

Research Report

Evictions by social landlords in Scotland 2012-2016

April 2017

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SUMMARY

- This research report looks at social sector evictions due to rent arrears in Scotland over the last four years, focusing especially on the period April 2014 to March 2016. The report examines both local authorities and Registered Social Landlords (RSLs).
- It recognises that great progress was made in reducing evictions up until 2013/14. However, the sharp downward trend since 2007/08 has stopped and, for some local authorities in particular, has gone into reverse.
- Shelter Scotland's last report examining evictions¹ by social landlords, which covered the figures for 2011/12, noted a levelling out of the number of evictions after the previous years had seen a clear reduction in evictions.² Since 2013/14, there has been an increase in social sector evictions across most parts of Scotland. This follows a period of success by RSLs and local authorities in reducing the number of evictions due to rent arrears by changing policies and practice.
- In 2015/16, local authorities issued 25,956 notices of proceedings, took 8,871 cases to court, were granted 3,994 decrees for eviction and carried out 1,300 evictions. Since 2013/14, the number of cases taken to court increased by 24 per cent, the number of decrees granted by 46 per cent and the number of evictions by 41 per cent. In 2015/16, local authorities issued 2,332 more notices of proceedings than in 2013/14.
- Registered social landlords (RSLs) have also seen an increase in eviction actions, although at a slower rate of increase than local authorities. In 2015/16, RSLs issued 11,630 notices of proceedings. They also took 4,209 cases to court, were granted 1,607 decrees for eviction and carried out 830 evictions in 2015/16. Compared to 2013/14, this represents an increase of 15 per cent in decrees granted and of 5 per cent in evictions.
- Shelter Scotland believes that the increased use of eviction action by RSLs and local authorities may be a response to changes to social security, which have been reflected in changes to rent arrears management.
- The majority of eviction actions are in response to rent arrears. For local authorities they account for 95 per cent of all evictions, while they account for 89 per cent of evictions by RSLs. Only 6% of all evictions are the result of anti-social behaviour. Shelter Scotland understands that the use of the eviction process for anti-social behaviour is seen as a way to protect communities and enable everyone to live peacefully in their own home.
- Looking at the individual performances of local authorities and some RSLs, we can see that there are wide variations in the level of eviction actions. While the general direction is discouraging, several local authorities and RSLs are bucking the trend. They illustrate that, despite continued cuts to social security, reducing eviction actions and engaging successfully with tenants is possible.
- In March 2016, the level of total rent arrears across the social rented sector was £109.8m. However, past and current successes of some local authorities demonstrate that the level of rent arrears and the number of current tenants with arrears can be reduced at the same time as reducing the number of eviction actions, including the number of actual evictions carried out.

¹ For the purpose of this report, Shelter Scotland includes post-decree abandonments in the definition of 'evictions occurred'. A post-eviction abandonment entails that, after the landlord has been granted a decree for eviction, the tenant has decided to vacate the property before being forcibly removed.

² Shelter Scotland (2013), [Evictions by social landlords in Scotland 2011-12](#).

RECOMMENDATIONS

- Shelter Scotland would like to see an increased focus on reducing the use of eviction actions to manage rent arrears among local authorities and RSLs. We are calling on the Scottish Government to renew its focus on preventing eviction of tenants for rent arrears.
- Best practice in managing rent arrears and minimising the use of costly and often ineffective eviction actions should be identified and shared within the sector. The case studies provided in this report of East Dunbartonshire Council and Glasgow Housing Association should be seen as such best practice examples. Shelter Scotland would like to further understand how the policies of these two social landlords have evolved over the last few years and what policies and practices, for example, South Ayrshire Council, another social landlord that seems to defy the trend of increasing eviction actions, has adopted.
- In previous reports, Shelter Scotland has set out measures that can be taken by social landlords to reduce the use of eviction action as a means of managing rent arrears.³ We call for social landlords and the Scottish Government to promote alternative courses of action to avoid eviction.
- All social landlords should adopt precautionary, pre-crisis and crisis interventions, in partnership with a wide range of advice and support services, to reduce the number of households threatened with eviction.
- Early face-to-face contact and intervention, comprehensive written information and advice and a focus on alternative ways to recovering debt should be available to all social tenants before crisis intervention is needed. The Scottish Government should commit to a review of the operation of pre-action requirements in the social rented sector.
- Besides providing and encouraging access to these services, joint working and information sharing between different teams within the relevant social landlord has to be improved. The housing, social and benefit and revenue departments in local authorities, for example, all have a role to play in helping to address rent arrears and try to avoid evictions where possible.
- Any decision to evict a tenant, especially families, must be balanced against other duties and considerations, including the duty of local authorities to reduce and prevent homelessness and to protect children's well-being and future.
- Further research into the financial costs associated with social sector evictions in Scotland is required. Assessing the actual costs associated with social sector evictions should help social landlords and Scottish Government to be in a position to make more informed decisions and aid them to achieve a better and fairer balanced approach to evictions due to rent arrears.

³ Shelter Scotland (2009), [Eviction of children and families: the impact and the alternatives](#).

INTRODUCTION

This report re-examines the issue of social sector evictions due to rent arrears, which Shelter Scotland reported on annually from 2008 to 2013 covering the period 1 April 2007 to 31 March 2012.⁴ By drawing on Scottish Government⁵ and Scottish Housing Regulator statistics,⁶ this report aims to show the trends in the use of eviction action since April 2012. It also analyses some of the regional variations and the policies behind the recent developments.

Shelter Scotland has been campaigning for several years for a reduction in the number of evictions in the social rented sector. Shelter Scotland believes that a fundamental shift in how rent arrears are managed is needed. In most circumstances, eviction is a crude and inefficient approach for dealing with the rent arrears of tenants, who often struggle with complex social and financial issues.

Evicting families from their homes is also at odds with local authorities' and RSLs' statutory responsibilities to prevent and tackle homelessness and to safeguard and promote the welfare of children under the Children (Scotland) Act 1995⁷ and the Children and Young People (Scotland) Act 2014.⁸ In particular, it is doubtful whether evictions of families are in line with obligations under these Acts, as evictions puts children's well-being at risk by potentially pushing them into overcrowded, poor quality or temporary housing and seriously disrupting their lives. They might be forced to move away from their school, friends, family members and general support system, resulting in them having to travel great distances or change schools. Their parents' stress levels will undoubtedly have an impact on the family. If the family makes a homelessness application, they also face the possibility of being moved around numerous times and might have to wait months or even years for a permanent home. Shelter Scotland found that households with children spent a median time of 20.1 weeks in temporary accommodation and 13 per cent of these households spent over a year in temporary accommodation across Scotland in 2015/16.⁹

As this shows, rather than solving these issues, evictions often displace them and cause further stress for tenants and local authorities. Evicting a family living in local authority housing for rent arrears of a few hundred pounds can cost the local authority homeless department several thousands of pounds, besides the devastating effects that losing a home can have on individuals, especially children. On the other hand, providing money and debt advice and helping the tenant to set up a realistic repayment plan would benefit not only the tenant but also wider society. Shelter Scotland therefore strongly believes that forcing someone to leave his or her home should only ever be a last resort.

