



# **Early Intervention in Preventing Homelessness: Maximising the Contribution of Section 11 Processes**

**North and Islands Homelessness and  
Housing Options Hub**

# Early Intervention in Preventing Homelessness: Maximising the Contribution of Section 11 Processes

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## Acknowledgements

This project would not have been possible without the willingness, commitment and persistence of those eleven organisations that were responsible for delivering the enhanced practices the project wished to explore and test. Gratitude is due to all the staff that were responsible for delivering these enhanced practices at:

- Aberdeen City Council;
- Comhairle nan Eilean Siar;
- Highland Council;
- Shetland Islands Council;
- Albyn Housing Partnership;
- Cairn Housing Association;
- Grampian Housing Association;
- Hebridean Housing Partnership;
- Hjaltland Housing Association;
- Langstane Housing Association;
- and
- Lochaber Housing Association.



## **Executive Summary**

1. During 2019, seven housing associations and four local authorities delivered a project to discover whether enhanced practices around the serving of section 11 notices could prevent more homelessness. The enhanced practices were:
  - serving the section 11 notice to the local authority at the same time that the Notice Seeking Possession (NOSP) was served to the tenant;
  - sharing more useful information with the local authority as part of the section 11 notice, and
  - working jointly following serving of the section 11 notice in order to prevent the tenant being evicted.
2. Due to resourcing restrictions, the organisations participating in the project were able to commit to these principles to varying degrees.
3. Over the course of the project, homelessness was prevented in at least 96% of cases, and in the experience of many of the participating organisations, this increased to 100%. Evictions reduced by 69% compared with the previous year and again, in two cases, that figure was 100%.
4. Staff that delivered these outcomes agreed that earlier serving of the section 11 notice, sharing of more information and subsequent joint working had all been beneficial and worthwhile.
5. A key factor was the degree to which the tenant engaged, either with the housing association or the local authority, but it was felt that the principles of the project enhanced the chances of tenants engaging, e.g., intervening earlier when the debt is less, being more aware of support needs in the household, the local authority and the housing association working jointly.
6. Another critical factor is having the resource to be able to support these approaches. For local authorities, that means resource being able to be focussed on something other than the statutory day-to-day homeless demand and getting upstream of that. Some project participants applied a risk assessment approach to determine which tenancies

would benefit most from the application of the resource involved in these enhanced approaches.

7. Finally, the project outcomes pose the question whether these same principles, applied as comprehensively as possible, as was the case here, could be applied to other causes of homelessness, other than housing association repossessions, with equally successful outcomes.

**Scotland's Housing Network**  
**May 2020**

## 1. Introduction

- 1.1 During 2019, four local authorities and seven housing associations joined a project to work to enhanced section 11 notice practices to establish whether this could lead to increased homelessness prevention. The four local authorities were Highland Council, Aberdeen City Council, Shetland Islands Council and Comhairle nan Eilean Siar. The seven housing associations were Lochaber HA, Cairn HA, Albyn HA, Grampian HA, Langstane HA, Hjaltland HA and Hebridean Housing Partnership. The project was funded by the North and Islands Homelessness and Housing Options Hub and managed on their behalf by Scotland's Housing Network.
- 1.2 Under the Homelessness etc. (Scotland) Act 2003, a section 11 notice must be served by a landlord or mortgage company to the local authority if court action is being commenced against a tenant or mortgagee in order to recover the property. The notice must include:
- the name, address and contact telephone number of the landlord;
  - the name and address of the landlord's legal representatives;
  - the name of the tenant(s) against whom court action is being commenced, and
  - the address of the property which is being sought to be recovered through the court action.
- 1.3 Scotland's Housing Network data indicated that in 2018/9, homelessness was prevented following the issue of a section 11 notice in 24% of cases<sup>1</sup>. This project sought to improve that performance. The project focussed on:
- the stage in recovery proceedings when the section 11 notice is served;
  - the information that is included with the section 11 notice, and
  - the nature of joint working between the local authority Housing Options/homelessness team and the housing association following the serving of the section 11 notice.
- 1.4 It was felt that homelessness might be prevented in more cases if the notice was served earlier in the process, if more, and more useful, information was included in the notice and if the housing association and the local authority worked more collectively following serving of the section 11 notice and kept each other more informed of actions they were taking.
- 1.5 The project participants discussed all three of these aspects of section 11 practice and agreed to adopt enhanced practice at least for the duration of the project which commenced in February 2019 and ran until December 2019.

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<sup>1</sup> This includes section 11 notices served by housing associations, private landlords and creditors.

