

Prevention and Eviction

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1. **Introduction**

- 1.1. The Purpose of this policy is to provide Keystage Housing employees with the information they need to ensure Keystage Housing meets the requirements of ensuring tenants and licences are treated fairly and any necessary evictions or withdrawal of Licences are legal, ethical and seek to prevent homelessness in all opportunities.
- 1.2. Approaches to evictions and/or withdrawal of placements may occur via
 - 1.2.1. Section 21 Notices
 - 1.2.2. Section 8 Notices
 - 1.2.3. Reasonable and appropriate notice due to breaches of Licence Agreements
- 1.3. It sets out how Keystage Housing manages Interventions and Evictions whilst remaining person centred, ensuring a person's rights are upheld and aiming for a prevention of return to homelessness.
- 1.4. It also sets out the appeals process for individuals who wish to appeal their eviction notice and how this is managed within Keystage Housing.
- 1.5. Keystage Housing manages evictions and interventions on an individual basis and understands every situation is unique. Keystage will always look for an alternative to eviction where appropriate.
- 1.6. Principles of Eviction and Prevention:
 - 1.6.1. Value 1 - Proportionality
 - 1.6.2. Value 2 - Prevention
 - 1.6.3. Value 3 - Protection

2. **Scope**

- 2.1. This policy applies to the management of interventions, evictions and appeals in all accommodation services provided by Keystage Housing staff in England and Wales.
- 2.2. Keystage Housing has both Assured Shorthold Tenancies and Licence Agreements depending on service and property and eviction procedures will alter depending on the agreement type.
- 2.3. Keystage Housing employees have a responsibility to ensure that interventions are managed in a person-centred approach. Any individual who is given an eviction has the right to appeal the decision which will be heard in a panel in a timescale proportionate to the notice period:
 - 2.3.1. 48 hours and a decision provided shortly after for Licencees
 - 2.3.2. 14 days for Individuals Issued a Sec 8 Notice
 - 2.3.3. 28 days for Individuals Issued a Sec 21 Notice

3. **Confidentiality**

- 3.1. Intervention, Eviction and Appeals will be handled in the strictest confidence, in accordance with Keystage Housing policies concerning confidentiality.
- 3.2. The Individual has the opportunity to have an advocate for support, however consent will be required for the advocate to be involved in proceedings. Consent will be required to be a written confirmation, unless, under exceptional circumstances, consent is gained verbally, and this will be recorded on the individuals Portal.

4. **Eviction Processes and Procedures**

- 4.1. Keystage offers two types of accommodation, AST [Assured Shorthold Tenancy) and Licence Agreements [fixed or periodic length of time]



4.1.1. AST Process of eviction

4.1.1.1. Section 21 – this may be issued when the Landlord (Keystage CIC) wishes to regain possession of the property.

4.1.1.1.1. A Section 21 must be for a period of 2 months.

4.1.1.1.2. The landlord can apply to the Court after the 2 Month notice period ends, if granted there must be a 2 week notice of an eviction date.

4.1.1.2. Section 8 – this may be issued when the individual has broken the terms of their AST.

4.1.1.2.1. A section 8 notice can be between 2 weeks and 2 months' notice depending on the terms broken.

4.1.2. Licence Process of Eviction

4.1.2.1. An individual under a licence agreement may be given an Immediate, 7 day, 14 day or 21 day Notice To Vacate.

4.1.2.1.1. This notice will detail the breaches of the licence agreement by the licensee [please see Section 5 Interventions below]

4.2. Please see the Keystage Evictions Procedures for more information and a breakdown of the terms relevant to a Section 8 Notice.

4.3. An individual under an AST and License will have the opportunity to appeal the decision and an appeals panel will be held in an proportionate time period compared to the notice [see Section 6 Appeals and Section 2 Scope for more details].

5. **Interventions**

5.1. Interventions Is the process of Identifying behaviour which breaches the Individuals licence or AST and providing them with clear outlines of what Is expected and the potential consequences If the behaviour continues.

5.2. The process Is as such:

5.2.1. Breaches of AST or Licence Agreement Is Identified - Letter of concern Is provided.

5.2.2. Continued breaches - Warning Letter Is Provided

5.2.3. No Improvement - Acceptable Behaviour Agreement Is given to outline expected behaviour. to be reviewed in 7 days.

5.2.3.1. Some Improvement Identified but still a level of concern - ABA Is reviewed and extended by no more than 7 days.

5.2.3.1.1. Repeated behaviour - NTV

5.2.4. Repeated Issues - placement at risk notice provided with a potential extension of no more than 14 days.

5.2.4.1. No Improvement - NTV

5.2.5. No further Issues - ABA closes.

5.3. If behaviour Is severe and has the potential to cause harm to the Individual, other persons, staff, visitors or damage to the property, an Immediate NTV may be Issues - Licence Agreements only. Individuals under an AST will be taken through the AST eviction procedure.