Moreover, evictions are not only an ineffective but also an expensive method of trying to collect unpaid rent. There are the court costs and legal fees, the loss of rent from an empty home following an eviction and the re-let costs to name but a few. This is especially true for local authorities, which may also have to pick up the bill for a

⁴ Shelter Scotland (2008), [Evictions by social landlords in Scotland](#); Shelter Scotland (2009), [Evictions by social landlords in Scotland 2008-09](#); Shelter Scotland (2010), [Evictions by social landlords in Scotland 2009-10](#); Shelter Scotland (2012), [Evictions by social landlords in Scotland 2010-11](#); Shelter Scotland (2013), *op.cit.*

⁵ Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#).

⁶ Scottish Housing Regulator (2016), [Charter data – all social landlords, dataset all available years](#).

⁷ Scottish Government (1995), [Children \(Scotland\) Act 1995](#).

⁸ Scottish Government (2014), [Children and Young People \(Scotland\) Act 2014](#).

⁹ Shelter Scotland (2017), [The use of temporary accommodation in Scotland](#).

subsequent homelessness application. There are other ways of collecting unpaid rent and once an eviction occurs it is almost impossible for the landlord to collect the arrears.¹⁰

The payment of rent on time is and should be a priority for tenants – especially considering that RSL arrears constituted £49.7m,¹¹ 4.3 per cent of all rent due, and local authority arrears amounted to £60.1m, 6.3 per cent of all rent due, in March 2016.¹² It is therefore vital to help tenants meet their tenancy obligations by paying rent on time. This entails helping tenants as soon as problems arise and offering advice on debt and money issues. Shelter Scotland wants to ensure that both rent arrears and evictions are reduced.

Background

In the first report in the series of annual reports on social sector evictions, Shelter Scotland found that over 3,500 social sector tenants had been evicted in 2007/08.¹³ Despite the economic downturn, social sector landlords managed to reduce the number of evictions over the next few years. In 2010/11, 1,822 evictions took place.¹⁴ This accounted for a reduction of 49 per cent over a four-year period and was likely due to a successful change in the approach social landlords used when dealing with rent arrears.

Shelter Scotland's last report in 2013 showed that rates of eviction seemed to have levelled off.¹⁵ It predicted that specific policy developments would result in a reduction of the number of tenants taken to court due to rent arrears being reduced. However, it also expressed concern regarding recent and upcoming social security changes leading to increased pressure to pursue eviction actions.

Among the specific developments Shelter Scotland had hoped would lead to a reduction in social sector evictions was Section 11 of the Homelessness etc (Scotland) Act 2003.¹⁶ Implemented on 1 April 2009, it requires RSLs, private landlords and mortgage lenders to notify the relevant local authority when they plan to start legal eviction proceedings. These notifications are intended to alert local authorities and enable them to provide support to households at risk of homelessness. In 2011, Shelter Scotland found that, while all local authorities give assistance and advice to households who have been referred to the local authority as potentially homeless, the extent of this assistance varies greatly.¹⁷

Pre-Action Requirements, introduced by the Housing (Scotland) Act 2010¹⁸ and commenced on 1 August 2012, were intended to reduce the use of evictions as a rent arrears management tool. Pre-Action Requirements are a series of steps that landlords are required to take in the case of rent arrears to address the underlying financial difficulties of their tenants. The steps included in the Pre-Action Requirements were designed to facilitate better communication between the tenant and landlord and aimed at resolving debt issues before resorting to court actions by, for example, providing clear information to the tenant on any debts, offering debt management advice and working towards a repayment plan before any court actions can be pursued. However, our analysis demonstrates that, despite these requirements, eviction actions have increased since 2013/14.

¹⁰ Shelter (2009), [Eviction of children and families: the impact and the alternatives](#), *op.cit.*

¹¹ Scottish Housing Regulator (2016), *op.cit.*

¹² Scottish Government (2016), [Housing Revenue Account: Housing Income and Expenditure Statistics](#).

¹³ Shelter Scotland (2008), *op.cit.*

¹⁴ Shelter Scotland (2012), *op.cit.*

¹⁵ Shelter Scotland (2013), *op.cit.*

¹⁶ Scottish Government (2003), [Homelessness etc \(Scotland\) Act 2003](#).

¹⁷ Shelter Scotland (2011), [Review of Section 11 of the Homelessness \(Scotland\) Act 2003](#).

¹⁸ Scottish Government (2010), [Housing \(Scotland\) Act 2010](#).

Moreover, Shelter Scotland has warned that the cuts to housing benefit and the roll-out of Universal Credit could have a considerable impact on rent arrears.¹⁹ Indeed, the ongoing reforms to social security in the UK have meant that many social sector tenants have seen a significant reduction in the amount of housing benefit that they are entitled to. While the Scottish Government has been providing increased funding through Discretionary Housing Payments (DHPs) to fully mitigate some elements of this²⁰ and has committed itself to abolishing the bedroom tax,²¹ other reforms to social security continue to have a significant impact on social tenants across Scotland. On 1 April 2016, the backdating of housing benefits for most recipients was limited to 4 weeks instead of the previous 6 months.²² Although the currently available statistics only cover the period up until 31 March 2016, Shelter Scotland's advice and law services have seen an increase in the number of eviction actions taken since then as landlords fear that their tenants will not be able to repay their rent arrears.

In addition, the lower benefit cap started to be rolled out across Scotland on 7 November 2016, reducing the total amount of benefits that a household may receive from £26,000 to £20,000.²³ According to research conducted by the Chartered Institute of Housing Scotland (CIH Scotland), the benefit cap will affect 6,700 families, including almost 20,000 children, across the private rented and social rented sectors in Scotland.²⁴

Considering the ongoing reforms and increasing strain put on Scottish social tenants, Shelter Scotland believes that it is of particular importance to again shine light on social sector evictions.

¹⁹ Shelter Scotland (2013), *op.cit.*

²⁰ Scott MacNab (5 February 2014), [SNP and Labour deal 'ends bedroom tax in Scotland'](#). The Scotsman.

²¹ SNP (2016), [Manifesto 2016](#).

²² UK Government (2015), [The Housing Benefit \(Abolition of the Family Premium and limiting backdating\) \(Amendment\) Regulations 2015](#).

²³ UK Government (2012), [The Benefit Cap \(Housing Benefit\) Regulations 2012 No. 2994](#).

²⁴ CIH Scotland (2016), [New CIH research shows impact of benefit cap on children and families](#).