## **2. The Timing of the Section 11 Notice**

- 2.1 Early intervention is key to homelessness prevention. Having the opportunity to intervene as early as possible in circumstances that could ultimately lead to homelessness is to be welcomed. Seeking to prevent homelessness when court action for the repossession of the home is being commenced is much more challenging than seeking to support a tenant who is at the beginning of financial difficulties that may ultimately lead to struggling to pay the rent and to eviction.
- 2.2 Acknowledging that as early intervention as possible is welcome, most project participants supported a proposal to serve section 11 notices at the same time as the Notice Seeking Possession (NOSP) was being served on the tenant, i.e., much earlier in the process. Some of the housing association participants felt this level of activity was unsustainable within existing resources and committed to maintain current practice for the duration of the project. One housing association committed to a hybrid approach, of serving the section 11 notice at the same time as the NOSP was being served for those tenants who had come through the homeless route, and maintaining statutory practice for all other tenants.

## **3. The Information Shared as Part of the Section 11 Notice**

- 3.1 The statutory information shared as part of a section 11 notice is, to say the least, minimal. In order for a local authority Housing Options/homelessness team to seek to prevent homelessness, it would be beneficial for them to have much more background information to the household and the situation that they are currently in. Consequently, project participants agreed to share the following information about a household subject to a section 11 notice additional to the statutorily required information:
- i. contact details for the tenant;
  - ii. knowledge of the best means of contacting the tenant;
  - iii. contact details of the housing association officer responsible for the case;
  - iv. the composition of the household;
  - v. the employment status of household members;
  - vi. housing benefit/Universal Credit housing cost details for the tenancy;
  - vii. any known vulnerabilities or risk factors within the household;
  - viii. the reason for possession being sought, i.e., arrears or antisocial behaviour, and
  - ix. what minimum response on the part of the tenant the housing association would require in order to suspend possession proceedings.

- 3.2 The project participants developed and agreed a form for capturing this information – see [Appendix](#).
- 3.3 One of the housing association participants took extensive legal advice before agreeing to share the above information with their local authority partner as part of their section 11 notices. They also informed their tenants of a revised privacy notice.

#### **4. Collaborative Working following Serving of the Section 11 Notice**

- 4.1 Local authority and housing association participants agreed to work collectively following serving of the section 11 notice. As a minimum, this means that the one kept the other informed of action being taken. For example, the housing association would inform the local authority when a court date had been set for a case to be heard. It was suggested that local authorities and housing association may wish to work jointly in order to prevent homelessness. For example, the housing association arrears officer and the local authority homelessness prevention officer might want to meet the tenant together, so that they could both discuss the consequences in practice of continued breaches of the tenancy agreement and the likely outcome should an application of homelessness be made to the local authority.
- 4.2 The overall purpose of the project was to reduce the proportion of tenancies that were ending in repossession. However, with the best will in the world, it is recognised that some tenancies will end in eviction and in those cases, it is the statutory responsibility of the local authority to advise and assist the household towards a positive housing outcome. It was felt that with early intervention, greater information-sharing and more collaborative working between the housing association and the local authority, there was a greater chance, even in those cases that unfortunately did end in eviction, of the household moving as smoothly and as rapidly as possible to as positive a housing outcome as possible. Turning up unannounced on the local authority's doorstep, having just been evicted from their tenancy, would hopefully not happen, and instead the household would be assisted into suitable, alternative permanent accommodation with appropriate support.

#### **5. Project Experience**

- 5.1 Issuing section 11 notices at the same time as serving NOSP, an earlier stage in the process than required by statute, clearly represents more work on the part of the housing association and their legal representatives, the payoff being that hopefully evictions would be prevented and levels of arrears would be reduced. Of those four housing associations that committed to serving section 11 notices at the same time as the NOSP, Albyn HS and Cairn HA in practice

were never able to achieve this level of performance during the time period of the project, and as was mentioned earlier, another, Lochaber HA, succeeded in adopting a hybrid approach with an enhanced level of performance, in line with the project ambition, being achieved with relation to tenants who had come through the homelessness route.

