

# Practitioner article

## Preventing homelessness – a Section 11 pilot project

Written by Alistair Sharp, Prevention of Homelessness  
Project, Govan Law Centre

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# Shelter

## Preventing homelessness – a Section 11 pilot project

**Alistair Sharp outlines how the Prevention of Homelessness Project in Glasgow is carrying out casework to prevent homelessness caused by eviction and repossession in advance of Section 11 of the Homelessness etc. (Scotland) Act 2003 becoming law. He discusses the innovative multi-agency work the Project is coordinating and shows how this is having positive results for vulnerable people.**

### Background

The Prevention of Homelessness Project was set up through the collaboration of Govan Law Centre, Govan Money Matters, Pollok Citizens Advice Bureau and South West Area Social Work Services funded by Glasgow Homelessness Partnership.

The project operates in the Greater Govan and Greater Pollok areas of Glasgow and works within Section 11 of the Homelessness etc. (Scotland) Act 2003 (<http://www.opsi.gov.uk/legislation/scotland/acts2003/30010--a.htm#11>) which will require all registered social landlords, private sector landlords and mortgage lenders to give notice of new eviction and repossession proceedings to the local authority (Section 11 of the act is likely to become statutory requirement in 2007).

This provides the project with the opportunity to work with people who are at risk of homelessness, through eviction or repossession, with an early intervention approach to homelessness prevention.

### Project aims

The project has several aims that it hopes to accomplish:

- Prevent homelessness and repeat homelessness in the South West of Glasgow.
- Target and deliver local services.
- Maximise client income where possible through debt management and benefits.
- Enable clients to meet their financial responsibilities through legal representation and money advice services.
- Offer free, independent and confidential service to people in the Greater Govan and Greater Pollok areas.
- Provide free legal representation through Govan Law Centre.
- Provide support, assistance and advocacy for service users.
- Provide support to access appropriate services that assist service users in maintaining responsibilities as a tenant or owner-occupier.

- Working in partnership with Social Work colleagues to identify vulnerable adults and children.
- Tackle dependency issues and special needs issues by offering appropriate assistance, support or referrals made to relevant services to assist and support clients to maintain tenancy and owner-occupier responsibilities and to prevent homelessness and repeat homelessness.

## Objectives

The project has four main objectives:

- To prevent people from becoming homeless through eviction or repossession, by supporting tenants or owner-occupiers to access quality legal representation and money advice.
- To make the service easily accessible to all who are at risk of homelessness through eviction or repossession.
- To enable tenants and owner-occupiers to keep their homes and to meet their financial responsibilities.
- To establish collaborative and partnership working between local statutory and voluntary agencies and the project, to prevent and alleviate homelessness and repeat homelessness.

## How the Project works

Section 11 will present local authorities with an excellent opportunity to prevent homelessness on a strategic level when it becomes a statutory requirement. However, this needs dedicated co-ordination with specialist support services. In Glasgow, the Prevention of Homelessness Project was set up and tasked with halting repossession and evictions and preventing homelessness through the provision of quality legal representation. It was also designed to recognise that eviction and repossession processes are generally the tip of the iceberg for those at risk of homelessness. People will have many other issues that have contributed to or caused the eviction or repossession legal process implemented by RSLs, private landlords and mortgage lenders.

People will have issues similar to those presented as the causes of homelessness including: rent arrears, mortgage arrears, bad practice by private landlords, debt problems, low income, benefits problems, sequestration, wages arrestment, relationship breakdown, health problems, mental health problems, disability and addiction issues. It is not unusual for people to have a combination of the above and still other issues.

The Project offers a unique service to people at risk of homelessness through dedicated coordination of relevant services and agencies to address these issues. The Project Worker or Coordinator contacts the client, meets with the client and explains what services the project can offer to the client as a solution to keeping and maintaining tenancies or owner occupancy.

The strategic referral system at the Notice of Proceedings for Recovery of Possession (NPRP) stage offers an early intervention approach (this is discussed in detail later in this article). The Project is also responsive and quick to intervene when people present with the legal process at an urgent or crisis stage, where there is a date for court calling, eviction or repossession. Urgent legal representation aims to recall Decrees for eviction or repossession and halt the eviction process in order to enable solutions and arrangements that allow the client to maintain their tenancy or owner occupancy and be given the relevant support to do so.

