



POSSESSION **P**REVENTION **P**ROJECT

Report on the work of the Possession Prevention Project April 2004- April 2007

Southwark Law Centre July 2007

The Possession Prevention Project was an innovative three year project based in the London Borough of Southwark.

Southwark Law Centre and Blackfriars Advice Centre worked in partnership to reduce evictions by combining outreach, training and policy initiatives which focused on possession prevention.

This report provides an overview of the Project, analysing its effectiveness and how the methodology can be best utilised and built upon in the future as a model of good practice.

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Introduction

The Possession Prevention Project was a three year joint project by Southwark Law Centre and Blackfriars Advice Centre. It was funded by the Legal Services Commission. The aim of the project was to reduce the number of possession orders and evictions in Southwark by policy work and increasing access to advice for vulnerable tenants at risk of eviction.

Hundreds of people in Southwark each year lose their homes needlessly due to rent arrears. Many of these evictions could have been prevented if tenants had sought advice earlier. Early advice enables tenants to manage their debts before they spiral out of control and increases their income by ensuring they claim all the benefits due to them. It also means that any housing benefit complication is untangled and sorted out at an early stage.



Evictions in 19th Century Bermondsey

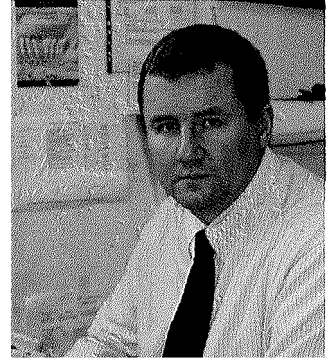
The Project aimed to increase access to advice by:

- Training community groups (and other agencies in contact with tenants at risk of eviction) to advise on rent arrears.
- Working with the Community Legal Services Partnership to increase provision of advice in this area.
- Encouraging tenants to attend their court hearings in possession cases and to use the free duty representation scheme.

The project aimed to work with statutory agencies and social landlords to encourage them to:

- Identify and assist clients with rent arrears before their case goes to court.
- In cases where court action occurs advise tenants to attend court.
- Assist tenants in obtaining the advice they need.
- Encourage a culture of early intervention and assistance from Social Landlords to benefit their tenants.

Southwark Law Centre ran an extensive training programme throughout the life of the project. Policy work was led by Blackfriars Advice Centre with both agencies engaging extensively with the London Borough of Southwark to ensure improved communication and liaison. During the life of the Project the local authority introduced a new lettings scheme and worked towards finalising a new rent arrears policy. The Project was able to have significant input into the content of the new policy. The pre-action protocol for rent arrears cases also came into force towards the end of the Project; this had a significant short term impact on possession actions/evictions locally and hopefully will have wider long-term implications for tenants facing difficulties paying their rent. Blackfriars Advice Centre coordinated a duty representation scheme at Lambeth County Court, and the Project worked to improve the service provided to tenants and the scheme's efficacy. The Project identified the need for a coordinated service for those seeking housing advice. The Southwark Housing Lawyers Group email forum was established, providing a referral service to those seeking representation, often in dire need and without the resources needed to search for a lawyer, for example access to a phone/ credit for phone calls. The email group also serves as a useful discussion forum and continues to flourish after the Project's end.



John Walsh,
Director,
Blackfriars Advice Centre

The Project was represented at meetings of the local Community Legal Services Partnership. It was not possible for the Project's input to increase provision for housing advice given the national agenda and the continuing difficulties facing legal aid practitioners. However the Project was effective in working towards improved access to existing sources of advice.

Tribute

Sadly, John Walsh, Policy Officer and latterly Director of Blackfriars Advice Centre, passed away in December 2006, before the end of the project. We would like to pay our respects to John whose enthusiasm, energy and creativity were invaluable for the success of the project, and to dedicate this report to his memory.

Summary of projects achievements;

Since the project's launch in April 2004, it has achieved a number of notable successes, including:

- Delivery of a series of housing advice training programmes to local community advice organisations.
- Publication of a housing law manual for use by advice agencies.
- Creation of positive and durable relationships with the local authority to facilitate policy discussions.
- Consolidation of links with related local initiatives such as the Southwark Housing Lawyers' Group.
- Improvements to the duty adviser scheme at Lambeth County Court.

Policy work

The policy workers, John Walsh and Jim Fearnley set up good, sustainable channels of communication between the advice sector and the local authority. Jim Fearnley

provided extensive and comprehensive input into the rent arrears management policy recommending changes such as referring tenants to a range of advice and social welfare services at the possession stage and induction of new tenants regarding rent payments, income maximisation and housing benefit claims. The local authority was very receptive and implemented changes recommended by the project.

Regular meetings to review rent arrears management were set up between the rent income management team and the advice sector. Harry Marshall, Business Initiative Manager, London Borough of Southwark, stated that the project had caused a “sea change” in the local authority’s attitude towards the advice sector.

At the request of the local authority the project provided training to rent income managers on tenancy sustainment and good practice.

Increased Representation at Court

The project improved relations with the court staff, particularly the court manager. A talk was given to the court staff regarding their role in facilitating duty representation for tenants, publicity regarding the Duty Representation Scheme was improved and during the life of the project the number of tenants represented by the duty scheme increased dramatically.

The project formalised the existing network of local housing lawyers and set up Southwark Housing Lawyers’ Group, an internet and email forum, which facilitates referrals between housing specialists and exchange of information. Possession cases (amongst other cases) are referred successfully by this group.

Training

Over 140 individuals were trained over the lifetime of the project and 16 training courses were held. Participants included workers from the local authority, local advice agencies such as the Citizens’ Advice Bureaux as well as local community groups such as Cancer Blackcare. The response to the courses was overwhelmingly positive and the training was very effective in reaching community workers who had contact with clients who have particular difficulties in accessing advice such as people with disabilities, the elderly and people who speak English as an additional language.

The Lambeth County Court Duty Scheme

Blackfriars Advice Centre has coordinated the duty advice scheme for Southwark tenants for many years. The Project intended to carry out research amongst court users and to use this research to inform improvements to the duty scheme. Some limited research was carried out. Unfortunately the research was hampered by the court's refusal to allow surveys to take place on court premises.



Notwithstanding this, the court's attitude towards the Project was extremely positive and the court manager in particular was involved in liaison with the Project which resulted in a number of long-term improvements to the management of the scheme. Many improvements were simple practical steps which have made it easier for advocates to use their time at court effectively and accordingly have improved the service to scheme users.

Changes include:

- Re-establishing the provision of a "runner," liaising between the ushers, defendants and the duty scheme.
- Better understanding by the court staff of the role of the duty advocates.
- Changes to the way that the rota is timetabled, with two advocates attending for each list but starting at different times.
- Better publicity for the scheme within the court (*for example, by displaying simple posters, see Appendix 1*).

In autumn 2005 project members met the entire Lambeth County Court team and provided a presentation explaining the work of the Project and of the duty scheme. A follow up meeting took place with court managers to iron out practical issues including the promotion of both the scheme itself and of other sources of advice.

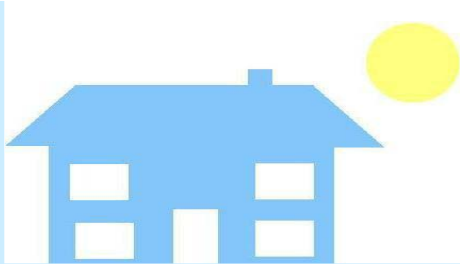
The court took on board suggestions from the Project about the advice provided to defendants when sending out summonses. The documentation was amended and updated. Following a suggestion from the Project, the court piloted stamping the CLS Direct telephone number on the outside of the envelope containing a summons for possession. This idea stemmed from the reported reluctance of those in debt to open their post. Somewhat ironically, one duty adviser reported subsequently

seeing a defendant at court who, when asked why he had not sought advice earlier, explained that he had telephoned CLS Direct and simply been advised that he should attend court!

