation charge the Council will consider allowing the tenant to move and use its transfer incentive scheme to help clear arrears.
- 8.9 To help sustain the tenancy the Council may refuse to give licences for garages where the rent account for the home is in arrears.

## **9. Early Intervention**

- 9.1 The Pre-Action Protocol for Possession Claims Based on Rent Arrears, which came into effect in October 2006, applies only to assured and secure tenancies. However, the Council will follow the proactive and preventative approach contained in the protocol when recovering monies owed by all its tenants, irrespective of their tenancy type.
- 9.2 The Council will expect tenants to inform it of any change in personal circumstances and any likelihood of missing a payment. This requires the Council to provide a supportive environment where tenants feel able to discuss difficulties. If contact is not made and/or the tenant makes no reasonable payments or fails to agree or adhere to a repayment arrangement, it will take swift action to ensure arrears do not increase.
- 9.3 If a tenant falls into arrears the Housing Income Officer will work with them to arrange to clear the debt, outlining the importance of maintaining regular payments to their account and highlighting the consequences of not doing so. First of all, the Council will ask for the debt to be cleared in full. If the tenant is unable to do so, the Council will make an arrangement with them for the shortest period that they can afford, up to a maximum of 12 months. If, due to the size of the debt, the tenant is unable to clear the arrears within 12 months then a new arrangement will be made after this time. Tenants will be asked to complete an income and expenditure form in order to assess a repayment plan.
- 9.4 The Council will offer advice and assistance to all tenants to help them apply and claim for benefits. Where appropriate, it will signpost them to other agencies who can help them with claims for other welfare benefits. Tenants requiring financial advice or debt counselling will be signposted to suitable independent agencies which may include the Tenancy Sustainment Team or referral via the Essex Frontline App.

## **10. Housing Benefit or Universal Credit**

- 10.1 The Department of Work and Pensions (DWP) places Universal Credit claimants into tier one and tier two factor groupings. See paragraph 8.3 above.
- 10.2 The Council will offer suitable advice and assistance to tenants to help them claim Universal Credit or Housing Benefit. It will also signpost tenants to appropriate advice agencies who may help them with their claims.
- 10.3 Where reasonable, the Council will continue to follow the arrears collection procedures where there is a shortfall in benefit.
- 10.4 The Council will make an application to the DWP for the housing element for tier 1 and 2 cases to be paid direct to the Council.
- 10.5 Where the tenant is in arrears, the Council will apply for an Alternative Payment Arrangement (APA). This is an arrangement where Universal Credit can be paid in an alternative way to one monthly payment. This may include paying the Universal Credit more often than monthly, splitting it between the claimant and their partner or paying the housing element of Universal Credit direct to the Council.

## **11. Possession Action**

- 11.1 The Council will do everything possible to engage its tenants who are in arrears to prevent the necessity of going to court. Where a tenant is in arrears and refuses to make contact or keep to an arrangement, the Council will proceed with recovery action. This may result in serving a notice with the intention of proceeding with legal action.

- 11.2 Tenants with secure tenancy agreements will be served a Notice of Seeking Possession (NoSP). The grounds for possession are:
- a) Secure tenancies - it will use Ground 1 of Schedule 2 to the Housing Act 1985.
  - b) Tenants on licence will be served with a Notice to Quit (NTQ).
- 11.3 When going to court to seek possession the Council will:
- a) Seek an outright possession order where the tenant(s) has failed to take what it regards as reasonable steps to reduce their arrears, and no household members are vulnerable.
  - b) Seek a suspended order where a household member is “vulnerable,” or where there is good reason to believe that the tenant will take this final opportunity to repay their arrears.
  - c) Seek to adjourn – possibly on terms - where there is good reason to believe that the tenant has a reasonable chance of resolving the debt.
  - d) The Council will always ask the court to award court costs incurred by the Council.
- 11.4 The Council shall make exceptions where it has evidence that there are multiple breaches of tenancy, for example, if the tenant has abandoned the property, committed serious anti-social behaviour or harassment. In these cases, the Council will seek outright possession from the court.
- 11.5 The Council will keep the tenants informed of all the action it takes, and document this, to demonstrate compliance with the Pre-Court Protocol. The Council will continue to offer advice and information on debt repayments, the requirements of court orders and where to obtain independent legal advice.
- 11.6 The Council will encourage tenants to attend court as appropriate and give information on sources of independent advice and support and, where relevant, liaise with the Council’s Housing Options team if eviction is sought.
- 11.7 The Debt Respite Scheme (or Breathing Space Initiative) aim is to help those with problem debt find long term solutions to their financial issues by providing a period of legal protection from their creditors, alongside support in the form of debt advice.
- 11.8 If the Council is informed by the Insolvency Service that a debt owed is in breathing space, all action must stop related to that debt and the Breathing Space protections must be applied. These protections must stay in place until the Breathing Space ends. The Council will refrain from contacting the debtor to request repayment of the debt in most instances and halt enforcement action to recover the debt.
- 11.9 A tenant will still have a liability to pay current ongoing charges, but all action relating to their debt already accrued, must stop by following the Breathing Space protections.