The Project has dedicated solicitors, money advisors and specialist money advisors. Quick appointments are essential in order to undertake the necessary intricate legal work including: Minutes for Recall of Decree, Section 2 applications under the Mortgage Rights Act, pursuing mortgage indemnity insurance claims and so on. We also, where appropriate, apply for and maximise benefits and income, challenge and appeal benefits decisions and look at debt relief options, and manage and reschedule multiple debts, which, like welfare benefits issues, can be very complex. Such work is time limited and time intensive, and the Project works within these parameters successfully.

Clients are referred to the relevant support, including legal representation, which is required to address the issues that have caused and exacerbate the risk of homelessness through eviction or repossession. They are supported through every stage of the solution process and assisted to attend appointments with solicitors, money advisors, housing and any other specialised service that will help people to maintain tenancy or owner occupancy. Support does not end at the legal stage where the eviction or repossession process is halted; clients have on-going support and coordination of the services necessary to maintain and sustain tenancy and home ownership. This ensures that any recurring issues or emerging problems can be addressed which can prevent homelessness and repeat homelessness.

Since September 2005 to March 2007 **around 400** people within the Greater Govan and Greater Pollok areas of Glasgow have benefited from the service (see Appendix 1 for further statistical information on how the Project is doing).

## Referral systems

The results achieved by the Project so far have been made possible by the development of a **strategic referral system** and through more **informal means of referral** that access the services the project provides:

### Strategic referral

The strategic referral system has been developed collaboratively with South West Community Health and Care Partnership (SW CHCP) Social Work Services. This involves Welfare Rights Officers (WROs) working in partnership with the Project. As Project Coordinator/Worker I am seconded to South West Social Work Services and work under social work protocols, policies and procedures. This links in with the requirements of Section 11 regarding notification to the local authority, in this case, Glasgow City Council Social Work Services.

Along with the WROs we have developed an eviction protocol with Housing Associations (HAs) and Glasgow Housing Association Local Housing Organisations (LHOs) within the Greater Govan and Greater Pollok areas of Glasgow. **16 LHOs and HAs** across these areas are actively involved in participating in the protocol, which is an encouraging level of compliance.

There are 25 participating RSLs over the South West CHCP area. The remaining RSLs that are not directly involved in the protocol at this time participate at various levels, from direct referral of clients to the project to passing on information about the project and how to access the project.

The protocol means that RSLs refer tenants to the project at the Notice of Proceedings for Recovery of Possession (NPRP) stage of the eviction process.

There are also a significant number of referrals that are at a more urgent stage of the legal process of eviction – Court Calling, Decree for Eviction Granted, Eviction date set, and Evidential Hearing. These are discussed later.

Referrals are either e-mailed or posted to the Project where clients are prioritised in accordance with Social Work protocols and statutory legislation. All tenants are contacted by letter, giving advice and information on their rights as well as information and contact details of the project. If there is no response or contact from the tenant then a home visit is arranged. This is the same for all clients whether they are tenants, private let tenants or owner-occupiers.

Families with children and vulnerable adults are prioritised and given the opportunity to attend a joint discussion with housing officers with a WRO and or project worker in

attendance to provide relevant advice, advocacy and negotiate affordable repayment arrangements of arrears if appropriate.

Single adults are contacted by the Project in a timeframe matching their situation and offered the following services and assistance to address their tenancy issues:

- support and/or advocacy for people to access legal representation through Govan Law Centre.
- money Advice through Govan Money Matters or Pollok Citizens Advice Bureau – to maximise income, repay arrears, manage debt, appeal welfare benefit decisions.
- support to access appropriate assistance from social work services and services from voluntary organisations relevant to client's needs and wishes.

WROs have surgeries within each of the participating RSL offices on one day per month and joint discussions are arranged for surgery days.

A further strategic referral system involves South West Community Casework Team and Pollok Community Casework Team (CCT). They refer people who are facing eviction, illegal eviction (by private landlords) or repossession from mortgage lenders direct to the Project Coordinator.

### **Informal referral**

This is usually self-referral by clients who have been made aware of the project through publicity or advice and information schemes offered by those RSLs that are participating. However, a significant number of clients are tenants of participating RSLs where the eviction process has become more urgent.