There was a dramatic increase (over 600 %) in the number of clients assisted by the duty scheme:

April 2003 – March 2004	52 clients seen
April 2004 - March 2005	219 clients seen
April 2005 – March 2006	315 clients seen

In January 2006 the Project produced a leaflet signposting defendants facing hearings to local sources of advice; this was provided to Lambeth County Court and is now sent out by the court with summonses. *(This leaflet is reproduced at Appendix 2).*



One of the Project's key aims was to ensure that those facing eviction are able to access good quality advice at as an early a stage as possible. The Project recognised that advice and assistance is provided locally through many different agencies where workers, paid and voluntary, have varying skills and expertise. Often those best placed to give early advice will not necessarily have much experience of the legal process involved in evictions. The Project therefore offered free training to any locally based agency where workers might sometimes assist those in rent arrears or threatened with possession proceedings.

Initially, training was designed to give participants an overview of issues arising for local authority tenants. The course aimed to give trainees some background information about the legal context of the landlord and tenant relationship, to take trainees through the stages preceding and leading to an eviction, and to identify practical steps to prevent evictions. As a result of demand identified during the first wave of training, further courses dealing with assured tenancies in both the housing association and private rented sector were devised. Participants were provided with comprehensive training materials designed for continued use after completion of training.

The courses were publicised at the Project's open day which took place in January 2005, at the Project's conference and through direct mailing. There was a huge response to the offer of training which was provided through Southwark Law Centre. Courses were often oversubscribed with many participants expressing an interest in further training. Invitations to attend training were also sent to representatives of all Southwark Tenants Associations. There was little or no response to this mailing however, which could be for a number of reasons including: inadequate contact details/ poor record keeping by the local authority who provided the contact details/ inactive tenants associations/ inaccessibility or perceived inaccessibility of courses to representatives who might well be in full time employment or unable for other reasons to attend daytime training.

In total 16 courses were held, and over 140 individuals received training during the three year duration of the project. Trainees came from a wide range of agencies including generalist agencies (local CAB), local authority employees (Southwark Trading Standards) and many agencies serving particular communities and client groups (Age Concern, Southwark Irish Pensioner's Project, Southwark Disablement Association, Cancer Black Care,

Latin American Disabled Peoples Project), and locally based advocacy/community projects (Elephant Angels, Acorn Tenants Association).

The training courses were evaluated at the point of delivery, via questionnaires sent to trainees two months after training, and at the end of the PPP's three - year duration. Responses by trainees both immediately and at two months were overwhelmingly positive:

"(The course provided) a good overview with practical examples and increased my knowledge and confidence as an advisor."

"There were a lot of issues I was unsure about: the course has opened my eyes."

"The course was very good on content and delivery...there was no room for boredom."

The majority of trainees returned questionnaires sent out after two months, and many reported preventing evictions as a direct result of the training received. Many also reported contacting the Law Centre for second tier advice, and referring clients to the Law Centre. The use of the Law Centre's services by trainees does not appear however to have been sustained, possibly because of high mobility amongst trainees, many of whom were volunteers, or because trainees having met a representative from the Law Centre during training were confident in approaching someone they knew in the months immediately after training but were not confident in continuing to seek advice or make referrals to other Law Centre workers.

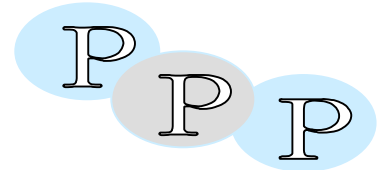
Questionnaires were sent to over a hundred former trainees in March 2007; the response rate was about 10% but such a response rate was to be expected given the length of time which had elapsed since the training took place. The responses to the March 2007 questionnaires are summarised at Appendix 3. A list of organisations participating in the training appears at Appendix 4. An example of a completed questionnaire, detailing effective action taken by a trainee to prevent an eviction following training appears at Appendix 5.

Overview of the project's training provision:

The training courses were extremely popular and of high quality. Reports of trainees preventing evictions indicate that the training was effective. Evaluation of the training consistently identified further training needs. The local authority approached the Law Centre with a view to the provision of specially tailored training for its own staff. Training was very successful in reaching those working with client groups who might have particular difficulties accessing legal advice including those with English as an additional language, people with disabilities and the elderly. The popularity of the training and its success in reaching those working with diverse client groups meant that the project did not follow up the lack of response from local authority tenants associations.

Training was also successful in the short term in raising the profile of the Law Centre as a resource for those threatened with homelessness but was albeit less successful in maintaining this raised profile.

The resources available to the PPP could not meet the need for ongoing training and support highlighted by participants. Speculative enquiries about possible further training were received throughout the Project's life (for example, in the context of the local authority's move towards involvement in the provision of accommodation in the private rented sector). It is highly likely that there is a continuing unmet need for basic training for advisers working with a variety of different communities to ensure that wherever possible early intervention prevents evictions. Effective provision of training on a short-term basis only will never be sufficient to meet the ongoing needs of organisations where there is a high reliance on volunteers and thus a high turnover of personnel. The success of the Project's training provision highlights the need for a longer-term high quality training resource available at low cost or free to organisations working with disadvantaged communities.



Influencing local authority policy and practice

The Project was successful in building upon existing links between Blackfriars Advice Centre, Southwark Law Centre and the local authority. Both agencies have a history of working with clients threatened with possession and had existing contacts with the local authority. Communication was significantly enhanced by the presence in the Law Centre of a designated housing lawyer working with the Project. In the absence of a designated worker whose remit includes liaison with the local authority it is all but impossible for caseworkers representing individual clients to have the degree of input required to engage effectively with the local authority.

Similarly the presence of a part-time designated policy worker based at Blackfriars Advice Centre enabled the Project to provide detailed input into the local authority's policy review (see below) and to facilitate regular contact between advisers and the local authority. Without a designated policy worker, this work is difficult to sustain, but the input into the policy review will have a continuing longer-term benefit.

The PPP made it explicit in all its dealings with the local authority that the project was 'independent but not impartial'; ie advisers must always act in the best interests of their clients.

Good channels of communication between the advice sector and the local authority have numerous intangible benefits. However the Project was also successfully involved in a number of distinct policy initiatives.

Rent arrears policy review

Fortuitously, during the Project's life the council has been carrying out a comprehensive review of its rent arrears management policy and was extremely receptive to the Project's involvement in this review. The Project was fully engaged in contributing to the Council's review of its rent arrears management policy and participated in the following ways:

- Production and distribution of a comprehensive report detailing good practice recommendations based both on national initiatives and on suggestions provided by local advice practitioners¹;
- Presentation to Southwark Council rent income managers on the report's findings and on methods of incorporating them into future guidance.

The report included recommendations on the following issues:

- Induction of new tenants regarding rent payments, income maximisation, housing benefit claims.
- Referring tenants to a holistic range of advice and social welfare services at the possession stage.
- Encouraging tenants to attend possession hearings and seek representation.
- Joint voluntary sector/housing office staff training on LBS policies.
- Facilitation of a consistency forum with rent income officers to embed good practice in rent collection.