- 5.2 Receiving and responding to far more section 11 notices and working more collaboratively with the housing association following the issuing of a section 11 notice probably constituted far more work for the local authority than had previously been the case, the payoff being that subsequent resource-intensive crisis homelessness applications, with their impacts on resources such as temporary accommodation, to say nothing of staffing and support, would be reduced. In practice, one local authority, Aberdeen City Council, was not able to fulfil the ambitions of the project within its then resource availability and after some months of struggling to meet the project commitments, reluctantly withdrew from the project, which effectively also ended the project experience for its two housing association participants, Langstane and Grampian HA's.
- 5.3 Another of the local authority participants, Highland Council, struggled to fulfil the project ambitions. However, Highland had a number of geographical area teams engaged in the project, and whilst one of the teams engaged in the very large part extremely positively with their housing association partner, that working with Lochaber HA, the other teams of this local authority, working with Cairn and Albyn HA's, struggled, and in practice were never really able to perform as they would have liked to in order to meet the project requirements.
- 5.4 Those two local authorities who struggled either in part or fully to meet the project terms, Aberdeen City and Highland, had to utilise their available resources to prioritise processing those homeless applications for which they have a clear statutory obligation, as opposed to preventing homelessness amongst pre-application customers who are some time away from even being threatened with homelessness within the statutory definition and may never be homeless. Section 2 of the Housing (Scotland) Act 2001 requires local authorities to ensure 'that advice and information about (a) homelessness and the prevention of homelessness and (b) any services which may assist a homeless person or assist in the prevention of homelessness is available free of charge to any person in the local authority's area'.
- 5.5 Whilst local authorities may be able to demonstrate where advice is indeed available, there is also a 'stitch in time' argument, of early intervention prevention being less resource-intensive than crisis homelessness applications. It is acknowledged that the statutory requirements of daily multiple homeless applications are the primary drivers of scarce resource allocation and, on a day-to-day basis, there will be an overwhelming pressure for them to take precedence

over other activities, however well-intentioned the local authority may want to be and however much the strategic case for early intervention is recognised.

5.6 As a result of the varying degrees to which local authorities and housing associations were able to fulfil the project requirements, there were essentially three differing experiences of engagement:

- those participants that had been able to participate in the project fully or close to fully: Shetland Islands Council working with Hjaltland Housing Association; Comhairle nan Eilean Siar working with Hebridean Housing Partnership, and the Highland Council team working with Lochaber Housing Association;
- those participants that had been able to participate in the project to some degree: the Highland Council teams working with Albyn Housing Society and Cairn Housing Association, and
- those participants that had not been able to fulfil the project requirements: Aberdeen City Council working with Grampian and Langstane Housing Associations.

5.7 Whilst the fact that some project participants struggled to fulfil the requirements of the project was disappointing, these ranges of engagement and experiences actually provided for some degree of comparison of project outcomes, i.e., had those local authorities and housing associations who had been able to support the project activities more effectively achieved better outcomes of homelessness prevention, as would be expected if the project hypothesis were true?

## **6. Project Outcomes**

6.1 During the course of the project, 131 section 11 notices were served by the seven housing associations.

6.2 The numbers of notices served varied from three, in the case of Grampian HA, to seventy in the case of Hebridean HP. This was partly a product of the duration of active engagement in the project, the stock size of the respective landlords and the point in the repossession process at which they were serving the notice. For example, Hebridean HP was fully engaged in the project for the duration, is a relatively large landlord and was serving section 11 notices at the same time as serving NOSP to the tenant, in line with project expectations.

6.3 Of those 131 section 11 notices, only five ended in eviction during the course of the project. This equates to a homelessness prevention rate *during the course of the project* of 96.2%.

	No. s.11's served	Ending in eviction
Albyn	15	1
Cairn	11	1
Grampian	3	0
HHP	70	0
Hjaltland	6	0
Langstane	14	3
Lochaber	12	0
<b>Total</b>	<b>131</b>	<b>5</b>

Obviously more of these households may subsequently have been evicted after the project's end.

6.4 Figure 1 indicates which housing associations were more successful at preventing homelessness by this measure. The most successful were Hjaltland,

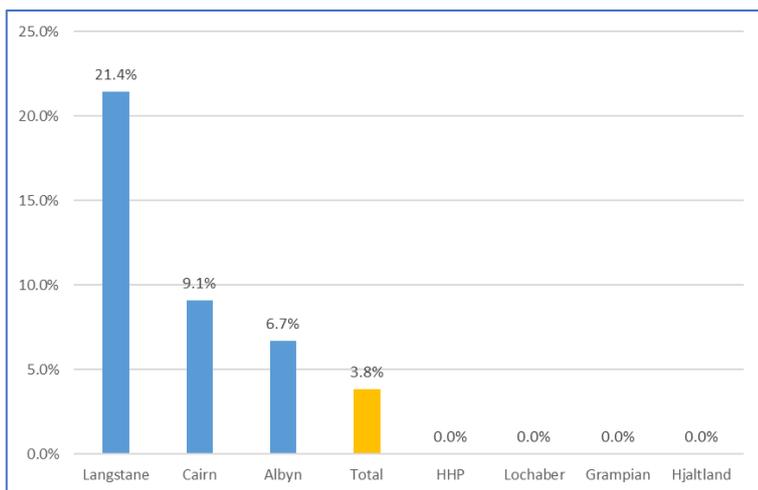


Figure 1 % s.11 notices ending in eviction during the course of the project

Grampian and Lochaber HA's and Hebridean HP, who evicted none of those households that were the subject of section 11 notices during the course of the project. That housing association that had the highest percentage evicted was Langstane HA (21.4%), which equated to three households, and Cairn and Albyn HA's had performances between these two

extremes with 9.1% and 6.7%, respectively, of households that were the subject of section 11 notices being subsequently evicted, although this only equated to one household in both cases.

