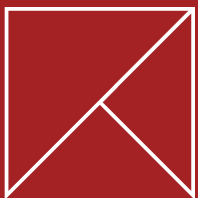


LETTING
AGENT
PLUS



How to help tenants struggling to manage their tenancy

Endorsed by



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AGENTS





Introduction

Shelter Scotland worked in partnership with letting agents for 2 years to get a better understanding of the barriers faced when trying to help tenants sustain their tenancies.

This guide aims to share the knowledge and solutions developed during the project with the wider sector in Scotland.

Agents and private landlords should use this resource as a:

- 1 tool to pre-empt tenancy crisis from arising in the first place
- 2 'good practice' checklist to follow before looking at eviction action

Why should I use this guide?

Helping to sustain tenancies can be as beneficial for agents and landlords as it is for tenants:

- Competitive advantage – where management fees are roughly the same, agents who offer additional services/protection of the landlord's investment will stand out
- Increased business capacity - reduced costs and time to prepare a property for re-let (dealing with deposit claims, FTT case prep, referencing, viewings and re- marketing)
- Maximising landlord's investment - reduce re-advertising and repairs/arrears costs
- Higher probability of recovering arrears (tenants who remain in their homes are incentivised to enter into agreements to clear rent arrears)

Identify problems as early as possible

To help tenants sustain their tenancy, letting agents need to know:

- 1 how to identify early signs that a tenant might need some help
- 2 what help is available and how to access it

Proactive steps you can take

Would you like to identify signs a tenant needs help more quickly? Here are some ideas:

- 1 **Good communication** – from tenancy sign-up, reassure tenants that they can contact you about difficulties they might experience during their tenancy. It's important that tenants aren't scared to contact you for help with problems.
- 2 **Regular contact** - Use flat inspections, telephone calls/emails to touch base with tenants and find out how they are doing. Tenants are more likely to confide in you if you put the effort in to build a relationship of trust throughout the tenancy.

Stand out from the crowd: Good practice examples of regular contact

E-newsletters

Have you considered doing an e-newsletter with news that might be of interest or about changes in your business? It doesn't have to be long and you could include pictures and hyperlinks to content on your own website or other webpages.

Facebook / Instagram / Twitter page

Create a Facebook page like Stewart Residential in East Ayrshire. As well as advertising new properties and changes in legislation, this agent adds a 'human' touch advertising local events, updates on staff charity initiatives and pictures of the company mascot dog!

Questionnaires

To help highlight additional staff training needs and inform improvements to your service, agents could use tenant questionnaires about their experience of renting like Broughton Property Management does in Edinburgh. There is nothing to stop you doing this at regular intervals during the tenancy to maintain tenant engagement too.

Tenant participation group

Consider hosting a couple of tenant meetings yearly at your office to build stronger relationships as Weslo Property Management has been doing in Bathgate. Tenants clearly value the effort, voting this agent the best in Scotland at the ESTAS in 2016.

- 3 Affordability checks** - Rather than relying solely on reference checks why not ask tenants to complete a basic income/expenditure form too. A clearer picture of their spending will enable you to assess budgeting capabilities and general affordability.
- 4 Manage expectations** - Ensure tenants are fully aware of their rights/responsibilities before a tenancy starts to reduce the chances of future communication breakdowns.

Affordability issues

As well as being able to afford rent payments, a tenant's income needs to be enough to cover costs associated with renting. This includes payments for Council Tax, food, gas and electricity.

Tenants might have other outgoings too, including credit agreements (e.g. loans, store cards, hire purchase agreements on cars).

A change in personal circumstance can easily leave a tenant struggling to afford their usual monthly outgoings.

The main triggers are:

- Unemployment/redundancy
- Reduction in hours/earnings
- Sickness/long term sickness
- Relationship breakdown
- Birth of a child
- Family crisis- bereavement
- Vulnerability (learning/physical disability, addiction issues, mental health issues)
- Reduction of, or delay in claiming, benefits

Rent arrears

It's unavoidable that some tenants will experience difficulties paying their rent at some point during their tenancy and may fall into arrears.

If your business has implemented the proactive steps suggested above this should improve the chances of a tenant getting in touch with you for help sooner.

So what should you do to help?