An extract from the report including a summary of its recommendations appears at Appendix 8.

George Denton Ashley and Jim Fearnley attended a number of meetings with the council on behalf of the Project during which proposed changes to the policy underwent detailed scrutiny.

It is understood that most of the Project's proposals for change have been accepted by the local authority. It is disappointing that the policy has still not been finalised/ is not yet in force, despite the introduction in October 2006 of the pre-action protocol for rent arrears cases. The Project

¹ National guidance included the Office of the Deputy Prime Minister's (ODPM) briefing document "*Improving the Effectiveness of Rent Arrears Management – Good Practice Guidance*", the ODPM research report "*The Use of Possession Actions and Evictions by Social Landlords*", and the Civil Justice Council's "*Draft Pre-Action Protocol for Possession Claims Based on Rent Arrears*".

considers that the introduction of the new policy is something which needs to be addressed with some urgency. Once the policy is in force, if it is operated effectively by the local authority this will be a significant achievement for the Project, but this is something that unfortunately cannot be fully assessed yet due to local authority delay.

Individual campaigning issues

The Project was involved in campaigning on individual policy and practice issues on an ongoing basis - see below.

Introductory tenancies

Problems identified included housing officers failing to adequately advise tenants on issues such as claiming Housing Benefit (HB) at the beginning of their tenancies.

Also, in some cases, as soon as tenants ended up in (often predictable) difficulties with paying their rent, the process to terminate an introductory tenancy (IT) was found to have been instigated without any attempt to help tenants resolve their problems.

In response to this, the Project engaged in joint discussions with the rent income and Housing Benefit departments, and issued a chart illustrating the key points in the lifespan of an Introductory Tenancy at which key interventions should be made.

Direct deductions from benefit

There have been longstanding local problems in ensuring a consistent approach to reducing rent arrears via direct deductions from benefits such as Income Support. Many of these problems appear to originate in DWP interpretation of the law.

Rent income managers suggested designing a set of criteria according to which tenants could be identified as vulnerable at tenancy signup stage and nominated for pre-emptive deductions to cover non-HB eligible rent charges.

The Project worked with the local authority to identify senior DWP contacts with whom to agree a framework for consistent and tenant-

friendly approaches to deductions, and was also invited to comment on draft Southwark Council ‘vulnerability criteria’.

Tolerated trespassers

Council tenants who have breached the terms of a suspended possession order technically lose their tenancy and become ‘tolerated trespassers’. The Council discussed with the Project its intention to send out a standard letter to publicise this fact to all ‘ex-tenants’ in this position. A draft of the letter was provided to the Project for comment. Some, but not all, of the Project’s comments were incorporated. The Project’s engagement with the council on this issue was particularly interesting because the final version of the council’s letter generated a large amount of critical comment on the Southwark Housing Lawyers email forum (also facilitated by the Project, see below). The need for the Project to maintain its independence and particular issues arising from the fact that the Project was based in two advice agencies carrying out individual casework were highlighted.

In the process of discussing this issue, a number of campaigning issues emerged, which the Project then lobbied on:

- The Council’s current policy (which applies where all the arrears and costs have been paid off) of only reinstating tenancies after rent accounts have been back in credit for a full two years following breach appears excessive and liable to challenge on a case-by-case basis.
- A proposed ‘compromise’ offer of an introductory tenancy in place of the two-year probationary condition risks creating a two-tier situation. This is unlikely to be lawful, but if it is, then people who accept an introductory tenancy will be in a much worse position than those who are tolerated trespassers.

Housing Benefit liaison

The Project was in regular liaison with Southwark’s HB department, and conducted a survey of local advice workers on their perceptions of the HB service, whose findings it was hoped would inform a process of continuous improvement within the department.

The project also campaigned on individual issues such as the style and content of standard HB notification letters, with a view to making them more user-friendly for claimants.

In October 2005, the Project made a presentation to the entire London Borough of Southwark rent income management team on good practice in rent arrears. This was supplemented by a consistency forum for rent income officers in November 2005. In February 2006, the project ran a training event for in-house and contracted HB staff on legal terms and processes relevant to Lambeth County Court hearings.

The Impact of the Rent Arrears Pre-action Protocol

The council subsequently approached the Project with a request for tailored training to enable them to address the many issues arising from the introduction of the pre action protocol for rent arrears cases in October 2006. A preliminary meeting exploring the issues with representatives from local housing offices and TMOs across the borough took place. Although the council did not eventually take up the proposal for the provision of training the Project facilitated useful consideration of the issues arising from the protocol.

Following the introduction of the protocol, there was a huge fall in the number of possession actions commenced, highlighting the fact that the council had been made aware of the importance of the protocol and the ways in which their current policy is not sufficient to ensure demonstrable compliance with the protocol.

Joining up local initiatives

Southwark Law Centre hosts an email referral forum, the Southwark Housing Lawyers' Group (see below). The Project has been able to use this network to gather policy information that supports ongoing negotiations with the local authority.

The Project has been involved in raising the overall profile of the local advice sector, in order to ensure that members of the public gain access to prompt advice that will help resolve inter-linked problems related to housing, debt and welfare benefits.

Other promotional activities have included designing two leaflets signposting the public to advice - one for defendants facing hearings at Lambeth County Court and the other to be issued by Southwark Council housing offices to tenants in rent arrears.

Regular meetings have been established between Southwark's rent income team and the advice sector; during the Project's life these meetings have been hosted and organised by the Law Centre and Blackfriars Advice Centre but the local authority has been an enthusiastic participant and has expressed a desire for the meetings to continue. A designated officer has taken responsibility for ensuring that this forum has a life after the Project's conclusion.

Much of the engagement with the Project on the council's behalf was undertaken by Tunde Akinyooye, Senior Rent Income Manager. An interview with Mr Akinyooye addressing the impact of the Project appears at Appendix 6.

Publicising the work of the Project

The Project delivered a presentation to Southwark Council on the role of the advice sector and the importance of making referrals to local agencies.

The Project has received several requests for speakers to attend events, not all of them local events. It has not been possible to respond to all of these requests but representatives of the Project have been able to:

- Attend a meeting in Ireland with a local Law Centre interested in setting up a similar project.
- Provide information and support to Lambeth Law Centre, interested in setting up a similar project.
- Speak to local projects including a scheme providing training for those working with young people to improve their money management skills.
- Address a meeting of PLEAS (Public Legal Education project) considering alternative methods of delivering legal services/ legal education.
- Address lawyers in North East London considering setting up an email referral group along the lines of the Southwark Housing Lawyers Group.

The Project has also facilitated and hosted a number of meetings including a well attended meeting between Southwark Housing Lawyers and the London Borough of Southwark's homeless person's unit, which was addressed by the head of the homeless persons unit.