6.5 It is worth reinforcing that those local authorities and housing associations that engaged fully in the project principles of early intervention, fuller information sharing and better joint working in order to prevent homelessness, experienced **no** homelessness amongst those households which were the subject of section 11 notices during the course of the project. Amongst that local authority that was not able to support the project, due to statutory homelessness pressures, one of their housing association partners experienced the greatest level of evictions, 21.4%, and those housing associations and local authority partners who were able to engage in the project to some degree, experienced some homelessness, 9.1% and 6.7% of their section 11 households, but less homelessness than those organisations that were not able to engage in the project requirements. This suggests a direct correlation between commitment to the project principles and homelessness prevention. The one exception to this is the record of Grampian HA who served very small numbers of section 11 notices before their project was brought to an early close, just three in total.

6.6 Looking at this same data from the perspective of local authority teams, we can see a similar correlation. Those local authority teams that were able to commit to the project fully, Shetland

	No. s.11's served	Ending in eviction
Aberdeen	17	3
CNES	70	0
Highland Inverness	26	2
Highland Lochaber	12	0
Shetland	6	0
<b>Total</b>	<b>131</b>	<b>5</b>

Islands Council, Comhairle nan Eilean Siar and the Highland Council team working with Lochaber HA, experienced no homelessness following on from the section 11 notices served as part of the project. Those local authority teams that were able to commit partly to the project, i.e., those Highland Council teams working with Albyn HP and Cairn HA, described on the table here as Highland Inverness, experienced more homelessness among their section 11 population

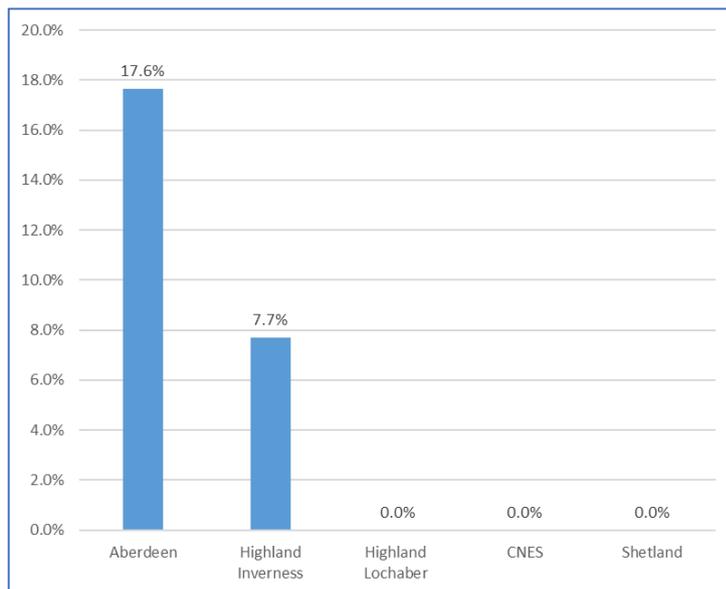


Figure 2 % s11 notices ending in eviction, by local authority team

(7.7%), and that local authority that was not able to commit to the project due to other pressures, Aberdeen City Council, experienced the most homelessness among this population (17.6%).

6.7 As well as considering the numbers and proportions of households that were the subject of section 11 notices that subsequently were evicted

during the time period of the project, one could also consider just the numbers of households that were evicted during the period of the project, whose associated section 11 notices may have been served at any time under any circumstances, not necessarily project conditions, compared with the numbers that were evicted by the housing associations during the same period of the previous year,

	Evictions 2018	Evictions 2019
Albyn	2	1
Cairn	4	1
Grampian	0	2
HHP	5	0
Hjaltland	2	0
Langstane	0	3
Lochaber	0	2
<b>Total</b>	<b>13</b>	<b>9</b>

2018.

6.8 Overall, the number of evictions carried out by the seven housing associations during the two periods of 2019 and 2018 reduced from thirteen to nine. With some exception, the data again bears out the possible impacts of the practices adopted as part of the project. That is, that the positive impact is greatest for those housing associations that were able to engage fully in the project, for example,



Figure 3 Difference in number of evictions carried out, comparing the project period with the same period of the previous year

evictions carried out by Hebridean HP reduced by five, whilst evictions *increased* by three and two respectively for those two housing associations that were able to engage in the project least, i.e., Langstane and Grampian HA's.

6.9 The clear exception to this is that Lochaber Housing Association evicted two households during the course of the project, neither of which had been the subject of

section 11 notices served during the project, i.e., not earlier in the repossession process, not with fuller information shared and not followed up by better joint working with the Council, whereas during the same period of the previous year, they carried out no evictions.