## **12. Eviction**

- 12.1 The Council considers eviction is the last resort. Where eviction is being sought the Council will meet its duty under the Homelessness Reduction Act 2018 by:
- a) Attempting to interview the tenant.
  - b) Endeavouring to provide support and sustain tenancies when tenants get into difficulties.
  - c) Continuing to liaise with other agencies such as debt counselling, or welfare benefit advisers.
- 12.2 In line with the Homelessness Reduction Act 2018, advice will always be offered on how to find alternative accommodation following eviction. The Income Recovery Officer will also liaise with the Housing Options Service and obtain advice before a decision to evict is made.
- 12.3 The decision to evict will be authorised by the Interim Director of Housing when all other attempts to manage the account have failed and:
- a) Where there is an outright possession order.
  - b) When the tenant wilfully breaches the terms of a suspended possession order.

- 12.4 The Council will cancel an eviction date if the debt including court costs is cleared in full. However, in exceptional cases with a history of persistent non-payment or other tenancy breaches, the Council may proceed with an eviction even when the debt is cleared.
- 12.5 The Council will suspend (stay) an eviction where ordered to by the court. Where a tenant seeks a stay of eviction, the Council will only agree to the suspension where it is satisfied with the promised repayments on the outstanding debt. In all other instances, the Council will contest the request to suspend the eviction and let the court decide the fair course of action.
- 12.6 Occasionally, tenants with arrears may seek to have the debt included in a Debt Relief Order (DRO) or other form of Bankruptcy proceedings. This could mean that such arrears become uncollectable. However, action for eviction can still be sought against an insolvent tenant, but any rent arrears listed within a Bankruptcy Order or Debt Relief Order cannot be part of the possession order.
- 12.7 In this event the Council will follow the necessary actions, as set out by the insolvency services, to remove the debt included in such orders from the main rent account and placed onto a sundry account; where necessary, this debt will be written off.
- 12.8 Non-payment of rent may lead to eviction; this may mean the person would be found intentionally homeless. This would mean the Council may not have a duty to house them in the future. In this instance the Council would provide housing advice only.

### **13. Credit Balances**

- 13.1 The Council will not hold excessive levels of credit on rent accounts. It will make refunds to tenants, provided that:
  - a) Refunding a credit will not result in the account falling into arrears before their next payment; typically this would be four weeks/one-month gross rent.
  - b) The credit has not arisen because of payments from Housing Benefit or Universal Credit APA.
  - c) The tenant does not have any other debts with the Council.
- 13.2 The Council will contact every tenant who has more than 12 weeks gross rent credit on their account, at least annually, to offer a refund.
- 13.3 The Council will offset recoverable debt from a credit balance before issuing a refund – this includes former tenant arrears, court costs, chargeable repairs, and Housing Benefit overpayments. It will not refund credits that are statute barred and have been written onto its financial accounts.

### **14. Service Charge Accounts**

- 14.1 With most rented properties the service charge is either included in the rental charge or billed as part of the rent account. A service charge account is created for Right to Buy (RTB) leaseholders. The service charges are set as part of the Service Charge Control Manual.
- 14.2 Leaseholders will have a main service charge account. There may also be subsidiary accounts as dictated by the lease for:
  - a) Major works
  - b) Recharges
  - c) Court Costs
  - d) Ground Rent
- 14.3 If there are other charges such as management fees, administrative fees, contribution to a sinking fund or a depreciation charge, they will be components of the service charge rather than a subsidiary account. With shared owners they will also have a rent account linked to their service charge account.
- 14.4 Service charges for leaseholders will be invoiced around March for the forthcoming year. The service charges are set based on the actuals for the previous year and forecasted

spend for the forthcoming year. This will be accompanied with a full annual statement of their account(s) with payments, outstanding balances and any major works due before the end of the financial year.