Speak up ... the column where your group gets its say

Helping reduce evictions through rent arrears

Catherine Evans
Director, Southwark Law Centre

IN ANY week, there are around 20,000 Southwark council tenants in rent arrears – almost half of all council tenants. The Possession Prevention Project (PPP) is working in the borough to reduce the number of evictions caused by rent arrears. Project activities include training, awareness raising and policy work. The PPP, which runs until March 2007, is a

partnership initiative delivered by Blackfriars Advice Centre (BAC) and Southwark Law Centre (SLC), funded by the Legal Services Commission's partnership initiative budget. Since April 2004, we have achieved a number of successes, including training 11 community advice organisations, publishing a housing law manual for use by advice agencies, engaging in positive dialogue with relevant council departments and consolidating links with other initiatives such as the Lambeth County Court

duty advice scheme and the Southwark Housing Lawyers' Group. The PPP is about to launch a second round of training made up of both full-day sessions on key housing law issues for community organisations, and also more basic half-day sessions for "early notifiers" of eviction risk, such as tenants' association representatives and other members of the community who informally provide advice to friends, relatives and neighbours. For training information, call SLC's George Denton-

Ashley on 020 7732 2008 or email general@southwarklawcentre.org.uk. The PPP is also preparing a good practice paper for feeding into the council's forthcoming review of its rent arrears policy. For more information call Jim Fearnley on 01323 746724 or email: jjifearnley@btinternet.com

Does your group have something to say? Email us 250 words to letters@slp.co.uk and mark it "Comment"

South London Press

The Southwark Housing Lawyers Group

Prior to the Project's inception, a number of housing lawyers and specialist practitioners, largely but not exclusively from private practice, met informally largely to discuss policy issues and exchange information.

Early in the Project's lifetime, issues preventing those at risk of eviction from accessing good quality advice were identified. These included literacy and language difficulties, as well as difficulties arising directly from poverty (no land telephone line/ no mobile phone credit/ no bus fare/ limited physical mobility). Many of those most in need of advice also lack the confidence, persistence and determination which is needed to find a lawyer willing to take on what are often difficult and urgent cases. Central government policy has resulted in fewer firms/ agencies providing advice under the legal aid scheme and this has had an obvious effect on those seeking a solicitor: they are more likely to be turned away and will have to make more phone calls and repeat their story more times before they find someone who will assist (if they are lucky enough to succeed in finding help at all). Undoubtedly, some people will give up or fail to find advice before they are actually evicted, in circumstances where intervention by a lawyer might have averted catastrophe.

The Project therefore looked at formalising the existing network of housing lawyers working locally, and at using the internet to streamline referrals. This would benefit potential clients who would ideally only need to make one approach to access all members of the network, maximising their chances of finding a lawyer whilst minimising the stress and expense involved (ten phone calls on a heavily tariffed "pay as you go" mobile phone could be a fortnight's contribution towards rent arrears). It would also benefit overstretched advisers, as only one adviser would need to carry out the initial triage/ assessment (previously many advisers would have assessed and turned away the same case before it was finally picked up).

The Project therefore set up the Southwark Housing Lawyers Group which continues to operate as a very useful information exchange and additionally acts as a referral service. The service is free both to potential clients and to participating agencies. The Law Centre continues to facilitate and monitor this service but in reality the service is effective and more or less runs itself.

Between January 2006 and March 2007, 36 possession cases were referred by Southwark Law Centre to the email forum of which all but two (95%) were taken up by other solicitors and of which the majority (77%) were London Borough of Southwark tenants and not on income support or income based jobseeker's allowance (70%).

Local solicitors are overwhelmingly positive about the email scheme:

"The service is invaluable to needy tenants who would otherwise risk falling through the de minimis legal aid safety net. Nearly all cases are taken on by reputable firms able to provide good representation and to prevent eviction."

"Brilliant idea!"

"In these days of decreasing availability of specialist legal advice and legal representation this very well administered and simple scheme ensures maximum prospects of a speedy and effective referral."

The scheme does not only refer possession cases, and can be particularly useful for homeless people who need very urgent advice, for example to avoid having to sleep on the streets that night.

The scheme benefited from the existence of a readymade informal network of local lawyers. However, whilst this made starting the email referral group relatively easy, it also meant that the Project did not give sufficient thought initially to establishing criteria for membership; there is an enhanced need for membership criteria when a discussion forum expands to a referral forum. A membership policy has now been established.

The scheme is one of the Project's undoubted successes, particularly because it continues and will continue to thrive long after the Project might otherwise be forgotten!



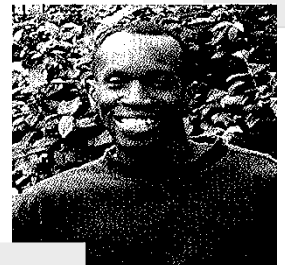
The PPP conference

The Project held a conference on May 17th 2006, sponsored by Doughty Street Chambers, at South Bank University. This event provided an opportunity to share good practice and placed the project's achievements within a wider policy context.

Keynote speakers included:

- Adam Sampson, director of Shelter, discussing Shelter's role in combating homelessness.
- David Watkinson, Garden Court Chambers, examining the Civil Justice Council's forthcoming pre-action protocol dealing with residential tenants of social landlords facing court action due to rent arrears.
- Simon Cribbens, Greater London Authority, talking about the London Housing Advice Strategy.
- Kylie Kilgour, LSC policy manager, explaining the role of the Community Legal Service in developing preventative legal advice strategies.
- Harry Marshall, London Borough of Southwark's Business Initiative Manager.

Over 120 solicitors and advisors attended the conference, including many representatives from local authorities and other social landlords. The conference attracted national interest, provided a forum for publicising the Project's work, generating interest in establishing similar projects elsewhere, and, enabled landlords and those advising tenants to consider how they can work together to ensure that coinciding interests are recognised.



George Denton-Ashley,
Solicitor

The conference was addressed by Harry Marshall from the London Borough of Southwark who stressed that the council would continue to use eviction as a sanction for non payment of rent but “only as last resort.” He also stated that the project had caused a “sea change” in the local authority's attitude towards the advice sector and that the local authority now viewed the voluntary sector in a much more positive light. He looked forward to more partnership working aimed at reducing possession

actions. George Denton Ashley responded on the Project's behalf to Harry Marshall's comments. Rachel Braverman of Blackfriars Advice Centre gave a presentation on the Project's work so far.

Feedback on the conference was positive:

“The conference was very informative. I would recommend further training for all rent and housing officers especially where we can work with other agencies to prevent possession action which can lead to homelessness.”

“I came to find out how you are working together to prevent possession to take back some useful tips to Reading. Thanks for giving me a way forward.”

“It was well organised and enjoyable...The PPP itself clearly cries out to be rolled out London wide and then nationally. A wonderful example.”

A summary of participant evaluation results is attached as Appendix 7.

Overview

The Project's training programme was particularly successful. However it also identified a significant need for ongoing training which could not be met by a one-off project. There is a concern that advisers with little or no knowledge of housing law continue to be the first port of call for tenants who are at real risk of homelessness. As access to legal aid continues to be restricted, good quality early intervention arguably becomes even more critical. In the neighbouring borough of Lambeth, three providers of housing advice will cease taking legal aid work between April and September 2007. This is likely to have a knock on effect on the demand for legal aid services in Southwark, and a significant further reduction in the provision of legal aid is anticipated in October 2007.

There has been an increase in the number of tenants assisted by the duty advisers at Lambeth County Court, coinciding with the lifespan of the Project.

The Project was met with an enthusiastic response from local authority officers to most of its interventions/ proposals and indeed the local authority was keen to use the resources of the Project, for example in the provision of training to its officers, and in seeking advice about issues relating to tolerated trespassers. However, there are inherent difficulties in engagement on a macro scale with a local authority landlord whilst continuing to provide representation to individual tenants/ litigants. Changes in personnel in the local authority inevitably resulted in some lack of continuity. The Project worked very hard to provide input into the council's review of its rent arrears policy within the very short timescale demanded by the local authority, yet the policy has still not (as far as we are aware) been implemented. As the Project has now come to an end, there is no one from the advice sector able to take responsibility for chasing the local authority on this issue and ensuring that information about the implementation of the policy is properly disseminated to advice agencies and solicitors.