6.10 Finally, we can consider this data, comparing the number of evictions carried out by the seven housing associations during the period of the project compared with the previous year, by local authority area.

6.11 Yet again, this correlates with the degree to which local authorities were able to commit to the project principles. In those two local authority areas where they had been able to commit wholly to the project principles, Shetland and Eilean Siar, the partner housing associations carried out no evictions, i.e., there was a 100% reduction in the number of evictions carries out compared to the same period of the previous year. In that area where the local authority had not been able to engage with the project commitments, Aberdeen, there had been no reduction in evictions, and in fact the number of evictions by the two partner housing associations had increased from zero in the equivalent period of the previous year to five during the project period. In that area in which the local authority had been able to engage with the

	Evictions 2018	Evictions 2019
Aberdeen	0	5
CNES	5	0
Highland	6	4
Shetland	2	0
<b>Total</b>	<b>13</b>	<b>9</b>

project principles to some degree, Highland, the number of evictions by the three partner organisations reduced by 33%.

6.12 Overall, the reduction in evictions across all seven participating housing associations between the project period and the equivalent period of the

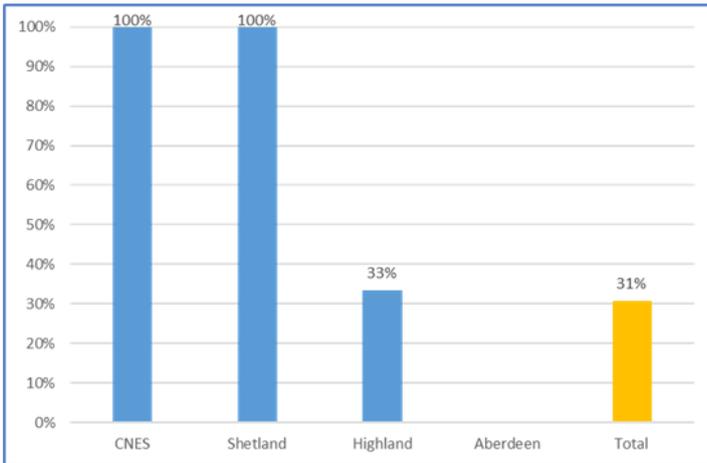


Figure 4 % decrease in evictions by local authority area (project period compared with previous year)

previous year is 30.8%. The reduction in evictions by project participant housing associations across those three local authority areas that were engaging in the project either partly or fully was 69.2%. In these areas, during the equivalent period of 2018, there had been thirteen evictions by these five housing associations and during the project period, there were four.

6.13 Of course, correlation isn't causation, but it would appear that as a result of earlier intervention, at the point of serving the NOSP to the tenant rather than at the time of starting court action, sharing more useful information with the local authority seeking to prevent homelessness, and acting more collaboratively following serving of the section 11 notice, fewer households have experienced the trauma of eviction and homelessness, housing associations have had fewer legal costs, fewer void costs and indeed more secure rental payments, and local authorities have had a lesser burden of securing temporary, and potentially permanent, accommodation for statutorily homeless households.

#### Case study

*The following is a genuine case study of a tenant who was threatened with repossession and who was the subject of a section 11 notice served during the course of this project. This man's tenancy was saved through the work of the housing association landlord and the local authority homelessness/Housing Option team.*

The tenant was a single man in his early forties. He owed £2,660 and the housing association was waiting for a court date when they came to a satisfactory agreement, following which the case was sisted. The tenant had had face-to-face conversations with staff of both the housing association and, following serving of the section 11 notice, the Council Housing Options/homelessness service. Staff of both organisations had reinforced the message that the tenant was in genuine danger of losing his home and shouldn't ignore the issue. Both helped him to claim Universal Credit and he was provided information about further support from other agencies, CAB, etc. The tenant recognised the difficulty and sensitivity of these conversations but appreciated being able to speak to someone face-to-face and also to have support at the end of the phone. The key factors for this tenant were

the **consistency of message he was getting from multiple sources** and the trust he had that the advice he was receiving was dependable.