The eviction process

It is important to note that not every case of someone threatened with eviction will result in an order for possession being granted by the court in favour of the landlord. Even if an order for eviction is granted, there is no guarantee that the landlord will use the order to secure the tenant's physical ejection from the property.

This report examines the various eviction actions and not just cases where the tenant was evicted at the end of this process. The first action in the process that Shelter Scotland will be looking at is the issuing of 'notices of proceedings.' The landlord will threaten eviction by sending the tenant such a 'notice of proceedings,' which initiates court action. Indeed, some landlords use notices of proceedings as a tool to threaten eviction and force tenants to engage and address their rent arrears, without necessarily having the intention to evict the tenant. In many cases, tenants at this point agree to a repayment schedule with their landlord and the eviction action proceeds no further.

However, in just over one in three cases in 2015/16 such an agreement between the landlord and tenant was not reached and the landlord started legal proceedings by asking for a court date. The tenant will then receive a summons, which is a letter from the sheriff court informing the tenant that the landlord has asked for a court order for the tenant to be evicted. The case is then heard at the sheriff court before a decision on whether to grant the eviction order is made.

Even if a decree for eviction is granted, the landlord and tenant might still come to an agreement that prevents the actual eviction from taking place. Shelter Scotland therefore looks at both the number of decrees granted and the number of evictions that actually occurred. Shelter Scotland considers an eviction to have occurred if the tenant was physically evicted or the tenant decided to abandon the property after a decree was granted. In some cases, a technical eviction will be carried out, where the original tenancy agreement is ended but the tenant is allowed to remain in the property and a new tenancy agreement signed.

The cost of eviction

There have been various attempts to estimate the cost of an eviction and subsequent homelessness. According to Crisis, a homelessness case in 2003 cost somewhere between £15,000 to £83,000,²⁵ while the Scottish Council for Single Homeless (SCSH) thought the cost of a typical homelessness case to be between £15,500 and £25,000 in 2011.²⁶ These costs include the provision of temporary accommodation, the homelessness assessment, support services, furniture storage and uncollected rent and were based on a single adult – the costs for households comprised of a couple or a couple with children are therefore likely to be higher.

These estimates also don't include further costs to the wider economy and society, such as increased healthcare costs due to stress and mental health related issues brought on or worsened by the person's eviction. Shelter Cymru found that social sector eviction actions cost the Welsh economy £24,359,589 based on 2015/16 figures.²⁷ While there is

²⁵ Peter Kenway, Guy Palmer (2003), [HOW MANY, HOW MUCH? Single homelessness and the question of numbers and cost](#), Crisis.

²⁶ SCSH (2011), [The Cost of Tenancy Failure 2011](#).

²⁷ Shelter Cymru (2016), [Assessing and sustaining social tenancies: exploring barriers to homelessness prevention](#).

no equivalent figure for Scotland, the number of evictions actions that took place in Scotland in 2015/16 is higher than in Wales.²⁸ It is therefore very likely that the cost to the Scottish economy is above £24m. In order to better assess the impact of social sector evictions on Scotland and its population, Shelter Scotland would like to see further research into the financial costs associated with social sector evictions in Scotland.

²⁸ *Ibid.*

EVICTIONS IN SCOTLAND 2011/12 TO 2015/16

The number of evictions taking place over the two years between 2013/14 and 2015/16 increased by 25 per cent from 1,708 to 2,130 evictions. Over this period, most of the progress that was made between 2009/10 and 2013/14 in reducing the number of actions has been reversed. The same upward trend starting in 2013/14 can be seen with regard to cases taken to court, which increased by 11 per cent from 11,731 in 2013/14 to 13,080 in 2015/16, and decrees for eviction granted, which increased by 36 per cent from 4,126 in 2013/14 to 5,601 in 2015/16.

The large increase in cases taken to court, decrees for evictions granted and evictions took place between 1 April 2014 and 31 March 2015. With the exception of the number of actions taken to court, these figures have continued to rise in 2015/16 – although at a significantly lower rate than during the previous year.

Table 1: Social sector eviction actions 2011/12 to 2015/16²⁹

	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2014/15	% change from 2014/15 to 2015/16
Notice of proceedings	72,436	40,470	35,192	34,422	37,559	-2.2%	9.1%
Taken to court	13,971	10,880	11,731	13,305	13,080	13.4%	-1.7%
Decree granted	4,819	4,172	4,126	5,232	5,601	26.8%	7.1%
Eviction occurred*	1,824	1,725	1,708	2,101	2,130	23.0%	1.4%
Households living in the SRS	550,000	540,000	560,000	590,000	570,000	5.4%	-3.4%

* Including post-decree abandonments

A similar trend can be seen when examining the number of notices of proceedings issued, although this figure continued to decrease up until 2014/15. In the course of one year, the number of notices of proceedings across the sector has increased by over 9 per cent – compared to an increase of around 1.4 per cent in the number of evictions. This indicates that eviction actions are again being increasingly used as a tool to tackle rent arrears – despite the Pre-Action Requirements, which were aimed at discouraging this practice.

²⁹ Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#), op.cit.; Scottish Housing Regulator (2016), op.cit.; Scottish Government (2016), [Scotland's People: Results from the 2015 Scottish Household Survey](#).

While it is good that not all court actions for eviction result in actual evictions taking place, the vast difference between the number of cases taken to court and actual evictions suggests that it might be unnecessary for many of these households to go through the eviction process in the first place. This is particularly the case given that other ways of dealing with rent arrears are often more effective in collecting arrears and, as mentioned above, it becomes harder for landlords to recover rent arrears once an eviction has taken place.

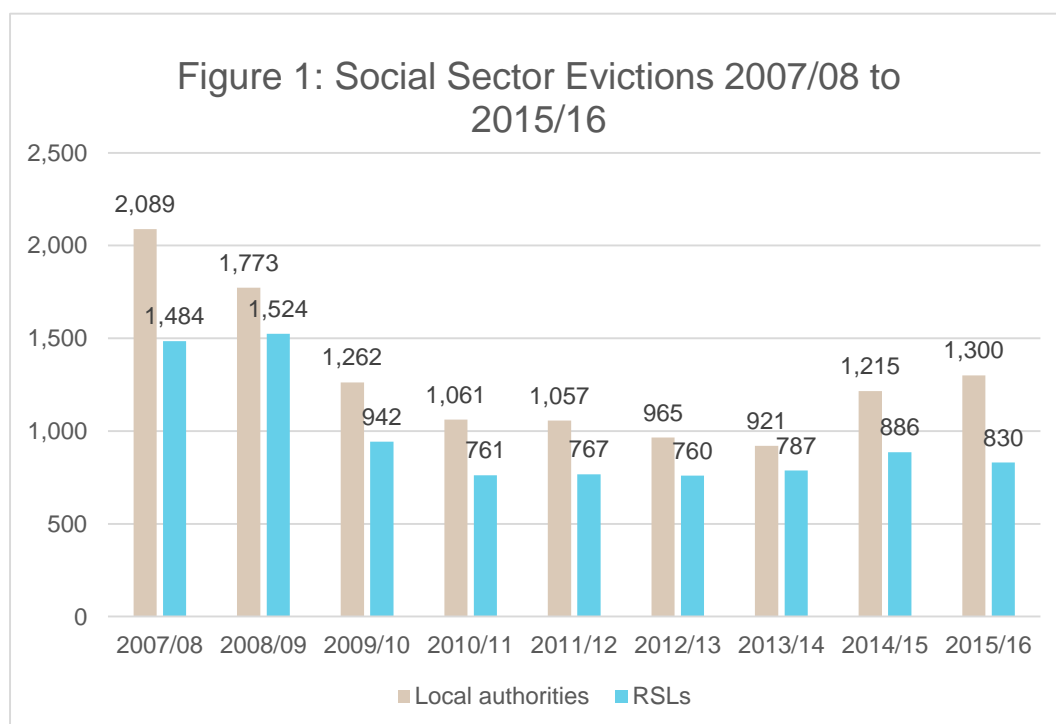
Trends compared to the size of the sector