Self referral, referral from RSLs participating and those participating on a less strategic level, can present situations that are urgent or extremely urgent, for instance they may be at any of the following stages: Court Calling, Decree for Eviction granted, eviction date set, Evidential Hearing, illegal eviction or repossession.

When people refer at such stages they are given an urgent appointment with a project Solicitor at Govan Law Centre taking account of the time limitations involved. This is usually within one day or on the same day. If necessary there is a home visit from the project worker to contact the client and assist with getting them to this appointment.

### **Legal representation**

The Prevention of Homelessness Project team includes four Solicitors from Govan Law Centre. They bring an abundance of experience in housing legislation policy and practice,

along with experience in relevant specialised fields including employment law and disability discrimination law.

The solicitors' work begins when court proceedings have been raised against a client. They provide legal representation and advice and negotiate with opponents to prevent eviction or repossession:

- In eviction proceedings the solicitor will negotiate with landlords and housing associations for the tenant to make reasonable payments and will appear in court to secure continuations or sisting of actions to allow these payments to be made.
- In mortgage repossession actions the solicitor will usually lodge a Section 2 Minute under the Mortgage Rights (Scotland) Act 2001. This applies for suspension of the lenders rights in order for the client to undertake any of a number of possible options. These include finding employment and increasing income, applying for schemes such as Communities Scotland's Mortgage to Rent Scheme, or in some cases selling their home and redeeming the mortgage this way. Advice will be provided to the client regarding these options. Support and advice will be provided to ensure that the most appropriate option is followed and homelessness is prevented.
- Tenants of private landlords are represented to prevent eviction within the statutory requirements of the relevant legislation, Housing (Scotland) Act 1988 as amended, Housing (Scotland) Act 2006 and the Rent (Scotland) Act 1984. This gives an opportunity to make sure the private landlord is made aware of their duties under the relevant legislation and to report any unlawful activities by private landlords to the proper authorities.

Evictions, illegal evictions and repossessions involve high quality and complex legal and court work. This is often linked with money advice and welfare benefits work that is also complex and demanding of an expert and high quality service.

## **Money advice expertise**

Expert money advice agencies are key to the Project delivering for its clients. The following list shows what is provided by one of the main advice agencies involved, Govan Money Matters:

- Quick access to welfare benefits and money advice services. Urgent cases are given immediate appointments, less urgent cases within 2 days and other cases within 1 week.
- Access to a welfare benefits advisor and a specialist money advisor.
- Feedback regarding the progress of client casework provided quickly and regularly to the Project Coordinator or directly to the solicitor by e-mail. This allows a more

responsive service for the client. A large number of Project's client casework is of an urgent and complex nature and requires immediate work done to link in with legal and court work which is time limited.

- Provision of a quality representation service in appeal and tribunal work.
- Casework that is significantly increasing in complexity not only in detailed and complicated welfare benefit work but also in multi-debt cases.
- A specialised service dealing with the issues involved in; bankruptcy (sequestration), attachments and exceptional attachments, Mortgage to Rent, Protected Trust Deeds along with negotiating payment plans - all offering the client their full range of options.

Pollok CAB also works with the Project and provides a more generalist service.

## Cost benefits

The most recent evaluation and investigation into the financial costs of eviction from the Dundee Families Project (*Scottish Executive Publications, 2006*) report showed those costs to be estimated at around **£10700 per household**. This figure includes cost to housing provider, cost to homelessness services, cost to social work services and legal costs.

The Housing Corporation, the national Government agency that funds new affordable housing and regulates housing associations in England, puts the cost of one eviction being in the range from about **£3000 to £10000** or more in more difficult cases. (<http://www.housingcorp.gov.uk>).

The Social Exclusion Unit (<http://www.socialexclusionunit.gov.uk/>) in England states that the cost to evict one tenant to a local authority can be around **£2000**.

Therefore the Prevention of Homelessness Project is reducing, and has the potential to, significantly reduce further, costs to housing associations and the public purse and alleviate the trauma that people undergo when faced with eviction or repossession.

## Further development

Access for clients, tenants and owner-occupiers to the Project is paramount and a strategic referral system overcomes barriers relating to that. As Coordinator I am seconded to South West CHCP Social Work Services and this is integral to linking in with that part of Section 11 requiring 'notification to the Local Authority'.