## 7. Staff Experience

- 7.1 One of the four local authorities engaged in this project was ultimately not able to fulfil the project requirements because of the burden of resourcing the statutory homelessness demand that they were experiencing at the time alongside other staffing issues, turnover, restructuring, absence, etc. Serving section 11 notices earlier, sharing more information and working collaboratively following the serving of the notice clearly requires more resource. If any organisation, housing association or local authority homelessness/Housing Options team, was to commit to these practices, that would have to be because they were confident that it was going to be a good use of their resource, i.e., that the housing association was evicting fewer tenants, spending less on legal costs and void costs and securing rental income, and that the local authority was reducing homelessness demand and spending less on temporary accommodation and securing permanent rehousing.
- 7.2 Following the project conclusion, two workshops were held to seek the views of the staff of one local authority, Highland Council and their three housing association partners, Cairn HA, Albyn Housing Society and Lochaber HA. Participant organisations in Eilean Siar and Shetland Islands also contributed thoughts on their staff's experiences of participation in the project. The project team were keen to know what aspects of the project had been particularly useful, and potentially what had been perceived to be less important in delivering positive outcomes, and what if any strains working to the project principles had created operationally.
- 7.3 **Early intervention** – staff agreed that earlier intervention, i.e., serving the section 11 notice at the same time that NOSP was served to the tenant rather than when court action is started, is more labour-intensive but that it was worth it in the end.
- 7.4 In the experience of the local authority staff who meet housing association tenants who are made homeless or threatened with homelessness, they often don't appreciate what, limited, housing options are available to them in the event of them losing their housing association tenancy. Being able to explain this to them well in advance of them increasing their arrears and getting further down the path towards repossession is a major benefit.
- 7.5 The timing of the section 11 notice may not just be coordinated with the legal actions of the housing association, i.e., the serving of the NOSP or the starting of court action, but also to the size of the arrear and the challenge the tenant is likely to face in meeting the requirements of

the housing association in order to at least assist the legal action. For example, one local authority reported that the section 11 notice is often served when the outstanding arrears is already in excess of £1,000 which is too late, in their view, in terms of working with the tenant in order to get on top of that size of debt and negotiate an acceptable repayment plan between the tenant and the housing association.

- 7.6 Homelessness/Housing Options staff also recognised that early serving of the section 11 notice enabled them to access additional resources in order to support the tenant threatened with repossession. For example, Highland Council reported that they could access mental health and community nursing support, but clearly only if they were aware that the tenant was in need and would benefit from such resources.
- 7.7 **Better information sharing** – all staff agreed that the sharing of more, and more useful, information as part of the section 11 notice was beneficial. In broad terms, local authority staff considered that this additional information enabled them to triage the case and to determine what response might be best on their part in terms of engaging with the tenant and seeking to prevent repossession.
- 7.8 In addition to that information which it had been agreed would be shared by housing associations with their local authority partners as part of this project, Housing Options/homelessness staff also felt that it would be good to know what degree of engagement there had been between the tenant and the housing association staff prior to serving the section 11 notice, what support the tenant had been in receipt of and also to see copies of letters that had been sent from the housing association to the tenant. Housing association staff at the workshops agreed that this additional information could be shared with the local authority.
- 7.9 In the most basic terms, it was agreed that it was good for the housing association to have a named contact within the homelessness/Housing Options team to send the section 11 notice to. Prior practice had been to send the notice to a generic email address as requested by the local authority, [housingoptions@council.gov.uk](mailto:housingoptions@council.gov.uk), for example, following which there was generally no contact with the housing association and the housing association wasn't clear what, if anything, happened as a result. Local authority homelessness/Housing Options staff also reported that they had no way of knowing whether they were forwarded all section 11 notices that had been emailed to the council if they did not have direct access to the generic email account used for receipt.

- 7.10 **Joint working** – staff appreciated that joint working between the local authority homelessness/Housing Options team and the housing association subsequent to the serving of the section 11 notice was beneficial. For one thing, the housing association is continuing to work with the tenant to sustain the tenancy and to refer them on to potential sources of support, CAB, etc, so to be able to coordinate their ongoing activity to seek a positive outcome with the additional resource of the local authority homelessness/Housing Options team was a great benefit and avoided confusion on the part of the tenant and all concerned.
- 7.11 Local authority and housing association partners found the heightened communication following serving of the section 11 notice helpful. Some held joint meetings at which they would go over outstanding section 11 notices individually and agree mutual next steps for each tenant. Some local authority and housing association staff did carry out joint visits to the tenant but it was felt that this would be a response to the more extreme end of tenants threatened with eviction, but sharing the information and discussing cases allowed tailored and proportionate responses to each case to be identified and agreed.
- 7.12 Another approach that was suggested to enhancing communication was to develop a weekly reporting mechanism for the local authority to keep the housing association informed of activity that was planned or being put in place to support those tenants who were currently threatened with repossession, along the lines of a weekly audit of the local authority's activities.
- 7.13 The overall conclusion of staff who had been involved in the project was that, whilst project outcomes had been positive, resources were scarce and must be deployed where they were likely to have the most positive effect.
- 7.14 There was some discussion as to whether tenants could be risk assessed in some manner to establish those that may be more likely to succumb to repossession and therefore benefit particularly from the additional resource involved in delivering services in line with the project principles. As mentioned earlier, Lochaber HA, seeking to target resources most effectively, decided to serve section 11 notices at the same time as serving NOSP on those tenants that had secured their tenancy through the homelessness route only. Whilst not being particularly sophisticated, this is at least some measure of applying resource subject to some risk assessment.
- 7.15 In other lessons learned from the overall delivery of the project, local authority and housing association colleagues seemed to agree that it was beneficial to discuss and agree expectations

of each other as part of the section 11 process. This would be true regardless of the practise involved, whether in line with our project principles or not.