The size of the social rented sector, measured in terms of the number of households living in it, should be taken into consideration when examining these trends. The relevant figures are included in Table 1 above. While the number of households increased by 5.4 per cent from 2013/14 to 2014/15, it decreased by 3.4 per cent the following year.

This fluctuation in the size of the social rented sector does not, therefore, explain the increase in evictions since 2013/14. The rates of increase of decrees granted and evictions occurred between 2013/14 and 2014/15 are over 4 times as high as the rate of increase in the number of households living in the social rented sector. Furthermore, this trend continues into 2015/16, where despite a decrease in the size of the sector, the number of notices of proceedings, decrees granted and evictions occurred further increased.

Trends in evictions by type of social landlord

Figure 1 illustrates the number of evictions per year from 2007/08 to 2015/16 by both RSLs and local authorities. As can be seen, the number of evictions by RSLs and local authorities demonstrate the same trend as discussed above – there was a significant decrease between 2007/08 to 2010/11, before the decreased largely levelled off and evictions then increased again from 2013/14. However, the number of evictions by RSLs then decreased again in 2015/16, while the number of evictions by local authorities increased further – although at a significantly lower rate of increase than the previous year.



Reasons for evictions

Table 2 shows the scale of evictions due to rent arrears. In the social rented sector, 92 per cent of all evictions occurred due to rent arrears with another 6 per cent due to anti-social behaviour. Other reasons account for around 2 in 100 evictions. As can be seen in Table 2, a higher percentage of evictions are carried out as a result of rent arrears by local authority than by RSLs.

Table 2: Reasons for occurred evictions 2015/16 in percentages³⁰

	Rent arrears	Anti-social behaviour	Other reasons
Local authorities	95%	4%	1%
RSLs	89%	9%	2%
Local authorities and RSLs	92%	6%	2%

³⁰ Scottish Housing Regulator (2016), *op.cit.* Note: local authority data is taken from the Scottish Housing Regulator's statistics, as the Housing Statistics of the Scottish Government don't detail the reasons for evictions.

LOCAL AUTHORITY EVICTIONS

In line with the general social sector eviction trends, the evictions carried out by local authorities saw a continued decrease after 2011/12 until they increased sharply in 2013/14, as can be seen in Table 3 below. From 2013/14 to 2014/15, the number of evictions increased by around 32 per cent and further increased the following year by another 7 per cent.

While the number of notices of proceedings halved between 2011/12 to 2014/15, they have increased from 2014/15 to 2015/16 by over 10 per cent. In 2015/16, an additional 2,414 notices of proceedings were issued compared to the previous year. Almost 26,000 notices of proceedings were issued in 2015/16 alone – accounting for more than 1 in 13 households living local authority accommodation receiving a notice. At the same time, the number of cases taken to court has stayed almost the same. This indicates that the threat of eviction is increasingly being used as a mechanism for collecting rent.

In 2015/16, local authorities took 8,871 cases to court and subsequently secured 3,994 decrees against their tenants. This led to 1,300 evictions or post-decree abandonments – meaning that almost 15 per cent of cases taken to court resulted in evictions, while more than 85 per cent of cases didn't result in evictions but represented a considerable investment for councils in terms of the costs and time involved.

Table 3: Eviction actions by local authorities 2011/12 to 2015/16³¹

	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2015/16
Notice of proceedings	52,285	28,624	23,624	23,542	25,956	9.9%
Taken to court	9,624	7,330	7,127	8,857	8,871	24.5%
Decree granted	3,371	2,829	2,728	3,594	3,994	46.4%
Eviction occurred	1,057	965	921	1,215	1,300	41.2%
Technical evictions	354	203	109	74	236	116.5%

Technical evictions

A technical eviction is an eviction where a post-decree tenancy has been granted at the same property. The Housing (Scotland) Act 2010, which came into effect on 1 August 2012, defined that tenancies are only ended when the landlord regains possession of the relevant property and not when the decree is granted.³² In effect, this ended technical evictions, as no new tenancy agreement needs to be created when the landlord and tenant agree on a repayment arrangement and the landlord therefore no longer wishes to evict the tenant.

³¹ Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#), *op.cit.*

³² Scottish Government (2010), [Housing \(Scotland\) Act 2010](#).

Following the implementation of the 2010 Act, the number of technical evictions decreased significantly. However, as can be seen in Table 3, technical evictions more than tripled in 2015/16 compared to the previous year. While it is clearly better to experience a technical eviction than to lose one's home, the process is very cumbersome, involves high costs for all and causes considerable stress to the tenants.

Notices of proceedings issued

Table 4 below illustrates the number of notices of proceedings issued by individual local authorities over the period 2011/12 to 2015/16. It further highlights the percentage change between 2013/14 and 2015/16, as 2013/14 has been identified as the point after which eviction actions generally increased again. However, it should be noted that the number of notices of proceedings issued further declined in 2014/15, but then increased by a considerable amount the following year.

There are wide regional variations between the local authorities. Between 2013/14 and 2015/16, the changes to the number of notices of proceedings issued by local authorities range from a reduction of over 36 per cent in Aberdeenshire to an increase of almost 230 per cent in the City of Edinburgh. The average across all local authorities with their own social sector housing stock was an increase of just under 10 per cent.

When looking at the actual figures, North Lanarkshire saw the highest number of notices of proceedings issued in 2015/16 – a total of 4,684 local authority tenants received a notice of proceedings. That is more than double the amount that the council with the second highest number of notices of proceedings issued: South Lanarkshire issued a total of 2,226 notices. Shetland Council issued 23, the least of all councils. Of course, the wide range of number of households living in local authority housing explains some of these differences. However, it doesn't account for the vast differences in regional variations. This is further examined below.