The Project had initially hoped to work closely with one selected local housing office, piloting good practice. Successful collaboration with one local housing office would have led to changes being implemented across the borough. This idea was enthusiastically received by senior officers within the local authority, but they were eventually unable to arrange for its implementation.

It is difficult to assess the wider impact of the Project, because of numerous external factors. Any quantitative evaluation would require statistical information that is not readily available. For example, CLS Direct were unable to provide information about how many approaches they received following the introduction by Lambeth County Court of the practice of stamping the CLS Direct telephone number on the outside of envelopes. Record keeping practices vary from advice agency to advice agency.

Towards the end of the Project the rent arrears pre-action protocol came into force. Partly as a response to this, the local authority stopped issuing possession actions. The duty desk at Lambeth County Court has been overstaffed and more or less unused for many months. The local authority has expressed an intention to “catch up” and an upsurge in possession actions is therefore anticipated. Staffing problems in the Council’s legal department and various difficulties in the housing department have led to a backlog of “old” possession orders where the local authority wants to evict tenants and has not yet applied for the necessary leave to issue a warrant. Statistics for evictions over the period of the Project are accordingly skewed and of little relevance. A dramatic increase in numbers of actions and numbers of evictions may immediately follow the end of the Project.

These external factors make objective statistical analysis impossible. It is certainly the case that the local authority has been more than willing to work with the Project and that when its new rent arrears policy is adopted, it will reflect the Project’s input and include a number of provisions that reflect both the local authority’s stated aim (to use possession / eviction as a last resort only), and that support good practice and the cooperative ethos promoted by the Project.

The future

In the words of Catherine Evans, Southwark Law Centre's director, "*the PPP is a good practice example of the value of funding preventative services*". The combined impact of training and policy work that engages stakeholders across the voluntary and statutory sector has resulted in significant gains for advice providers, the local authority and, most importantly, the people of Southwark. It is hoped therefore that the Project leaves a legacy of improved access to better quality advice and recognition on both sides of the importance of collaborative work between the local authority and those advising and representing tenants.



Catherine Evans
Director,
Southwark Law Centre



Project personnel

2004 - 2005

Carole Adams Director of Blackfriars Advice Centre - Policy manager

2004 - 2007

Catherine Evans, Director of Southwark Law Centre - Project manager.

2004 - 2005

John Walsh, Blackfriars Advice Centre - Policy Officer

George Denton Ashley, Southwark Law Centre - Training Officer

2005 - 2007

Jim Fearnley, Blackfriars Advice Centre - Policy Officer and responsible for the September 2005 report to Southwark

Amos Philips, Blackfriars Advice Centre - Policy Officer

George Denton Ashley, Southwark Law Centre - Training Officer

Rebekah Carrier, Southwark Law Centre - Evaluation and sustainment of the project

John P Hoarey, Southwark Law Centre - Report layout and editing.

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Lambeth County Court Publicity

FREE REPRESENTATION IN COURT FOR POSSESSION CASES

IF THIS IS YOUR FIRST POSSESSION HEARING AND YOU DO NOT HAVE A SOLICITOR TO REPRESENT YOU, THE DUTY SOLICITOR CAN GIVE YOU ADVICE AND REPRESENT YOU IN COURT TODAY!

PLEASE ASK THE COURT STAFF

FOR THE DUTY SOLICITOR.

IT IS FREE

YOU HAVE NOTHING TO LOSE.

YOU MAY BE AT RISK OF LOSING YOUR HOME OR YOUR TENANCY RIGHTS IF AN ORDER IS MADE BY THE COURT. IT IS IMPORTANT THAT YOU SEEK INDEPENDENT ADVICE BEFORE AGREEING ANYTHING WITH YOUR HOUSING OFFICER OR GOING BEFORE THE COURT.

Appendix 2:

Lambeth County Court leaflet sent out with summonses

DON'T GET EVICTED - GET ADVICE!

The letter that comes with this leaflet is telling you that you are facing court action that might lead to you losing your home. To avoid this happening, you should:

- ❖ Contact one of the organisations in your borough that are listed on the attached sheet(s)
- ❖ Make a note of your court hearing date
- ❖ Turn up early at court on the hearing date and ask to speak to a duty adviser who can help you
- ❖ Make sure you attend the hearing itself

**ACT NOW TO GET HELP TO
SAFEGUARD YOUR HOME!**

POSSESSION PREVENTION PROJECT

Appendix 3:

Summary of responses to longitudinal survey (training provision)

Questionnaires were sent to over 100 trainees in March 2007: months and in some cases years after the training courses were completed. Feedback provided immediately after training had been extremely positive; this exercise sought to assess whether or not the training provided by the project had been effective on a longer term basis.

4 questionnaires were returned by the Post Office; one agency wrote saying that 12 of its workers had received questionnaires but that the project to which they had been assigned no longer existed.

Eight fully completed questionnaires were received. All but one reported remembering the course at least “well enough to be useful”; ie although the training took place some time ago they reported a continuing benefit. All but one reported that they “still” found the course content useful and had retained the training pack. Of those, two did not find the notes useful but the other respondents reported continuing to use the notes and some added that they kept the notes centrally and shared the training pack with colleagues. One respondent commented on the fact that the notes might go out of date, highlighting the need for ongoing training to ensure that trainees are made aware of developments which is outside of the scope of this project. Similarly, one respondent enquired about a “refresher course.”

Referrals and use of second tier advice

More than half of the respondents had not contacted the Law Centre for second tier advice. Of those that said that they had done so, one was from Peckham CAB and one was from LBS Trading Standards (who probably would have contacted the Law Centre even without training). Only Peckham CAB, Multi Lingual Community Rights Shop and LBS Trading Standards had referred cases to the Law Centre, but two other respondents had made referrals to other external agencies. The responses from Peckham CAB and LBS Trading Standards both refer to good ongoing relationship with the Law Centre. The respondent from Southwark

Trading Standards expressed familiarity with the SHLG email referral system, and was aware of positive outcomes.

Preventing evictions

Three respondents reported preventing evictions (other than by referral to external agencies).

Further training

Only two respondents said that they would not be interested in further training. The respondent from the CAB expressed an interest in “regular training opportunities throughout the year which are repeated “given the high turnover of volunteers.” The CAB and Trading Standards thought that they would be able to pay for training: other respondents were unsure as to whether training could be paid for.

- 63% (5/8) agencies stated that they had referred clients to advice centres/Southwark Law Centre/solicitors as a direct result of the training.
- 37% (3/8) agencies stated that they had prevented evictions or possession orders being made as a result of the training. One agency had prevented 5 evictions/possession orders and one agency reported preventing 4 evictions/possession orders.
- 25% (2/8) agencies stated that they had not dealt with any tenants with rent arrears since the training but they found the course beneficial because they would know what to do if they did.
- One agency stated that they referred cases to Southwark Law Centre and were aware that if the Law Centre could not take on a case, it would be referred elsewhere through Southwark Housing Lawyers’ Group.
- One BME agency commented that they would like repeat training as they had a high turnover of volunteers.