- 1 Notify tenants straight away if a rent payment is missed and offer them help to get:
 - budgeting/income maximisation advice
 - money and debt advice
 - help with benefit claims
- 2 Help resolve affordability issues (known as income maximisation advice) by suggesting cost savings or help tenants move to a cheaper property if possible.
- 3 Remember that certain events/health conditions can impact on a person's ability to deal with issues. Why not offer to get in touch with a local advice agency on the tenant's behalf?
- 4 Use the template referral forms at the end of this booklet to gather basic details and refer a tenant to another organisation for help.

Know what help is available

Knowing what advice and support is available in your local area (e.g. income maximisation, welfare benefits and money and debt advice services) will be crucial where tenants need specialist help that you can't offer in-house and a speedy referral.

The following websites should help you to find out what help is available locally though:

Council websites

Typing a council name and 'advice services' into an online search engine will immediately help you to locate services offered. If unsure and the tenant is at risk of being evicted, contact the housing options or homelessness team at the local authority for guidance.

Citizens Advice Scotland

By entering a tenant's postcode into the search function on CAS's website you can locate the closest bureau that a tenant can get help from. This includes whether they operate a drop-in or outreach service or if the tenant has to book an appointment www.cas.org.uk/bureaux

Scotland's Financial Health Service

Advice on a range of scenarios that might effect a person's income, with helpful links to services by council area: www.scotlandsfinancialhealthservice.gov.uk/home

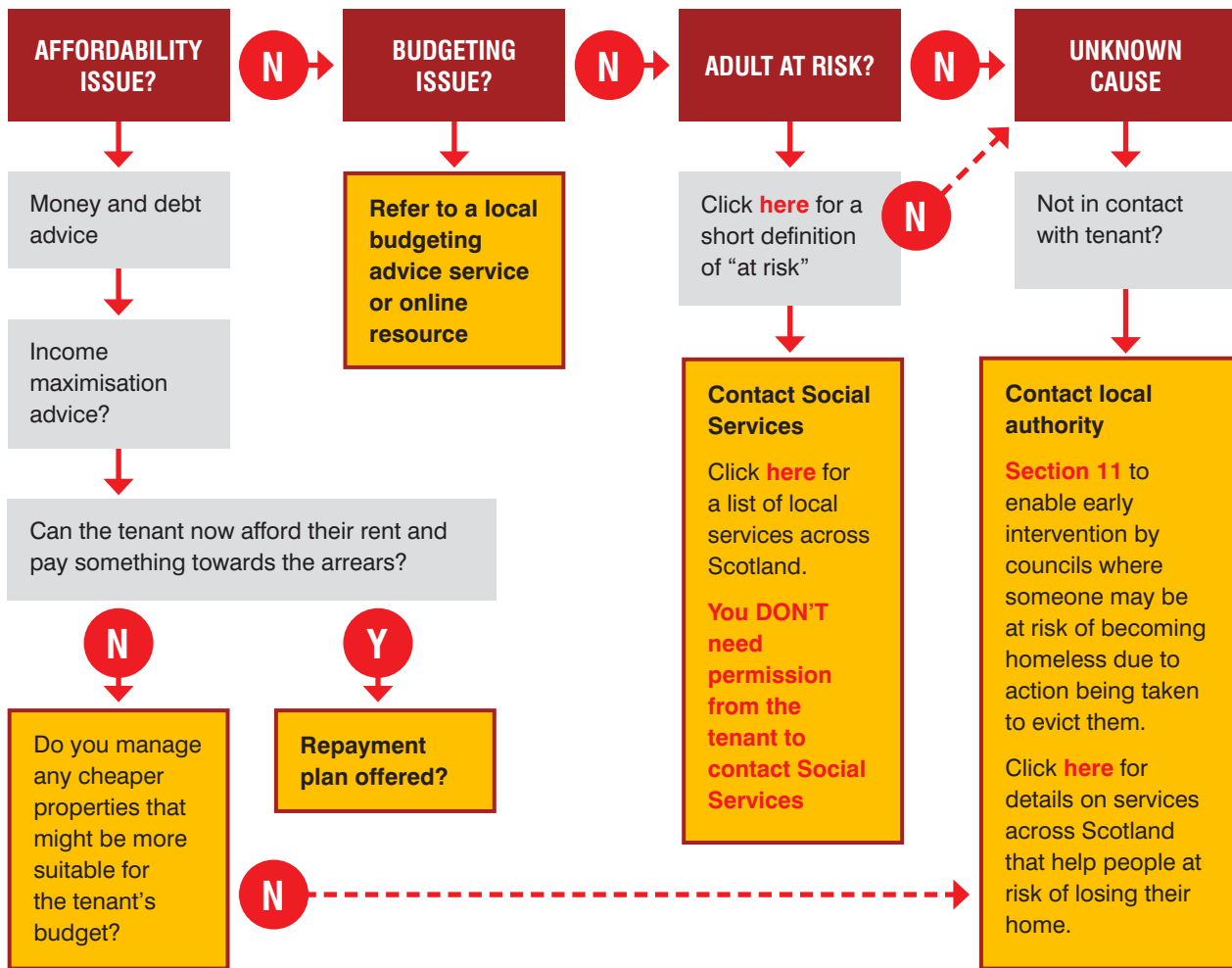
National Debt Line

Free money and debt advice/resources: www.nationaldebtline.org/S/Pages/default.aspx