Table 4: Notices of proceedings issued by local authorities in 2011/12 to 2015/16³³

	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2015/16
Scotland	52,285	28,624	23,624	23,542	25,956	9.9%
Aberdeen City	3,000	1,685	2,579	2,207	1,892	-26.6%
Aberdeenshire	2,965	1,661	1,024	658	651	-36.4%
Angus	1,762	719	393	377	397	1.0%
Clackmannanshire	538	278	182	323	206	13.2%
Dundee City	649	520	494	907	686	38.9%
East Ayrshire	3,194	1,532	827	1,167	1,053	27.3%
East Dunbartonshire	387	167	267	155	222	-16.9%
East Lothian	259	120	98	185	227	131.6%
East Renfrewshire	266	128	247	375	249	0.8%
Edinburgh, City of	603	344	340	590	1,120	229.4%
Falkirk	3,171	1,808	1,006	1,148	1,621	61.1%
Fife	4,740	2,422	1,751	1,542	1,271	-27.4%
Highland	2,338	1,838	2,101	1,659	1,876	-10.7%
Midlothian	897	397	76	150	169	122.4%
Moray	1,158	436	390	323	325	-16.7%
North Ayrshire	2,444	1,569	1,573	1,714	1,515	-3.7%
North Lanarkshire	10,908	5,359	5,196	4,001	4,684	-9.9%
Orkney	51	3	15	15	29	93.3%
Perth & Kinross	927	302	217	97	426	96.3%
Renfrewshire	1,491	1,458	1,178	1,474	1,758	49.2%
Shetland	3	18	26	21	23	-11.5%
South Ayrshire	1,362	996	607	717	531	-12.5%
South Lanarkshire	3,999	2,246	1,367	1,784	2,226	62.8%
Stirling	35	62	100	168	188	88.0%
West Dunbartonshire	697	746	874	828	1,341	53.4%
West Lothian	4,441	1,810	696	957	1,270	82.5%

Note: The following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute Council, Dumfries & Galloway Council, Na h-Eileanan Siar, Glasgow City Council, Inverclyde Council and Scottish Borders Council.

³³ *Ibid.*

Decrees of evictions granted

Table 5 below shows the number of decrees of evictions granted to individual local authorities over the period 2011/12 to 2015/16.

Again, there are wide regional variations. Between 2013/14 and 2015/16, the changes in decrees granted range from a reduction of over 70 per cent in Clackmannanshire to an increase of 1100 per cent in Perth and Kinross, although the actual number of decrees granted in Perth and Kinross remains relatively low at 11. Stirling has also seen a significant increase of over 168 per cent.

Overall, North Lanarkshire saw the highest number of decrees for eviction granted with 883 households being served an eviction decree, while Aberdeen City saw 766 decrees being granted in regard to local authority tenants. These two regions clearly stand out, followed by the City of Edinburgh with 314 decrees granted– 452 less than Aberdeen City.

Table 5: Decreases of evictions granted to local authorities in 2011/12 to 2015/16³⁴

	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2015/16
Scotland	3,371	2,829	2,728	3,594	3,994	46.4%
Aberdeen City	425	285	709	908	766	8.0%
Aberdeenshire	56	73	73	76	94	28.8%
Angus	83	112	92	107	101	9.8%
Clackmannanshire	26	18	34	30	10	-70.6%
Dundee City	219	82	77	71	86	11.7%
East Ayrshire	181	136	79	157	176	122.8%
East Dunbartonshire	73	60	52	65	33	-36.5%
East Lothian	23	26	17	37	37	117.6%
East Renfrewshire	45	23	52	70	40	-23.1%
Edinburgh, City of	264	222	156	205	314	101.3%
Falkirk	134	157	107	181	215	100.9%
Fife	114	94	147	156	174	18.4%
Highland	101	114	125	152	156	24.8%
Midlothian	67	35	49	31	47	-4.1%
Moray	19	14	24	27	8	-66.7%
North Ayrshire	162	159	137	172	180	31.4%
North Lanarkshire	813	688	430	665	883	105.4%
Orkney	2	0	0	2	1	-
Perth & Kinross	33	36	1	12	11	1100%
Renfrewshire	94	122	94	105	133	41.5%
Shetland	2	5	0	6	2	-
South Ayrshire	33	27	52	31	25	-51.9%
South Lanarkshire	117	133	101	149	261	158.4%
Stirling	5	17	19	36	51	168.4%
West Dunbartonshire	7	23	31	34	41	32.3%
West Lothian	273	168	70	109	149	112.9%

³⁴ *Ibid.*

Note: The following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute Council, Dumfries & Galloway Council, Na h-Eileanan Siar, Glasgow City Council, Inverclyde Council and Scottish Borders Council.

Evictions by each local authority

Table 6: Evictions by local authorities in 2011/12 to 2015/16 ³⁵						
	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2015/16
Scotland	1,057	965	921	1,215	1,300	41.2%
Aberdeen City	102	81	130	214	137	5.4%
Aberdeenshire	44	39	41	30	46	12.2%
Angus	37	37	20	27	19	-5.0%
Clackmannanshire	9	9	8	15	9	12.5%
Dundee City	67	44	107	65	71	-33.6%
East Ayrshire	73	56	46	70	67	45.7%
East Dunbartonshire	36	23	22	27	10	-54.5%
East Lothian	14	13	8	15	21	162.5%
East Renfrewshire	6	4	10	24	11	10.0%
Edinburgh, City of	93	93	51	52	118	131.4%
Falkirk	40	47	44	67	95	115.9%
Fife	120	100	106	162	111	4.7%
Highland	43	53	51	54	65	27.5%
Midlothian	15	14	19	20	23	21.1%
Moray	11	13	5	12	8	60.0%
North Ayrshire	37	36	30	38	40	33.3%
North Lanarkshire	131	123	71	116	196	176.1%
Orkney	2	0	0	2	0	0
Perth & Kinross	8	3	1	0	6	500%
Renfrewshire	56	46	47	43	56	19.1%
Shetland	2	6	0	5	2	-
South Ayrshire	14	16	18	9	10	-44.4%
South Lanarkshire	51	51	54	62	101	87.0%
Stirling	2	7	7	20	31	342.9%
West Dunbartonshire	5	10	13	34	20	53.8%
West Lothian	39	41	12	32	27	125.0%

³⁵ *Ibid.*

Note: The following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute Council, Dumfries & Galloway Council, Na h-Eileanan Siar, Glasgow City Council, Inverclyde Council and Scottish Borders Council.