Appendix 4:

List of organisations participating in training

Acorn Tenants Association	O.S.O.A.F. (Open Arms Foundation)
African Development Network	Pecan Ltd
Age Concern	Peckham CAB
ATD Fourth World	Red Kite Learning
Benefits & Health Project	St Giles Trust
Benchley Gardens TMO	Simon Hughes MP surgery
Bermondsey CAB	Southwark Consumer Money Advice
Blackfriars Advice Centre	Southwark Credit Union
Cambridge House Advocacy	Southwark Disablement Association
Cambridge House Law Centre	Southwark Irish Pensioners Group
Cancer Black Care	Southwark One Stop Shop
Draper Tenants Resident Association	Southwark Revenue & Benefits Team
Elephant Angels	Southwark Social Services (Family Resource Team)
Equinox Care	Southwark Welfare Rights Unit
Family Resource Team (SS)	Southwark Works
Individuals with a Community Presence	Stepforward Metropolitan Housing Trust
Kadodo Project	Thames Reach Bondway
Latin American Disabled People's Project	Walworth One Stop Shop
Maya Project	Works Directions
Multi-Lingual Community Rights Shop	

Appendix 5:

Sample Evaluation sheet

POSSESSION PREVENTION PROJECT EVALUATION SHEET

Housing Law Training {Basic} POST TRAINING ANALYSIS

Tutor Name – George Denton-Ashley

1. Have you found the course content useful in your work as an adviser?
Yes No For either answer please state why? I have had frequent contact with clients who have tenancy issues/ problems
2. Prior to the training course did you provide Housing Advice to your organisation's service users?
Yes No
3. Have you been able to identify the causes of your client rent arrears?
Yes No
4. Can you identify the documents that arise in possession proceedings?
Yes No
5. Have you been able to identify the stage which possession proceedings have reached as a result of the training?
Yes No
6. Have you been able to advise clients on what immediate steps to take in their possession proceedings?
Yes No
- 6 (a) If Yes, please give an estimate of the number of clients you have advised on what immediate steps to take? 6
- 6 (b) Please provide a summary of the help you were able to provide to an individual client. Please do not include any details that might identify the person! A client was given legal documents that he did not understand, he did not deal with them and was threatened with a section 21, after looking at the documents, we organised a payment plan for arrears that he had incurred.
7. Have you been able to identify what potential defences, if any, that your client may have to possession proceedings?
Yes No
8. Have you used the training pack to give advice?
Yes No
9. Do you continue to find the training notes useful?
Yes No

10. Have you contacted Southwark Law Centre for any 2nd tier advice
 Yes No If no, why not? I contacted another source instead.
11. Have you referred any housing cases to an external agency as a result of identifying the issues and urgency of your client's problem?
 Yes No
12. Have you referred or attempted to refer any cases to Southwark Law Centre?
 Yes No If yes what was the outcome?
13. Have you been able to come to agreements with a client's landlord to pay off arrears?
 Yes No
- 13(a) If yes, please estimate the number of agreements you have been able to make? 3
14. As a result of the training have you prevented any possession orders being made?
 Yes No
- 14 (a) If yes, please provide an estimate of the number of possession orders you have helped to prevent! 2
15. As a result of the training have you help to prevent any evictions going ahead?
 Yes No
- 15 (a) If yes, please provide an estimate of the number of evictions you have helped to prevent? 3

Please provide a summary of an individual case in which you have prevented a possession order or eviction! Do not identify the individual. Please describe the individual's circumstances when they sought your help and any improvements at the end of their case. A client was due to be evicted due to breaking tenancy agreements and a possession order was granted, with certain eviction, instead we aided the client to address his arrears with a payment plan, agree to certain conditions and hold his tenancy as a demoted one for a period of 12 months and then return to his original tenancy agreement. This was checked by external solicitors first and also with the housing association to make sure they were informed throughout. He is still in his property and paying off arrears and only has 2 months left under a demoted tenancy.

Appendix 6:

Summary of conference evaluation sheets

Possession Prevention Conference Evaluation Questionnaire - Results

Listed below are the results of the evaluation sheets which were completed by people who attended the Possession Prevention Conference on 17th May 2006.

Q1. Did you find the conference informative?

RESULT

Yes	44	No	0
-----	----	----	---

Q2. What aspect of the conference did you find the most informative?

RESULT

- David Watkinson, Harry Marshall, Rachel Braverman & George Denton-Ashley
- All
- All elements, especially good practice initiatives by PPP
- Difficult to pick out one, all speakers made good points and contribution
- The whole conference was informative
- LBS Policy on rent arrears and Shelter on housing policies
- The Possession Prevention Project: The first 2 years
- Prevention of rent arrears by early intervention, use of voluntary sector
- Protocol paper
- Possession preventive actions training and the role played by agencies in assisting tenants to sustain tenancies
- Speakers, questions and answers PPP session
- All of it
- George's speech
- Southwark Law Centre
- All
- All of it
- Hard to say, it was all very informative
- The various speeches from experienced housing experts
- The work and progress of PPP
- David Watkinson's presentation on The Civil Justice Councils pre-action protocol and presentation by Harry Marshall
- Southwark Councils Policies
- Talk by David Watkinson and the effect of the draft rent arrears protocol
- Feedback from PPP
- All
- Harry Marshall – Housing Manager
- Talk from LSC and head of Southwark, rent policy and questions and answers
- All

- Everything
- Rent arrears and possession action. The Civil Justice Council's pre-action protocol (David Watkinson)
- All of it (George)
- Useful though disappointing to learn there are no teeth to the court advice policy. Very good to learn what can be achieved by liaison between advisors and the councils housing department
- Civil procedure protocol
- David Watkinson & Harry Marshall
- All of it
- Shelter speaker
- All were very informative
- The talk given by David Watkinson
- Possession prevention, Southwark Councils approach
- The PPP Training pack. Why funding changes between initiatives and that it is mainly because of what value is more beneficial
- David Watkinson – Housing Protocol

Q3. Are you interested in any joint work with the PPP?

RESULT

Yes		25	No		11	Question not answered	8
-----	--	----	----	--	----	-----------------------	---

If yes is answered

Q4. Are you interested in the PP Project doing a presentation at any of your meetings/conferences.?

RESULT

Yes		18	No		17	Question not answered	9
-----	--	----	----	--	----	-----------------------	---

If yes is answered

Organisation Name

East London Financial Inclusion

Metropolitan Housing Trust

Housing Options Services

Multi Lingual

Southwark Council

Southwark Legal Services

College of Law

Southwark Council

Southwark Council

Multi Lingual

Age Concern Southwark

Multi Lingual

Age Concern Southwark

Age Concern

SLC Volunteer

Macartan & Co Solicitors

Sutton CAB

Metropolitan Housing Trust

Q5. How would you rate the venue?

RESULT

Excellent	21	Very Good	19	Good	4	Poor	
-----------	----	-----------	----	------	---	------	--

Q6. How would you rate the catering?

RESULT

Excellent	15	Very Good	19	Good	11	Poor	
Question Not answered							

Q7. How would you rate the administration (booking etc) of the conference before the event?

RESULT

Excellent	25	Very Good	17	Good		Poor	1
Question Not answered			1				

Q8. How would you rate the administration (registration etc) of the conference during the event?

RESULT

Excellent	24	Very Good	15	Good	4	Poor	
Question Not answered			1				

Q9. General Comments

- Kylie Kilgour, the handout was poor, I could not follow it. Adam Sampson would have preferred a simple PP Presentation with bullet points despite the pressure of time. A lot of information was given.
- A very informative seminar, speakers were excellent.
- Very useful conference
- Very good event
- Much more partnership working with Not-for-Profit organisations and local authorities is needed. The lead on this must be management led.
- Thank you very much
- This conference is very informative. I would recommend further training for all rent and housing officers especially where we can work with other agencies to prevent possession action which leads to homelessness and sustain tenancies.
- As I work with volunteers I would welcome the opportunity to extend our wishes for a future PPP training session at ACS Walworth Road, over 10 volunteers would be present. 30th June would be suitable for training as I will be will be working with a new group of volunteers. Pursue Liberata to participate in verification framework training for HB & CTB claims, work with NFP agencies towards this goal. Single assessment should include social care as well as all benefit entitlements, avoid current duplication in this field. 'Alternative office' set up with DWP to process

DLA/AA as well as pension credit claims. "Nominated agent" status obtained for all who attend training session re: verification frameworks.