Shelter Scotland

Your tenant can call our national helpline, access our online advice or speak to someone using our online chat function: shelterscotland.org/get_help

Action plan to address rent arrears:



Housing conditions (disrepair)

Paragraphs 85 – 94 of the Code of Practice (click to access the link) sets out how agents should carry out repairs and maintenance. Following this, in addition to some of the proactive tenant engagement ideas suggested on page 3, could help avoid the following scenarios:

- relationship breakdowns between tenant/landlord/letting agent
- tenants refusing to pay rent in full
- landlords refusing to carry out repairs until the rent is paid
- tenants complaining about un-authorised access to their property

Pre-warning of delays/issues with repairs is more likely to be treated with understanding and patience by tenants too.

Antisocial behaviour

Some examples of ASB:

- Noise (such as dogs barking, parties, arguments, music, loud banging)
- Graffiti
- Large groups hanging about the tenancy property or vicinity
- Litter problems
- Racism
- Issues relating to drugs and alcohol

Agents are responsible for investigating allegations of antisocial behaviour that occurs in or around the properties they manage, whether or not the perpetrator is a tenant of theirs.

What you can do?

- 1 Have formal procedures for dealing with ASB and make tenants and landlords aware of this before the start of a new tenancy
- 2 Gather as much information from both the complainer and the person(s) accused
- 3 Find out what outcome the complainer is looking for and suggest options to resolve
- 4 Arrange a time to visit both parties/invite them to your office if appropriate
- 5 Agree what will change and record this in writing
- 6 Send a letter/email to both parties outlining discussions and what the outcome of said discussions was (e.g. formal agreement on next steps)
- 7 Log what steps you have taken and when, so that you have a reference
- 8 If the problem is noise, an arrangement with a neighbour might have to be made (for example, not putting a washing machine on after a certain time or putting rugs down to minimise noisy feet on wooden floors)
- 9 Feedback to the landlord as well as the parties involved
- 10 De-escalation tactics - ensure that all parties involved feel that their issues and wellbeing are important by maintaining regular contact and trying to move parties from their individual positions to 'needs' and 'goals'

What can a local authority can do?

If a landlord does not take steps to deal with ASB, the local council can serve an Antisocial Behaviour Notice (ASBN) on the landlord requiring them to take specific action to deal with the behaviour of their tenants. This notice can be used as a ground for repossession of the property if appropriate.

If a landlord does not do what the ASBN says, the local authority can ask the First-tier Tribunal for Scotland (Housing Property Chamber) to:

- make sure landlords cannot collect any rent (by making a rent payable order)
- give the local authority (instead of the landlord) control of the property by issuing a management control order so they can manage the antisocial behaviour.

Antisocial Behaviour Order (ASBO):

You can request the council applies for an ASB order (ASBO) against the perpetrator.