The number of evictions carried out by individual local authorities over the period 2011/12 to 2015/16 are shown in Table 6. The number of evictions by Stirling Council more than tripled between 2013/14 and 2015/16. Over the same two-year period, North Lanarkshire and East Lothian saw an increase of over 150 per cent. North Lanarkshire also had the highest number of evictions in 2015/16 with 196 households being evicted or abandoning the property after a decree was issued. While the general trend in relation to evictions by local authorities is discouraging, there is immense regional variation in the performance of local authorities and we should exercise caution when interpreting the percentage changes. For example, Perth and Kinross saw a fivefold increase, but the total number of evictions by Perth and Kinross Council are low. Overall, 20 out of the 26 councils who are landlords increased the number of evictions between 2013/14 to 2015/16.

Nevertheless, some local authorities have not followed the general trend and decreased the number of eviction actions that resulted in the termination of the tenancy. East Dunbartonshire Council, for instance, reduced evictions by over 54 per cent between 2013/14 and 2015/16. South Ayrshire Council and Dundee City Council also reduced the use of evictions by over 44 per cent and 33 per cent respectively. Angus Council saw a 5 per cent reduction, while Shetland Council evicted 2 households and Orkney saw no evictions in 2015/16. These disparities are unlikely to be a result of regional circumstances and economic factors. Rather, they reflect variations in policy and practice in relation to the management of rent arrears.

Case studies: Stirling Council and East Dunbartonshire Council

Stirling Council had previously reviewed its policies regarding evictions and implemented major changes in the way it engaged with tenants facing rent arrears. In June 2009, Stirling Council banned evictions for rent arrears and subsequently implemented a new approach based on face-to-face help and early intervention. Shelter Scotland reported on this development in its 2009 report on social sector evictions and is saddened to see that this progress has been reversed to the point where the number of evictions and post-decree abandonments was 31 in 2015/16 – above the 27 evictions carried out in 2007/08 and the highest number since 2003/04.

In the 2009 report, Shelter Scotland also examined the work of East Dunbartonshire Council, which used a web-based diagnostic tool to help identify vulnerable tenants and offer preventative assistance. Shelter Scotland is pleased to see that East Dunbartonshire Council has been able to build on this success and reduce the number of notices of proceedings issued, eviction decrees granted and actual evictions over the last years despite the opposite general trend of most local authorities.

Case study

A 36-year-old social tenant was working full time when he decided to go to university to study and then train as a secondary school teacher. He cut his hours, so he could study but couldn't get them back after graduating. Having to pay council tax again and with a student loan to pay back, he got deeper into rent arrears and decided to put his post-graduate teaching qualification on hold. The council started sending letters threatening eviction. The tenant was working nightshift and missed calls from the council. It was a very stressful time for him. When he was told he would be taken to court and could be evicted, he contacted Shelter Scotland. One of our solicitors was able to work out a repayment plan with the council. But when he started getting paid monthly instead of weekly, he missed one payment and the letters threatening eviction started coming again. By then he was working full time. Instead of pursuing the eviction, the council decided to work together with the tenant and to give him the chance to repay his arrears. Over the course of less than a year, he has been able to halve his £2,000 debt.

This tenant's story exemplifies just how beneficial it is for social landlords to work together with tenants to manage rent arrears without simply evicting the tenant, thereby preventing the tenant from becoming homeless, reducing the costs for the local authority and tenant and securing the repayment of the arrears.

Developments between 2014/15 and 2015/16

As can be seen in Table 6, several of the local authorities which saw an increase in evictions between 2013/14 and 2015/16 reduced the number of evictions in the last year (2015/16). However, this decrease in 2015/16 often did not fully reverse the increase that took place during the previous year. Aberdeen City Council, for example, increased its number of evictions from 130 in 2012/13 to 214 the following year and then reduced it to 137 in 2015/16.

The City of Edinburgh Council experienced the biggest increase in evictions in the last reporting year, more than doubling the number of evictions from 52 in 2014/15 to 118 in 2015/16.

Eviction actions per occupied properties

Table 7: Eviction actions per occupied properties (o.p.) by local authorities in 2015/16³⁶

Local authorities (ranked by evictions per 1,000 o.p.)	Number of o.p.	Notices of proceedings per 1,000 o.p.	Decrees granted per 1,000 o.p.	Evictions per 1,000 o.p.
Aberdeen City	21,824	86.7	35.1	6.3
Edinburgh City	19,176	58.4	16.4	6.2
Falkirk	16,172	100.2	13.3	5.9
Dundee City	12,434	55.2	6.9	5.7
Stirling	5,536	34	9.2	5.6
East Ayrshire	12,157	86.6	14.5	5.5
North Lanarkshire	36,391	128.7	24.3	5.4
Highland	13,675	137.2	11.4	4.8
Renfrewshire	11,769	149.4	11.3	4.8
South Lanarkshire	24,254	91.8	10.8	4.2
Fife	29,499	43.1	5.9	3.8
East Renfrewshire	2,945	84.6	13.6	3.7
Aberdeenshire	12,684	51.3	7.4	3.6
Midlothian	6,964	24.3	6.7	3.3
North Ayrshire	12,855	117.9	14	3.1
East Dunbartonshire	3,578	62	9.2	2.8
Angus	7,567	52.5	13.3	2.5
East Lothian	8,538	26.6	4.3	2.5
West Lothian	12,824	99	11.6	2.1
West Dunbartonshire	9,735	137.8	4.2	2.1
Clackmannanshire	4,907	37.1	2	1.8
Moray	6,008	54.1	1.3	1.3
South Ayrshire	7,954	66.8	3.1	1.3
Shetland	1,767	13	1.1	1.1
Perth & Kinross	7,451	57.2	1.5	0.8
Orkney Islands	848	34.2	1.2	0

³⁶ Scottish Housing Regulator, *op.cit.*

Note: Again the following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute Council, Dumfries & Galloway Council, Na h-Eileanan Siar, Glasgow City Council, Inverclyde Council and Scottish Borders Council.

While around 56 per cent of social sector tenants live in local authority properties, 61 per cent of households living in the social sector who were evicted in 2015/16 were local authority tenants.³⁷ Local authority tenants are therefore more likely to be evicted than tenants who have RSLs as their landlords.

The number of occupied properties can be used as a measurement for the number of households living in local authority housing in each local authority area. When comparing these numbers to the number of notices of proceedings issued, decrees granted and evictions, we can get a better understanding of the regional variations discussed above. As shown in Table 7 above, when looking at the notices of proceedings issued per 1,000 occupied properties, Renfrewshire has the highest figure at 149 followed by West Dunbartonshire at 138. Aberdeen City has the highest rate of decrees granted per 1,000 occupied properties with 35 decrees, while North Lanarkshire has the second highest rate with 24 decrees. Aberdeen City also has the highest rate of evictions with 6.3 evictions per 1,000 occupied properties. Edinburgh City has the second highest rate with 6.2 evictions, followed by Falkirk with 5.9 evictions per 1,000 occupied properties.