- 14.5 The lease enforcement to recover accounts in arrears can be undertaken by either:
- Where a mortgage exists, applying to the mortgage company to clear the debt.
  - Ground for possession under Schedule 2 to the Housing Act 1988 (shared owners).
  - Lease forfeiture under Section 146.
- 14.6 Forfeiture can take place through a court or a first-tier tribunal (FTT). A Section 146 Notice must be approved by the Interim Director of Housing.
- If forfeiture should take place, a leaseholder can make an application within 28 days to the County Court to seek relief from forfeiture. The Council will not sell the property during this 28-day period in case the leaseholder makes an application for relief from forfeiture.
- The Council will:
- secure the property
  - maintain its insurance
  - secure water supplies
- A record of all costs (repairs, securing of the property, legal, administration, rent loss and service charges) will be kept in order that this can be reclaimed at the discretion of the Court.

## **15. Subsidiary Accounts**

- 15.1 "Garage Accounts" - Council tenants may apply for a garage. These are created as rent accounts with a weekly charge.
- 15.2 "Court Costs" are linked to the main account as a subsidiary account. They are routinely requested and awarded at court. Only when the main account is debt free will the court costs be recovered.
- 15.3 "Recharges" - the Council will routinely recharge the cost of something that falls under tenant or leaseholder responsibility. The nature and value of the cost may be subject to Section 20 Consultation if it falls under a Qualifying Long-Term Agreement (QLTA) or Qualifying Works. The occupier is invoiced and a subsidiary account is created and linked to their main account. A separate Recharges Policy exists which outlines when something will be recharged.
- 15.4 "Major Works" - where work is to be invoiced following consultation and completion of the works or part completion a subsidiary account will be created and linked to their main account. The invoice will detail the payment terms and payment methods.
- 15.5 "Ground Rent" - where a lease stipulates a ground rent, it will be invoiced annually and separately from any other leasehold accounts.

## **16. Former Tenant Arrears**

- 16.1 "Tenancy end" – The Council aims to minimise losses from former tenants who leave owing rent by:
- Early intervention while the tenant is still in residence.
  - Ensuring wherever possible that at the point of a tenancy end, the debt(s) are cleared, and a forwarding address is obtained.
  - Informing HB and DWP of a tenancy end if a claim is in payment.
  - Credits and debts for management transfers will be transferred to the account at their new property, with an additional condition of tenancy added, whereby the tenant agrees to pay a weekly amount off the former tenant arrears.
  - If a debt is unavoidable initiating the Former Tenant Arrears Process.
- 16.2 "Debt clearance" – The Council will seek to recover the total debt in a single repayment. Where this is not possible, it will work with the former tenant to reach a settlement. Where former tenants express financial hardship, an income and expenditure assessment is made to assess the affordability of sustaining such payments.

- 16.3 "Credit refunds" - where the forwarding address is known credits will be refunded at the earliest opportunity. The Council does not trace for credits.
- 16.4 "Collection Agencies" - where the forwarding address is known, the Council will attempt to recover the debt. Collection agencies will be used to trace former tenants with no forwarding address. Tenants who fail to respond to the early stages of the former tenant arrears process will be referred to the agency for recovery. The agencies operate a "no trace/recovery – no fee" policy which makes them cost effective. If the agency is unable to collect the debt/trace the tenant, it will be referred to the Council.
- 16.5 "Write Off and On" –
- a) Where it has not been possible to refund a credit, the account will be referred to Finance for write on in accordance with the finance regulations.
  - b) Accounts with arrears under £150 and no forwarding address will be referred to Finance for write off as it is not cost effective to trace them.
  - c) Accounts with arrears which are unrecoverable will be referred to Finance for write off. Unrecoverable arrears are deemed as follows:
    - i. The recovery process has been exhausted
    - ii. The tenant is untraceable
    - iii. The tenant has died and there is proven to be no estate
  - d) Debt which is written off and subsequently recovered will be written on.
- 16.6 Section 19 of the Limitation Act 1980 states:  
*"Time limit for actions to recover rent - No action shall be brought, or distress made, to recover arrears of rent, or damages in respect of arrears of rent, after the expiration of six years from the date on which the arrears became due"*
- 16.7 If the Council does not have a Court Order in place, it cannot recover any rent older than six years from the date of issue. However, if the Council has a judgment, the Council then has six years to enforce that judgment from the date the Court Order was obtained. This affects its data retention period as covered in Section 20.