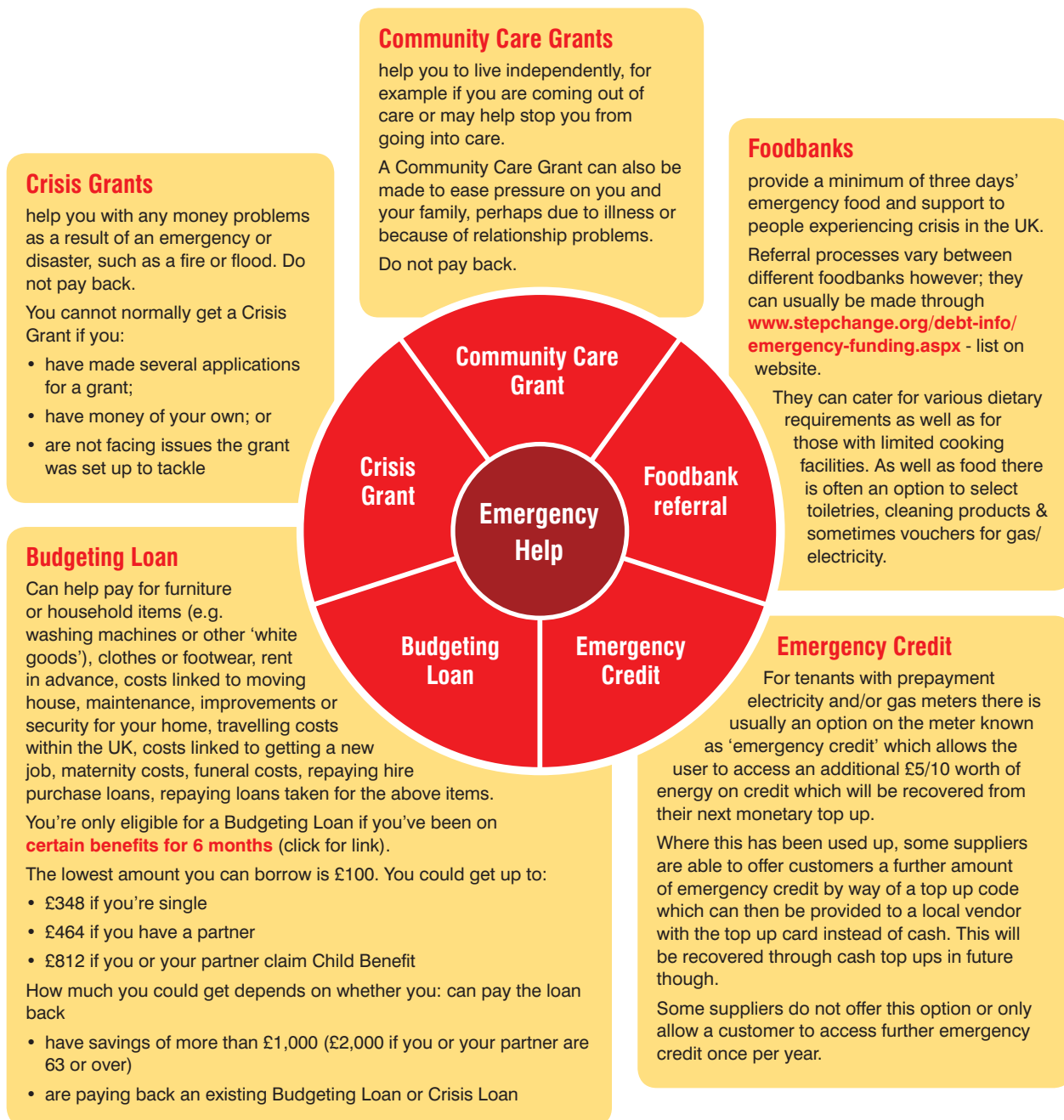
Only local authorities and RSLs can apply to the court for an ASBO. An ASBO is not a criminal conviction but, it is a criminal offence to breach an ASBO leading to imprisonment up to a maximum of 5 years, a fine, or sentenced to a combination of both.

Landlord Registration

Landlords who fail to manage antisocial behaviour can have their registration revoked.

Other Options

- Offer a mediation service or a referral mediation service through Scottish Mediation (**0131 556 8118** – helpline or www.scottishmediation.org.uk/find-a-mediator/)
- Go to court to get an interdict to prevent the perpetrators behaving in a certain way
- Start the legal repossession procedures for the tenancy type



Sample Universal Referral Form



Date of referral		Tenant consent:		Verbal		Written		Mandate	
Agent contact details									
Advice required	Benefits		Money / Debt			Housing			
Client details									
Name				Date of birth					
Address									
Post code			Telephone						
Email address									
Preferred method of contact									
Does the tenant require a translator?	Yes		No		Preferred language				
Access needs	Disabilities			Speech			Hearing		
	Mobility			Literacy			Other		
Income (including benefits)									
Health conditions (if known)									
Household details Details of all children / adults living at address (age, full time work/education):									
Debt (including rent arrears)									
Rent		Arrears		Other debts	Yes		No		
Reason for debt (if known)									
Action taken to address arrears (i.e. payment plan, benefit application):									
Affordability	Access issue	Rent in advance		Deposit		Furniture			
	Sustainability								
	Property isn't being adequately heated/ventilated								
	Tenant struggling to afford household costs (food, utilities, clothing)								
	Tenant not maintaining home (cleanliness/damage)								
Housing issue	ASB		Disrepair		Tenant dispute with landlord/agent				
Any other relevant information:									