7.16 All participants agreed that it was beneficial for the housing association staff and local authority staff, both of whom ultimately had the same goal of sustaining the tenancy, to be in touch with each other and to have personal working relationships. Just knowing the name of the relevant officer in the local authority or housing association respectively made a significant positive difference.

7.17 Some of the partner local authorities and housing associations decided to meet regularly during the course of the project to discuss outstanding section 11 notices. This was not formally part of the project practice but was clearly a positive step and was felt to be beneficial by those who took the time to meet. Some tenancies can be more challenging than others to maintain and it was suggested that regular meetings focussing on outstanding section 11 notices, for some tenancies, could develop into 'case conference' style meetings with others with an interest in the tenancy and its sustainment, e.g., support providers, also involved. There was some commitment amongst project participants to continue regular meetings, focussing on tenancies which are the subject of section 11 notices, following the conclusion of the project itself.

7.18 **Engagement** - the most significant challenge to securing positive outcomes appeared to be engagement of the tenant him/herself in efforts to sustain the tenancy. The lack of success of the housing association to have reached the stage of seeking repossession was often based on a difficulty to engage with the tenant or to secure more than sporadic engagement. The local authority homelessness/Housing Options team then inherits that challenge to engage the tenant as the repossession process reaches increasingly critical stages. In terms of the learning from this project specifically on engagement, it was felt that the tenant was more likely to engage if they were approached earlier in the process, i.e., they may be more inclined to discuss and seek to deal with a smaller level of debt.

7.19 Some responses by local authorities to section 11 notices are limited to the sending of a standard letter advising the tenant of support resources locally and inviting them to engage. It was felt that another letter, sent at a time when it is likely that the tenant is already receiving multiple official letters regarding legal action for the recovery of arrears and perhaps other debts too, was probably not the means of engagement that was most likely to elicit a positive response or indeed any response. The chances are that many of these letters in response to section 11 notices lie unopened.

7.20 It was also felt that some of the approaches that had been discussed as part of this project, for example, joint meetings between the tenant and the housing association and local authority homelessness/Housing Options representatives, could successfully engage the tenant whilst other more traditional approaches might not.

7.21 At the follow-up staff evaluation workshops, there was discussion of more creative means than standard letters of reaching out to a tenant threatened with repossession, emails, text messages, etc. However, different methods of communication were not trialled as part of this project experience, although at least with the additional contact information that was shared with the homelessness/Housing Options team as part of the section 11 notice used during this project, local authority staff would have the opportunity to approach the tenant by means other than by letter and by the best means as known to the housing association staff, which staff working with the minimal, statutory information included in a standard section 11 notice would not.

## **8. Transferable Learning**

8.1 The principles of earlier intervention, better information-sharing and better joint working are not new; they are well-recognised as tools in the challenge to prevent homelessness. This project sought to apply them as comprehensively as possible in the context of housing association evictions and possibly demonstrated their validity as positive approaches. This raises the question of whether these principles could be equally effectively applied as comprehensively to other sources of homelessness. The lessons could surely be applied to section 11 notices served by private landlords and creditors though the obstacles to implementation of such an approach might be more numerous or different than were experienced during this project working with housing associations.

8.2 Could these same principles apply to more varied sources of homelessness? For example, 25% of all homelessness in Scotland is attributed to being 'Asked to leave', much of it attributable to, in the vast majority of cases, a young person being 'asked to leave' the family home. Could there be an earlier intervention in these homes with these young people prior to them being 'asked to leave'? Are there agencies, schools, perhaps, or others, that are in contact with these young people that could be sharing more and better information with local authority homelessness/Housing Options teams in order to avert that young person ending up homeless, and could the local authority staff be working more collectively with the staff of schools and other agencies at stages prior to the young person presenting as homeless in order to prevent that housing crisis ever occurring? The answer is definitively yes in at least some cases and

some of that 25% of all homelessness in Scotland could be prevented. The challenge is working out how to intervene and committing the resources to prevent homelessness upstream of the crisis application.