## **17. Unauthorised Occupants**

- 17.1 For properties that are occupied by someone who is not a legitimate tenant but has tolerated trespasser status, the use and occupation charge will be equivalent to the weekly charge that would apply if the property were tenanted. This Policy will apply in terms of Income collection and the Council's dedication to support occupiers manage their finances and maximise their income.

## **18. Complaints and Appeals**

- 18.1 If a tenant feels the Council has failed to treat them fairly and in accordance with this Policy they may make a formal complaint using the Council Housing Complaints Policy.
- 18.2 If after receiving the Stage 1 complaint response, the complainant remains dissatisfied, they can request to escalate to Stage 2 within 28 days of the receipt of the Stage 1 response.
- 18.3 Tenants have the right to refer their complaint to the Housing Ombudsman at any point during the investigation and details of how to do this will be included in the complaint correspondence. The Housing Ombudsman will not begin their own investigation into the Council's complaint handling until the Stage 2 complaint process has concluded.

## **19. Monitoring and Review**

- 19.1 The recovery team will monitor accounts weekly. The Income Team Leader will monitor accounts and team performance monthly and prepare management reports.
- 19.2 The Revenues Manager will review all reports and make key operational decisions. Through the Council's performance management system, the following measures will be monitored monthly:

- a) The percentage of rent and service charges collected for general needs accommodation.
  - b) The percentage of rent and service charges collected for sheltered accommodation.
  - c) The percentage of arrears for temporary, homeless hostel accommodation.
  - d) The percentage of arrears attributable to tenants on Universal Credit.
  - e) The percentage of service charge arrears for leaseholders.
- The Portfolio Holder for Health, Wellbeing and Housing will receive quarterly reports on a-e above.

## **20. Data and Records**

- 20.1 The Council will ensure personal information of all tenants (new, existing and former) is:
- a) Stored lawfully.
  - b) Processed in a fair and transparent manner.
  - c) Collected for specific, explicit and legitimate for the purpose.
  - d) The data will be kept up to date and held only until it is no longer required.
  - e) Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.
  - f) All tenancy records (including rent information) will be held intact for a full 6 years post tenancy end, in line with good practice guidance on document retention. Tenancy records once there is no ongoing relationship will be disposed of in line with the Council's Data Retention Schedule.
  - g) Former tenants who owe the Council rent will likely have an ongoing relationship with the Council until the debt is cleared. In these cases, the Council has a legitimate business need to retain their personal information and will do so until the debt is cleared. The data will be disposed of in line with the Council's Data Retention Schedule.
- 20.2 A tenant's express consent is obtained to deliver a tenancy management service during the completion of the sign-up process. The Council has a Privacy Notice which is located on its website: <https://www.castlepoint.gov.uk/privacy-policy>.

## **21. Equality, Diversity and Inclusion**

- 21.1 This Policy has been written to consider all protected characteristics as set out in the Equality Act 2010. An Equality Impact Assessment 'initial screening' has been carried out (see Appendix 1) which has shaped the Policy.
- 21.2 The Council is committed to ensuring that the Policy is non-discriminatory and that all tenants can access the service, considering any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for children, Section 11 of the Children Act 1989. To identify the needs of the Council's tenants, a new tenant questionnaire is completed at sign up and it contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the Policy on minority and specific needs groups and to evidence the need for amendments, as may be required.
- 21.3 Under the Equality Act 2010 and section 149 of the Public Sector Equality Duty, the Council is required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a landlord. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Policy complies with the Council's Equalities Policy March 2021.
- 21.4 It is proposed the Equality Impact Assessment is reviewed in 24 months after the Policy goes live, using customer profiling data extracted from the Housing Management system.

- 21.5 The Council reserves the right to change this Policy to meet changes in regulation, legislation and good housing management practice. All changes will be subject to an Equality Impact Assessment.