5.4. An Individual who has been provided an NTV [excluding Immediate] will have the opportunity to appeal the decision.

5.4.1. An Immediate NTV Is not suitable for appeal due to the level of risk Identified. In this case, the Individual will need to be re referred to service and a Risk Management Plan completed.

6. **Appeals**

- 6.1. Keystage Housing will hold an appeals panel for Individuals who have received an NTV and who have followed the Appeals Process.
- 6.2. Any individual who is given an eviction has the right to appeal the decision which will be heard in a panel in a timescale proportionate to the notice period:
 - 6.2.1. 48 hours and a decision provided shortly after for Licencees
 - 6.2.2. 14 days for Individuals Issued a Sec 8 Notice
 - 6.2.3. 28 days for Individuals Issued a Sec 21 Notice
- 6.3. The panel consists of locality managers, Property Managers, deputy locality managers, Senior Complex needs workers, Housing Officer or delegated leads within the Property Management Team, the Individuals keyworker and an Impartial Moderator.
 - 6.3.1. The panel will review support provided to the Individual so far, including external partners and support plans.
 - 6.3.2. The panel will review the Interventions procedure and previous Interventions.
 - 6.3.3. Focus will be on Prevention of return to homelessness, and alternative options will be looked at.
 - 6.3.4. Once decision has been made, a letter outlining the decision will be sent to the individual and recorded on their Porta.
 - 6.3.4.1. The individuals keyworker will hold a session with the Individual to review the decision and discuss the next steps.
 - 6.3.5. Where there is a potential safeguarding concern, the panel can be heard, but prior to any outcome this must be considered within an MDT and all agencies within the approved group provided the opportunity to explore prevention alongside the tenant/licencee.

7. **Prevention**

- 7.1. Keystage Housing's mission is to "End the Revolving Door" of homelessness. The aim of the Interventions process is to look at all available options in order to prevent the return to homelessness.
- 7.2. Consideration will be given to:
 - 7.2.1. Extension of placement subject to reviews
 - 7.2.2. Additional support and/or Interventions from external partners, such as drug and alcohol support, mental health etc.
 - 7.2.3. Alternative Keystage Accommodation
 - 7.2.4. Discussion with external housing providers for secure move on

8. **Acceptable Templates and Serving of Notices**

- 8.1. Interventions and evictions should use approved, Keystage Housing templates. These will either be a limited editing form style document, or a document approved by the Property Manager.
 - 8.1.1. Details should be filled in accurately and factually, adhering to the licensee's condition.
- 8.2. Letters, ABA's and Warnings should be served directly to the Individual as part of a sit-down conversation which discusses the reasoning for the notice and explores their rights and way forward.



- 8.3. In no circumstance should any Letter, ABA'S or Warnings be "posted" under the Individuals door with no discussion had. In the event that a situation is unstable, and the Letter, ABA or Warning cannot be given at that time, it should be given at the next available opportunity where the situation has de-escalated safely. [please see de-escalation policy for further details].
- 8.4. Eviction notices should, like letters, ABA's and warnings, be served directly to the Individual where possible.
 - 8.4.1. If an Individual is not reachable, Section 21, Section 8 and Section 13 notices may be posted by recorded delivery to the individuals last known address.
- 8.5. An Individual should be provided with a paper copy of their notice to provide to their local council.
- 8.6. Where there is a change in proceeding or an Eviction, ABA or Warning has come to an end, this should be followed up with a letter, clearly stating the ending of the process.

9. **Monitoring and Review**

- 9.1. Line managers and team leaders will be responsible for general monitoring of these. Transgression will be reviewed with Individual staff members, but in some cases, it may be appropriate to record examples for discussion as part of staff training or discussion at team meetings.
- 9.2. Significant and/or repeated breaches of this policy will lead to disciplinary action, up to and including dismissal.

10. **Related Policies**

1. OP05 - Safeguarding KSH Policy
2. OP08 - De - escalation and behaviour that challenges
3. OP09A - Anti social behaviour policy
4. OP09 B - Anti social behaviour policy (service users)
5. OP011 - Trauma Informed approaches
6. OP013 - Incident Management and Reporting Policy