Changes in local authority and court practices

The above rates seem to confirm the experiences of Shelter Scotland's advisers and law service, which point toward several local authorities and courts adopting stricter practices in relation to managing rent arrears and eviction cases. Since around November 2015, the Sheriff Court seems more likely to grant an order for eviction or dismiss the case at hand than to grant an adjournment. This has partly resulted in many more cases being dismissed where the tenant has demonstrated that they are maintaining payments towards their rent and arrears. However, as reported, some courts, including Falkirk, Dundee and Stirling, are now more likely to grant a decree for eviction than to dismiss the case. According to the experiences of our advice and law services, certain courts, such as Aberdeen, Falkirk and Dundee, also seem to have adopted an unofficial policy of not adjourning cases more than once in most circumstances.

³⁷ Scottish Government (2016), [Scotland's People: Results from the 2015 Scottish Household Survey](#), *op.cit.*

RSL EVICTIONS

Shelter Scotland's previous analysis of social sector evictions show a clear reduction in evictions by registered social landlords over the period 1 April 2007 to 31 March 2011.³⁸ However, the number of evictions has increased since then, as shown in Table 8.

In 2015/16, 830 evictions of RSL tenants were carried out – an increase of 5 per cent since 2013/14. Yet, it is promising that the number of evictions has decreased by over 6 per cent in 2015/16 compared to the previous year.

As has been shown, local authorities have seen a much larger increase in evictions since 2013/14 than RSLs. The number of decrees of eviction granted in relation to RSLs has also increased at a slower rate than local authorities: while RSLs have seen an increase of 15 per cent from 2013/14 to 2015/16, local authorities saw an increase of 46 per cent.

Compared to local authorities, there has been a reduction in the number of cases taken to court by RSLs. The number of notices of proceedings issued to RSL tenants have seen a slight increase between 2013/14 and 2015/16, although this increase is much lower in comparison to local authorities. Nevertheless, the number of notices of proceedings issued by RSLs has decreased by a lower rate over the five-year period than the number notices of proceedings issued by local authorities.

Despite the better overall performance of RSLs, they still took more than 4,200 households to court – mainly due to rent arrears. Although over 80 per cent of these cases didn't result in an eviction, these cases still required a significant investment from the RSLs on top of the additional anxiety and fear this caused to the tenants involved, who often already are experiencing a lot of stress.

Table 8: Eviction actions by RSLs 2011/12 to 2015/16³⁹

	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2013/14 to 2015/16
Notice of proceedings	20,151	11,846	11,568	10,880	11,630	0.5%
Taken to court	4,347	3,550	4,604	4,448	4,209	-8.6%
Decree granted	1,448	1,343	1,398	1,638	1,607	14.9%
Eviction occurred	767	760	787	886	830	5.5%

Evictions amongst stock transfer RSLs

This report examined detailed trends for individual local authorities above. However, it is not practicable to do the same in regard to RSLs, as there are too many of them to include in this report. Shelter Scotland therefore has examined the larger RSLs which have emerged from whole stock transfers from local authorities, in Table 9.

³⁸ Shelter Scotland (2013), *op.cit.*

³⁹ Scottish Housing Regulator, *op.cit.*

In 2015/16, whole stock transfer RSLs evicted 211 tenants, a reduction of over 6 per cent from 2013/14. Overall, whole stock transfer RSLs therefore have managed to reduce the number of evictions, while the number of evictions across all RSLs has increased by over 5 per cent between 2013/14 to 2015/16. However, there are large variations between the 6 RSLs – ranging from a reduction in evictions of almost 20 per cent by Glasgow Housing Association to an increase of 200 per cent by River Clyde Homes.

Table 9: Eviction actions by whole stock transfer RSLs 2015/16⁴⁰

RSL	Notice of proceedings	Taken to court	Decree granted	Eviction occurred	% change in evictions 2013/14 to 2015/16
Argyll Community Housing Association	191	135	24	27	28.6%
Dumfries and Galloway Housing Partnership	925	297	58	33	-2.9%
Glasgow Housing Association	1,052	456	235	117	-19.9%
Hebridean Housing Partnership	107	41	9	5	-16.7%
River Clyde Homes	133	62	42	12	200.0%
Scottish Borders Housing Association	535	68	44	17	13.0%
Across all whole stock transfer RSLs	2,943	1,059	412	211	-6.6%
Across all RSLs	11,630	4,209	1,607	830	5.5%

⁴⁰ *Ibid.*

Case study: Glasgow Housing Association

Shelter Scotland reported on the success that Glasgow Housing Association had achieved in its 2009 report on social sector evictions. Following a 2007 inspection report by Communities Scotland that criticised Glasgow Housing Association's (GHA) rent collection as being poor, GHA undertook a complete re-evaluation of its mechanisms and policy regarding rent collection and rent arrears management. The key issues that were identified included:

- an absence of frank discussions with tenants about rent payments,
- too little personal contact between the RSL and tenants,
- limited rent payment methods,
- a clear overdependence on using legal action to deal with arrears, and
- issues with the administration of housing benefit in Glasgow City Council.

GHA changed its emphasis from legal action to early intervention. It increased its direct engagement with tenants, focus on pre-tenancy support and early support for tenants falling into arrears. It also widened the rent payment options and improved its collaboration with the benefits team at Glasgow City Council and the Glasgow Homelessness Partnership. This resulted in the reduction in its total arrears from £10.1m in 2007/08 to £7.34m in 2008/09.

Shelter Scotland is glad to report that GHA seems to have been able to further reduce its level of rent arrears to £6m in 2015/16, while at the same time reducing the number of evictions by almost 20 per cent between 2013/14 to 2015/16.

MANAGING RENT AREARS THROUGH EVICTION ACTION

As mentioned in the introduction, RSL arrears currently constitute £49.7m,⁴¹ while local authority arrears amount to £60.1m.⁴² Shelter Scotland considers the payment of rent on time to be a priority and a clear obligation of all tenants. We recognise that social landlords have a more difficult operating environment, particularly due to the uncertainties created by changes to the benefit system, increased waiting times and delays, all of which have added to the problems of rent collection.

In previous reports, Shelter Scotland highlighted that some social landlords were concerned that reducing the amount of evictions would result in an increase in rent arrears and a subsequent increase in rent arrears debt compiling up.⁴³ However, previous statistics from 2008/09 to 2009/10, for instance, demonstrate that this has not been the case.⁴⁴ Despite evictions decreasing across local authorities by 29 per cent between 2008/09 and 2009/10, rent arrears also decreased over the same time period by 9 per cent and the number of current tenants with arrears and former tenants with arrears also fell by 6 and 13 per cent respectively.⁴⁵

Shelter Scotland strongly believes that early intervention and help for tenants is key to reducing both evictions and rent arrears. This entails helping tenants as soon as problems regarding rent arrears arise and offering advice on debt and money issues to everyone. This can ensure that both rent arrears and evictions are reduced.