Sample Form of Authority

Our reference: ***Agent's reference if applicable***

Re: ***Tenant name***

Tenant address

Agent name is committed to providing tenants with a unique 'Letting Agent Plus' service designed to:

- 1** encourage tenants experiencing one off or ongoing support needs to seek help directly through their letting agent before they reach a 'crisis point' or,
- 2** enable agents to pro-actively seek out help, on their tenant's behalf, where tenants are unable or unwilling to engage directly with their letting agent

I/we agree that ***agent name*** may, at any point during my/our tenancy, refer my/our contact details to a third party organisation (as outlined below) provided that **all** of the following conditions are met:

- i** ***agent name*** has a genuine reason to believe that I/we have a tenancy sustainment issue
- ii** I/we have failed to respond to attempts made by ***agent name*** to engage with me/us
- iii** referral to an external agency is in the interests of sustaining my/our tenancy managed by ***agent name***
- iv** my/our details are only referred to third party organisations which are relevant to the tenancy sustainment issue identified by ***agent name***

Third party organisations would be limited to:

- Local authority teams (e.g. Welfare Benefits, Housing Options, Social Work)
- Citizens Advice Bureaux
- Shelter Scotland

For the purposes of the Data Protection Act 1998, the data controller is ***agent name***.

I/We have read and understood the information above, and agree to ***agent name*** referring my/our contact details to a third party organisation if the aforementioned conditions are satisfied.

Signed

Date

Please note it is not a mandatory requirement of your tenancy agreement to sign this form.

If you would prefer to opt out of this additional service, please tick this box

Sample Income and Expenditure Form

Income

Wages/Salary (net)	£	Frequency (w, f, m, a)
Client's Wages/Salary (net)		
Partner's Wages/Salary (net)		
Total Wages/Salary	£	

Benefits	£	Frequency (w, f, m, a)
Income Support/Job Seeker's Allowance		
Tax Credits		
Housing Benefit		
Council Tax Benefit		
Incapacity Benefit/Employment Support Allowance		
Disability Living Allowance/ Attendance Allowance		
Other		
Total Benefits	£	

Pensions	£	Frequency (w, f, m, a)
State Pension		
Works/Private Pension		
Total Pensions	£	

Other Income	£	Frequency (w, f, m, a)
Maintenance		
Board From Family/Lodgers		
Other		
Total Other Income	£	

Total Household Income	£
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Expenditure

Housing Costs	£	Frequency (w, f, m, a)
Rent		
Council Tax		
Contents Insurance		
Other		
Total Housing Costs	£	
Utilities	£	Frequency (w, f, m, a)
Gas		
Electricity		
Water		
Total Utilities	£	
Other	£	Frequency (w, f, m, a)
Court Fines		
Maintenance/CSA		
Pensions/ACV		
Other Life Assurances		
HP/Conditional Sale		
TV License		
Total Other	£	
Telephone	£	Frequency (w, f, m, a)
Landline		
Mobile		
Total Telephone	£	
Travel	£	Frequency (w, f, m, a)
Public Transport		
Road Tax		
Vehicle Insurance/Breakdown		
Fuel		
MOT/Maintenance		
Total Travel	£	
Housekeeping	£	Frequency (w, f, m, a)
Food		
Cleaning/Toiletries		
Pets		
Meals At Work		
Clothing		
Cigarettes/alcohol		
Total Housekeeping	£	

Children	£	Frequency (w, f, m, a)
Childcare		
School Meals/Dinners/Fees		
Pocket Money		
Total Children	£	
Health	£	Frequency (w, f, m, a)
Dentist/Glasses		
Care Costs (Non-childcare)		
Health Insurance		
Total Health	£	
Other Expenditure	£	Frequency (w, f, m, a)
TV Satellite/Cable/Broadband		
Hair		
Tools for Work		
Entertainment		
Other		
Total Other Expenditure	£	

Total Household Expenditure:	£
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Creditors

Priority Debts	£	£	
Debt	Arrears	Payment/Offer (frequency)	Court action/order obtained
Rent			
Other Secured Loans			
VAT			
Inland Revenue			
Council Tax			
Maintenance/Child Support			
Gas			
Electricity			
Total	£		
Available Income for other Creditors		£	

Non-Priority Debts	£	£	
Debt	Outstanding balance	Payment/Offer	Court action/order obtained
Total	£		

Note - Do not mix weekly, fortnightly, monthly and annual figures