The Project is supported by the CHCP to develop eviction protocols with local RSLs which it does through Area Implementation Group (AIG) and the Housing Liason Group. This latter group allows RSLs to meet with the Project and other stakeholders to plan and

discuss relevant issues and feed back to the CHCP. These groups can highlight any problems concerning the Project (and wider issues) and assist in its development. This can tackle obstacles concerning participation and compliance.

Key to the project is high quality legal advice and representation; Govan law Centre delivers such a service necessary to preventing homelessness from eviction and repossession. The complexity of casework means that solicitors will spend a lot of time on individual cases involving court work, negotiation, interviews and work on individual cases to resolve matters to the benefit of the client. Legal services need to work in close partnership with the Project.

High quality money advice is extremely important, as cases will require a high level of expertise from the money and benefits advisor. Dedicated advisors are required to work in close partnership with the Project and be expert in specialised service delivery to an individuals needs.

Developing working partnerships and collaboration with other organisations to assist and support people to sustain tenancies and owner occupancy is very important in preventing homelessness and repeat homelessness. A lot of development work has to be aimed at this aspect of the Project, for example we have working relationships with Scottish Association for Mental Health, Scottish Financial Inclusion Service, Glasgow Simon Community, Glasgow Homelessness Network and Social Work Services.

Although the Project has a significant number of clients who rent from a private landlord there can be obstacles to tackle, as you can imagine, when dealing with those landlords. The Landlord Registration Scheme, when fully operational, may be able to assist in tackling bad practice that is dealt with on a case-by-case basis for now. There is definitely room for development here and room for collaboration between organisations to address this issue.

At the moment four Banks have responded agreeing to participate by sending on details to people at risk of repossession - HBOS, Royal Bank of Scotland, GE Finance, and Clydesdale Bank. More development needed here also, through contact with the Council of Mortgage Lenders and the obstacle of mortgage lenders based in another country needs looking at.

## **Conclusion**

The Project is a simple idea but brings complex casework that requires expertise on all levels. Support and assistance for the individual must go beyond the initial issues that are presented and it is therefore necessary to provide on-going coordinated support as long

as is required by the client to prevent homelessness and repeat homelessness from eviction and repossession.

## Further information

*Consultation responses to Section 11 Consultation -*  
<http://www.scotland.gov.uk/Publications/2007/05/09164209/0>

*Govan Law Centre –* <http://www.govanlc.com/>

If you would like any further information, please send an email to [practicescotland@shelter.org.uk](mailto:practicescotland@shelter.org.uk) in the first instance.

## Appendix 1 – Summary of statistics

These statistics are taken from the latest Project Report:

- 25 RSLs participating at different levels of involvement – 14 LHO's and H/A's participating in the eviction protocol, referral strategy and joint discussions with Strata WROs.
- 393 clients and their families with eviction proceedings halted – over 70 of these at NPRP stage of eviction proceedings (49 case files still to be added to database and 32 NPRP's (recent referrals) on going).
- Over £450,000 of arrears managed through the project and partners since September 05.
- The Project Worker has coordinated, managed and advocated for around **400 clients**, involving **945 referrals** to other agencies, negotiation with 25 RSLs, mortgage lenders and private landlords, **halted 393 evictions**, 30 illegal evictions and and dealt with other homelessness issues.
- Govan Law Centre Solicitors have halted around **400 evictions**, illegal evictions, and repossessions, involving high quality and complex legal and court work.
- Since September 2005 Govan Money Matters has accepted and work with **217** client casework referrals from the Prevention of Homelessness Project.
- Since September 2005 Pollok Citizens Advice has accepted and work with 57 client casework referrals from the Prevention of Homelessness Project.
- Along with addressing tenants issues at joint discussions at which both housing officers and tenants agree solutions negotiated by the WROs, the WROs have accepted and worked with around 80 client casework referrals so far from the Prevention of Homelessness Project.
- Along with receiving 38 referrals from the Prevention of Homelessness Project, the casework teams between them have referred around 60 clients to the Project –

including owner occupiers, tenants of private landlords and tenants fleeing violence who have received a service from Govan Law Centre.

- The Scottish Financial Inclusion Service have received and are working with 12 client casework referrals from the Prevention of Homelessness Project.
- GCC money advice based in Nye Bevan House have received 17 referrals from prevention of Homelessness Clients Social Workers.
- South West CHCP Social Work Services provide support for 28 referred Project clients – SAMH are working with 36 referred clients.