Rent arrears and the threat of evictions

When looking at the relationship between eviction actions and rent arrears, it is particularly interesting to examine the link between the number of notices of proceedings issued and the level of total rent arrears. This is because, as mentioned above, some landlords use notices of proceedings as a tool to threaten eviction and force tenants to engage and address their rent arrears. As can be seen in Table 10, the number of notices of proceedings issued, amount of rent arrears and number of current tenants with arrears in local authorities have all increased between 2013/14 and 2015/16, while the number of former tenants with rent arrears has decreased by just over 3 per cent. The percentage change in rent arrears is particularly high with rent arrears increasing by over 20 per cent.

The number of current tenants with arrears and total rent arrears have increased, while the number of notices of proceedings issued has also risen. This perhaps suggests that the idea of enforcing a strong eviction policy doesn't necessarily have the desired effect of reducing the number of tenants with rent arrears. Moreover, South Ayrshire Council evidently managed to reduce the number of notices of proceedings issued by over 12 per cent between 2013/14 and 2015/16, while at the same time reducing the amount of total rent arrears and the number of current tenants with rent arrears also by over 20 per cent each. Shelter Scotland would like to further understand what policies and practices South Ayrshire Council has adopted and hopes that this example will inspire further local authorities and RSLs to change their policies and practices.

⁴¹ Scottish Housing Regulator (2016), *op.cit.*

⁴² Scottish Government (2016), [Housing Revenue Account: Housing Income and Expenditure Statistics](#), *op.cit.*

⁴³ Shelter Scotland (2009), *op.cit.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

Table 10: Relationship between notices of proceedings issued (NOPs) and rent arrears 2013/14 to 2015/16⁴⁶

	% change in NOPs issued	% change in rent arrears	% change in number of current tenants with arrears	% change in number of former tenants with arrears
Scotland	9.9%	20.2%	6.5%	-3.3%
Aberdeen City	-26.6%	-25.6%	13.1%	-43.1%
Aberdeenshire	-36.4%	33.8%	30.2%	4.4%
Angus	1.0%	8.8%	20.5%	32.6%
Clackmannanshire	13.2%	24.5%	1.4%	14.7%
Dundee City	38.9%	21.5%	15.5%	22.6%
East Ayrshire	27.3%	45.8%	-24.4%	81.3%
East Dunbartonshire	-16.9%	-8.3%	2.7%	-44.3%
East Lothian	131.6%	18.6%	4.0%	5.0%
East Renfrewshire	0.8%	-22.2%	3.1%	-40.0%
Edinburgh, City of	229.4%	59.4%	21.2%	21.2%
Falkirk	61.1%	20.6%	9.2%	-0.1%
Fife	-27.4%	15.4%	3.0%	12.2%
Highland	-10.7%	19.2%	7.5%	-18.3%
Midlothian	122.4%	21.1%	-15.5%	94.9%
Moray	-16.7%	-12.8%	4.0%	-22.2%
North Ayrshire	-3.7%	1.4%	-4.3%	-18.6%
North Lanarkshire	-9.9%	12.2%	13.7%	12.5%
Orkney Islands	93.3%	-43.8%	0%	38.7%
Perth & Kinross	96.3%	49.1%	17.0%	39.6%
Renfrewshire	49.2%	100.7%	19.4%	-37.2%
Shetland Islands	-11.5%	147.1%	10.4%	1.5%
South Ayrshire	-12.5%	-20.3%	-20.9%	8.3%
South Lanarkshire	62.8%	21.1%	6.0%	-6.4%
Stirling	88.0%	124.1%	14.4%	11.2%
West Dunbartonshire	53.4%	22.1%	50.3%	-39.8%
West Lothian	82.5%	-5.3%	-8.1%	-26.3%

⁴⁶ Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#), *op.cit.*; Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#), *op.cit.*

Note: Again the following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute Council, Dumfries & Galloway Council, Na h-Eileanan Siar, Glasgow City Council, Inverclyde Council and Scottish Borders Council.

Proportion of notices of proceedings that lead to evictions

As can be seen below in Table 11, notices of proceedings issued by RSLs are more likely to lead to an actual eviction of the tenant than notices of proceedings issued by local authorities. Avoiding eviction is obviously preferable. However, a low percentage of notices of proceedings leading to actual evictions can, as mentioned above, suggest that the landlord is using eviction actions to manage arrears, even when the landlord is not necessarily looking to actually evict the tenant. The figures in Table 11, hence, further substantiates the claim that RSLs on average seem to use the threat of eviction less in regard to rent arrears management than local authorities.

Table 11: Proportion of notices of proceedings that lead to evictions⁴⁷

	2011/12	2012/13	2013/14	2014/15	2015/16
Local authorities	2.0%	3.4%	3.9%	5.2%	5.0%
RSLs	3.8%	6.5%	6.8%	8.1%	7.1%
Local authorities and RSLs	2.5%	4.3%	4.9%	6.1%	5.7%

⁴⁷ Scottish Government (2016), [Housing Statistics for Scotland: Management of Local Authority Housing: Evictions](#), op.cit.; Scottish Housing Regulator (2016), op.cit.

CONCLUSION

This paper has examined the use of eviction actions to manage rent arrears. From the evidence and analysis, it is apparent that landlords, especially local authority landlords, are increasingly making use of eviction actions in response to rent arrears.

In the years leading up to 2013/14, there was a decrease in the use of eviction action. However, since then the number of evictions has risen. Between 2007/08 and 2013/14, evictions fell by 52 per cent, while over the course of 2013/14 to 2015/16 evictions have increased by almost 25 per cent. Shelter Scotland is concerned that this upward trend will continue unless clear changes to policy and practice are made.

Looking at the considerable costs involved in taking such eviction actions – especially for local authorities, who might subsequently face additional costs when their former tenant becomes homeless – it is evident that a proactive approach focusing on early prevention is beneficial to both landlords and tenants. Moreover, social landlords, especially local authorities, must remember their wider obligations, including preventing and reducing homelessness and securing children’s well-being. Shelter Scotland has therefore included a list of recommendations, which aim to secure the reduction of the use of eviction actions to manage rent arrears.

However, it is important to point out that some local authorities and RSLs are clearly bucking the trend and setting examples of what can be achieved despite ongoing challenges caused by changes to social security.

With the significant changes to the backdating of housing benefit and the introduction of the benefit cap in 2016, it has become even more important for the rest of the social rented sector to learn from their examples. Social sector landlords should seek to actively engage with their tenants and try to prevent rent arrears as much as possible by providing help and advice when needed. The increasing uncertainty regarding the UK economy following Brexit is likely to further impact social sector tenants. It is therefore vital that the policies and practices of social sector landlords reflect the challenges that their tenants face and adequately address them in a way that reduces rent arrears and, ultimately, helps tenants to stay in their homes.

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

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