- There was a lot of feedback from the microphone. The conference was very well presented. Well done to Marcia for all her work
- Thank you. I found the event very informative
- Enjoyed the very informative day
- A periodic conference (maybe twice a year) of this sort will be beneficial
- I came to find out how you are working together to prevent possession to take back some useful tips to tackle such people in Reading. Thanks for giving me a way forward
- Very helpful
- Very informative a lot of new information regarding policies on housing and it was good to find out how many other organisations face similar problems with HB and the council etc. Good issues were raised.
- Very constructive, interesting points of new position of Southwark Council and energy of more work. Very informative vision of future advice.
- It would be useful to receive additional information regarding the landlords obligation similarly the monitoring of tenants after eviction.
- It was well organised and enjoyable conference. The PPP itself clearly cries out to be rolled out London wide and then nationally. A wonderful example.
- Very good
- My name was not on the list. The photographers camera flashed 119 times from 11.55 to 14.35. I found it very distracting and I imagine the speakers did too.
- Very informative conference
- Very interesting and worthwhile attending
- I really enjoyed the conference and found it very useful and beneficial for giving advice and learning how to best help our clients. The training from the PPP offered was brilliant.
- It was very informal and I enjoyed it.

Appendix 7:

Interview with Tunde Akinyooye

London Borough of Southwark

Mr Akinyooye was interviewed at Peckham Area Housing Office by Amos Phillips from Blackfriars Advice Centre on 8th March 2007

1. How did you get involved with the PPP?

Southwark Council was trying to broaden its approach to tenants and managing debt and find a different way of dealing with tenants with rent arrears. One of Southwark's strategic objectives is to tackle poverty and you don't tackle it by evicting tenants. The PPP is about sustaining tenancies and supporting the tenants. Tunde said he approached Blackfriars Advice Centre - which had already been doing some work with Southwark Council. Jim Fearnley from Blackfriars said the centre had not been successful in getting access to the relevant officers within Southwark Council. Tunde said he got in touch with Jim a few years ago and the PPP was set up at a similar time to his being put in charge of the arrears portfolio.

2. What was the situation with possession proceedings and Southwark Council and the voluntary sector before the PPP?

Southwark and several parties - Southwark's social policy unit provided grant aid for voluntary advice - Blackfriars Advice Centre, the Citizens' Advice Bureaux and Southwark Law Centre. In terms of arrears, Southwark was taking tenants to court and advice sector would represent them. They expected the relationship to be adversarial. They started to work with the voluntary sector, Tunde instigated a review and the voluntary sector were included in this.

3. What changes have been implemented as a result of the PPP?

We have reviewed procedures and letters and we are emphasising sustaining tenancies rather than emphasis on eviction or asserting Southwark's legal rights. The format of letters to clients has changed. Staff took part in a seminar with George Denton-Ashley (from Southwark Law Centre) and Jim Fearnley giving speeches in 2005.

4. What do you think have been the successes of the PPP?

Other agencies have been educated about possession proceedings. The one aim is to help the tenant live in their home - this happens through co-operation. The concern is that once they have the possession order for a year then the client is back again for eviction - the agencies help them to understand that the solution is in the hands of tenants. Training helped to educate advice agencies about possession proceedings - with the emphasis on customers' minds that the solution is in their hands. There has been a reduction in the amount of evictions since the PPP started.

5. What other changes/improvements would you like to see that have not occurred through the PPP?

Other changes. There has been better co-operation between Southwark Council and advice agencies. Southwark has not been successful in arranging direct deductions for tenants with a high propensity towards rent arrears. If this was done it could save a lot of bother - they would not have to wait for 26 weeks to implement direct deductions. Southwark would not have to harass tenants, advice agencies would not have to represent these tenants.

There is not enough data sharing between Southwark and the advice agencies for example a client with mental health issues could be identified as vulnerable by an advice agency but Southwark Council would not necessarily know about this unless they have been told. Southwark's aim in having confidential information about tenants is that it should not be used to label people but to assist them. There is an attitude of never tell tenants and never disclose particular personal information, like elements of vulnerability such as what help are they getting for addiction. Tunde thinks this is a narrow perspective - there should be trust between Southwark Council and the advice agencies.

6. Do you think that Southwark tenants are less at risk of eviction/possession proceedings due to the intervention of the PPP?

Yes. Agencies have been educated - and have worked with Southwark council to sustain tenancies.

7. How do you see the future of Southwark in relation to its tenants and in dealing with rent collection?

Southwark's approach - giving people advice, helping them to manage money and sustain their tenancies but they will not shirk from using the ultimate weapon (i.e. legal proceedings) when all other methods have been exhausted.

8. Is there any news regarding the new rent arrears policy?

Almost there. Held up by structural changes - looking at how we do things generally - make sure we add value. I have just come from a meeting on how to ensure new tenants sustain their tenancies. Get tenants into the payment culture. Get people into the frame of mind that housing needs to be paid for. Once they get data it can be used to process housing and council tax benefit as early as possible. Only ask for new documents when there is a change of circumstances. Other stuff want to go in it.

Appendix 8:

Extracts from Report to Southwark Council September 2005

Reducing court action and enhancing rent collection

A report to Southwark Council by the Possession Prevention Project

September 2005

Executive Summary

Overall aim of the report

This report highlights and promotes good practice regarding the management of rent arrears and methods of reducing levels of court action by social landlords in relation to tenants in rent debt. The report aims to:

- Feed into the current review of Southwark Council's rent arrears policy and guidance
- Help in reducing the financial cost to Southwark Council associated with both unpaid rent and possession actions
- Assist in reducing the numbers of Southwark Council tenants who lose their homes because of rent arrears
- Contribute to defining and standardising good practice on the part of rent income officers
- Consolidate existing liaison and communication links between Southwark Council and the local advice sector

It is also hoped that this report will assist the Council in reducing any tension that might arise between the requirements of Best Value Performance Indicators (BVPIs) that deal respectively with (a) maximising rent collection/arrears recovery and (b) minimising "*perverse working practices...leading to possession action and eviction*".^{2 3}

² All four relevant BVPIs fall under the same heading of "Rent Collection and Arrears Recovery". BVPIs 66a & 66b deal with revenue collection, while BVPIs 66c & 66d deal with minimising possession actions and eviction.

³ It may be appropriate for the rent arrears policy to be explicitly cross-referenced with relevant parts of the LBS Homelessness Strategy.