## **9. Conclusion**

- 9.1 During the eleven months of the project, the number of evictions carried out by those housing associations that were involved reduced by 31% on the previous year, and if those housing associations that weren't able to engage in the project due to their local authority partner being unable to commit resource are removed from the calculation, this figure increases to 69%.
- 9.2 The percentage of tenancies that were the subject of a section 11 notice that ended in eviction during the project period was 4%, and again if those housing associations that were unable to engage in the project are removed, this figure reduces to 2%. The only available data on the percentage of households that are the subject of a section 11 notice that are subsequently evicted suggests that for all section 11 notices, the equivalent figure may be as high as 76% (although this is an imperfect comparator).
- 9.3 The reasons for this positive outcome may be related to the principles of homelessness prevention that were adopted during the course of the project:
- earlier intervention;
  - better information-sharing, and
  - closer joint working.
- 9.4 It cannot be claimed definitively that homelessness was prevented by these approaches. It may have been that landlords and local authority homelessness/Housing Options teams were more focussed on tenancy sustainment and its corollary, homelessness prevention, by the fact of being engaged in the project and a spotlight being shone on related activities.
- 9.5 However, the successful performance outcomes achieved during this project, of more housing association tenants, who were experiencing difficulties paying their rent such that they were being threatened with losing their home, actually sustaining their home and not subsequently making a homeless application to the local authority and ending up in temporary accommodation, is only a part of the story.
- 9.6 The staff of the housing associations and local authority homelessness/Housing Options teams also agreed that the principles adopted during the project made practical sense and led to

positive outcomes such that many if not all were committed to continuing to apply these principles following the ending of the project.

- 9.7 Resources are scarce and not likely to become any less so in the near future and there has to be confidence that resources are being used to their greatest effect. Therefore, some project participants discussed risk assessing the cases that came across their desks and applying these more resource-intensive approaches to those cases that they were most confident would secure a positive outcome as a result.
- 9.8 One local authority was not able to fulfil the project requirements despite their best intentions and their best efforts, because statutory pressures had to take precedence and in the midst of everyday staffing pressures of absences, restructures, etc, it just wasn't possible to divert enough resource away from servicing that statutory demand in order to get upstream of it, however much that organisation recognised the benefits of, and was committed to, doing so. So whatever the lessons of this project, they cannot be applied without recognition of the real-world pressures that local authority homelessness teams work under on a daily basis.

**Scotland's Housing Network**  
**May 2020**

## Appendix

### HOMELESSNESS ETC (SCOTLAND) ACT 2003 SECTION 11 NOTICE BY LANDLORD OF PROCEEDINGS FOR POSSESSION

To:

Take note that proceedings have been raised as detailed below.

Name and address of landlord who has raised proceedings:

*Name and address of landlord's legal representatives:*

Name of tenant/s against whom proceedings have been raised, and full postal address of tenancy;

Start date of the tenancy:

Date NOP issued:  
raised:

Date court application;

Court in which proceedings

RSL Housing Officer	
Office base	
Phone	
Email	

The legislation under which proceedings are being notified (please highlight);

(1)	Section 12A(1) (notice to local authority of proceedings for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy) of the Rent (Scotland) Act 1984 (c.58). Tick this box if you have raised proceedings to recover possession of a dwelling house let on a protected tenancy or subject to a statutory tenancy.
(2)	Section 19A(1) (notice to local authority of proceedings for possession of a house let on an assured tenancy) of the Housing (Scotland) 1988 (c.43). Tick this box if you have raised proceedings to recover possession of a dwelling house let on an assured tenancy.
(3)	Section 14(5A) (notice to local authority of proceedings for possession of a house let on a Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10). Tick this box if you have raised proceedings to recover possession of a dwelling house let on a Scottish secure tenancy.
(4)	Section 36(6A) (notice to local authority of proceedings for possession of a house let on short Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10). Tick this box if you have raised proceedings to recover possession of a dwelling house let on a short Scottish secure tenancy).
(5)	Other proceedings for possession of a dwelling house. Tick this box if you have raised proceedings to recover possession of a dwelling house and none of the above boxes are appropriate. For these purposes a dwelling house is any building or part of a building, which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat.

## Tenant Information

Tenant contact details	<u>Mobile</u>	<u>Email</u>	<u>D.O.B</u>
Tenant 1 –			
Best method of contact			
Tenant 2 -			
Best method of contact			
Household members	Name	DOB	
1			
2			
3			
4			
5			
Reason for proceedings (Arrears/Asb)			
Minimum action required by tenant to suspend action			
Known vulnerabilities/support requirements within household			
Previous NOP/Court action - dates & outcome			

Where action taken due to rent arrears;

Current level of debt;	£
Last payment received;	
Relevant employment information	

Following receipt of a section 11 notice, the staff of local authority Homelessness/Housing Options Teams commit to:

- Keeping the Housing Association officer informed of what actions are being taken by the team in relation to the case, e.g., attempts to make contact, appointments and meetings with the tenant, outcomes achieved, etc, and
- Working collaboratively with the staff of the Housing Association whenever it is felt that this may have a positive effect on preventing homelessness, including any proposed joint appointment with the tenant at risk of homelessness.

Housing Associations will continue to notify Local Authorities of progress once the court process has commenced, including hearing dates and outcomes.