## **22. Communication**

- 22.1 Once the Policy is approved, a summary document "a policy on a page" will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and will be accessible to staff.

## **23. Review of Policy**

- 23.1 This Policy will be reviewed every three years, unless new legislation, regulation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.
- 23.2 The Council reserves the right to change this Policy to meet changes in regulation, legislation and good housing management practice. All changes will be subject to an Equality Impact Assessment. The significance of the change will be determined by the Interim Director of Housing; where the change is minor it will be approved by the Interim Director of Housing. If the change is major, approval will be by the Portfolio Holder for Health, Wellbeing and Housing.

## **24. Consultation**

- 24.1 The Council is committed to meaningful tenant and leaseholder engagement and involvement. The Council has not consulted with tenants and leaseholders, as the Council considers it should determine its own approach to income recovery, and will follow best practice.
- 24.2 Once the Council has a formal group of engaged tenants it is proposed they will be consulted with on all the letters and communication associated with rent collection.

## **25. Training**

- 25.1 The Council will maintain a skills/training matrix to ensure that all Council employees undertaking key roles within the scope of this Policy have appropriate training.
- 25.2 Training will be carried out to ensure that all staff understand their responsibilities for the effective management of the Council's income recovery for tenants, former tenants and leaseholders.
- 25.4 Training records will be kept for all courses attended.

## **26. Significant Non-compliance and Escalation**

- 26.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or of the Council employee being made aware.
- 26.2 Any non-compliance issue identified at an operational level will be formally reported to the Revenues Manager in the first instance, who will agree an appropriate course of corrective action with the Assistant Director - Finance & Procurement (Section 151 Officer) who will report details of the same to a member of the Senior Leadership Team.
- 26.3 In cases of serious non-compliance the Chief Executive will notify the Leader, Deputy Leader and the Portfolio Holder for Health, Wellbeing and Housing.
- 26.4 In cases of serious non-compliance, the Chief Executive will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework.

## **27. Governance**

- 27.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure

compliance with the law and requirements placed upon the Council by the Regulator of Social Housing. In particular, the *Tenancy Standard, 2024* sets out the requirements to “support tenants to maintain their tenancy or licence. Where a registered provider ends a tenancy or licence, they must offer affected tenants advice and assistance” and to “provide tenants with services that support tenants to maintain their tenancy or licence and prevent unnecessary evictions”.

- 27.2 The Chief Executive reports to Cabinet to demonstrate the Council’s income recovery is properly controlled and managed, and compliance with the Regulator of Social Housing’s Consumer Standards, 2024. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take decisions for the effective sub delegation of duties within their service areas of responsibility, this to ensure the Council’s statutory duties and functions are effectively discharged.
- 27.3 The day-to-day responsibility for ensuring income recovery for the Council’s homes is implemented in line with this Policy has been delegated, via the Council’s Constitution, to the Assistant Director - Finance & Procurement (Section 151 Officer). The Income Recovery Procedure also identifies the roles and responsibilities of those who will undertake the day-to-day tasks on behalf of the Assistant Director - Finance & Procurement (Section 151 Officer).
- 27.4 The Assistant Director - Finance & Procurement (Section 151 Officer) has delegated their duty holder responsibility to the Revenues Manager who has responsibility for the income collection and recovery of the rent and other charges of the Council’s tenants and leaseholders.

## **28. Associated Policies and Procedures**

This Policy will be implemented through a suite of delivery processes designed to provide compliance with regulation, legislation and good practice: The key decisions and administration will be undertaken by the Council.

Related documents include:

- Castle Point Borough Council Lone Working Policy
- Castle Point Borough Council Data Retention Policy
- Castle Point Borough Council Privacy Notice
- Council Housing Allocations Policy
- Council Housing Anti-Social Behaviour Policy
- Council Housing Recharge Policy (under development)
- Council Housing Rent Arrears Procedure (under development)
- Council Housing Rent Setting Policy
- Council Housing Service Charge Policy (under development)
- Council Housing Section 20 Consultation Process (under development)
- Council Housing Tenancy Management Policy
- Council Housing Tenancy Sustainment Protocol
- Council Housing Write On and Write Off Process

## **29. Appendices**

Appendix 1 - Equality Impact Assessment for Council Housing Income Recovery Policy