Summary of issues and recommendations

Issue	Recommendation
1. Inducting new tenants: regular rent payments	<i>1. Rent income officers should encourage clients that are working, or otherwise not entitled to full Housing Benefit, to set up a standing order to pay rent (wherever possible).</i>
2. Inducting new tenants: 'settling-in' visits	<i>2. Housing officers should be required to make a full record of 4-6 week home visits.</i>
3. Inducting new tenants: maximising income	<i>3. Housing officers should be provided with training on wider benefit/tax credit entitlement in order to be able to signpost clients to methods of maximising their income.</i>
4. Inducting new tenants: assistance with HB claims	<i>4. Housing officers should proactively support tenants in dealing with Revenue & Benefits department requests for information to support HB claims.</i>
5. Rent arrears payment/collection promotional campaigns: approach	<i>5. LBS campaigns promoting rent arrears payment/collection should stress the negative impact on housing resources of unpaid rent and not rely solely either on 'scare' messages or on 'shame' tactics.</i>
6. Rent arrears payment/collection promotional campaigns: information	<i>6. LBS campaigns promoting rent arrears payment/collection should be supplemented with information encouraging tenants to (a) access advice on debt and benefits and (b) to make or re-establish contact with their AHO, attend forthcoming possession hearings etc.</i>
7. Personal contact between housing office staff and tenants	<i>7. Housing office staff should prioritise direct personal contact with tenants wherever possible and take account of any issues that may make clients vulnerable to accruing debt and/or experiencing difficulties in participating in arrears re-payment processes.</i>
8. Clarifying responsibility for administering HB	<i>8. Housing officers should make it clear to tenants likely to be confused by administrative processes that the local authority, not the DWP, is responsible for HB claims.</i>
9. Identifying and assisting vulnerable tenants	<i>9. Housing officers should record whether or not a tenant is vulnerable and apply specific procedures to assist such tenants.</i>
10. Brokering access to intensive support, social care and legal advice at induction or ongoing tenancy stage.	<i>10. Housing officers should make the fullest possible use of LBS's Sustain outreach team, should establish whether tenants are existing clients of solicitor/advise agency/social services etc, and provide assistance to make referrals as appropriate.</i>
11. Dealing with mental incapacity issues	<i>11. Housing officers should be trained on mental capacity issues and the legal steps they are required to take if someone does not have mental capacity.</i>
12. Terminating and 're-issuing' tenancies to people about to serve prison sentences.	<i>12. Tenants about to go into detention/custody should be offered the option to cede their tenancy for the duration of their sentence and be provided with a fresh tenancy on release, in order to reduce levels of rent arrears and amounts of money spent on interim accommodation.</i>

Summary of issues and recommendations

Issue	Recommendation
13. Best practice in assessing tenants' financial circumstances and deciding levels of arrears repayment	<i>13. Housing Services staff should consult with voluntary sector advice agencies about best practice in the assessment of tenants' financial circumstances and appropriate levels of repayment.</i>
14. Carrying out comprehensive individual tenant income and expenditure assessments	<i>14. Rent income officers should be required to complete a comprehensive income and expenditure assessment with tenants who have signed rent arrears repayment agreements</i>
15. Agreeing realistic repayment arrangements	<i>15. Rent income officers should offer repayment arrangements consistent with tenants' individual financial circumstances, and also explain the option to pay via deductions from benefit or wages/salary.</i>
16. Flexible repayment arrangements	<i>16. Housing Services should give greater attention to the design of repayment agreement forms and allow more flexibility in relation to the frequency of payments.</i>
17. Narrowing the time-lag between payments being made and credits appearing on rent records	<i>17. Accounting/data processing systems should be reviewed in order to ensure that payments made are credited as promptly as possible and rent statements should be issued regularly to tenants.</i>
18. Liaison with tenants' debt advisers.	<i>18. Rent income officers should establish whether tenants are currently being assisted by a money/debt adviser, and if so, officers should liaise with the adviser.</i>
19. Prompt 'repairs' to defaults in repayment schedules	<i>19. As soon as a default in repayment is detected, rent income officers should make contact with tenants to establish the cause of default and negotiate constructively with them to re-establish regular repayments.</i>
20. Objectives of future training programmes for housing officers	<i>20. Future LBS training programmes should contain explicit objectives dealing with (a) knowledge of Southwark Council's own rent arrears policies and procedures, (b) good practice in arrears prevention and recovery, and (c) referral to local providers of legal advice on debt, housing and welfare benefits issues</i>
21. Joint voluntary sector/housing office staff training on LBS policies	<i>21. Joint voluntary sector/local authority training events should be held that deal with relevant Council policies and procedures, in order to promote mutual and informed understanding by both Council staff and external, independent agencies.</i>
22. Informing tenants about general HB procedures	<i>22. Rent income officers should be directed to explain to claimants (a) how long a claim is likely to take to process, (b) advise those not entitled to full HB how much they should pay in the interim and (c) stress the importance of notifying changes of circumstances and the possible effects of HB overpayments on rent accounts.</i>

Summary of issues and recommendations

<p>23. Referring tenants for further assistance with HB claims</p>	<p><i>23. In situations where Housing Office staff do not have the capacity to assist in making HB claims, they should broker contact for tenants with other sources of support, either in-house or external.</i></p>
<p>24. Referring tenants to a holistic range of advice and social welfare services at the possession stage</p>	<p><i>24. Rent income officers should be encouraged to make full use of specialist independent debt advice services, and should also consider the need for wider referrals to, eg, the Lambeth County Court Duty Advisers' Scheme or sources of social care.</i></p>
<p>25. Referring tenants to sources of wider welfare benefits/tax credits advice (ie 'beyond' HB)</p>	<p><i>25. LBS housing staff should be encouraged to make appropriate referrals to sources of welfare benefits advice either from in-house services or external providers.</i></p>
<p>26. Ensuring that standard letters about rent accounts are clear and easy to understand</p>	<p><i>26. Housing staff should liaise with both the Revenue and Benefits department and tenants to ensure that all standard letters dealing with the possible negative impact on tenants' rent accounts of HB-related issues are clearly written, accurate, and easy to understand.</i></p>
<p>27. Reviewing and consulting on the rent arrears policy and its implementation</p>	<p><i>27. The Housing Department should regularly consult on and review the rent arrears policy and guidance (and their implementation), involving a wide range of stakeholders, including advice agencies and the Southwark Housing Lawyers' Group.</i></p>
<p>28. Ensuring consistency of good practice in the use of NOSPs</p>	<p><i>28. A 'consistency forum' should be convened by LBS's central rent income team, which would facilitate the exchange of ideas, tactics and strategies that will enhance good practice in the use of NOSPs. Membership of the forum should include voluntary sector advice providers.</i></p>
<p>29. Collecting information on HB issues at all stages of the recovery and possession process</p>	<p><i>29. Rent income staff should request information regarding outstanding HB issues from Revenue and Benefits staff via written enquiry forms. Such enquiries should take place before a NOSP is served and continue at the point where a rent income officer is considering possession action.</i></p>
<p>30. Currency of HB information provided in advance of court hearings</p>	<p><i>30. Systems should be put in place to ensure that HB information provided in advance of court hearings is up-to-date as of the day before the date of the hearing.</i></p>
<p>31. Encouraging tenants to attend possession hearings and seek representation.</p>	<p><i>31. When a NOSP has been served, housing income officers should (a) encourage tenants to attend the possession hearing and (b) signpost them to the Lambeth County Court Duty Advisers' scheme.</i></p>
<p>32. Informing the court of vulnerability issues</p>	<p><i>32. Housing office staff should ensure the court is made aware if a tenant is vulnerable in order to minimise the risk of possession being granted, particularly in cases where the tenant fails to attend their hearing.</i></p>
<p>33. Continuing dialogue to re-establish arrears payments and save tenancies.</p>	<p><i>33. Housing Services staff should not regard the grant of an outright possession order as 'the end of the road', but should proactively seek to engage with tenants in order to agree or re-establish realistic repayment schedules that will save tenancies.</i></p>

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