



Rent ~~Arrears~~Collection-Policy

(January 2026)

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR Rent Arrears Policy

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1. Introduction

Bolsover District Council owns and manages its own housing stock consisting of around 4900 properties. 4,991 properties as at October 2022.

This policy outlines the approach that Bolsover District Council will follow in the prevention, collection, management and recovery of rent debt.

The day-to-day management and responsible officer for this policy and procedure is the Housing Services Manager who will ensure any updates to this policy and the associated procedure are circulated to staff. The Structure is set out at Appendix 1.

The Councils housing management is split into 5 parts:

- **Income Management Team** - administration of the collection of rent and former rent arrears. Also, the recovery of rent debt from the initial contact up to and including the service of the court warning.
- **Tenancy Management** – deal with all aspects of managing a tenancy, including, rent debt from when it is passed from the Income Management Team following service of court warning through to court action and finally eviction if necessary. Housing Assistants (Tenancy) officers support Tenancy Management Officers who deal with breaches of tenancy and anti-social behaviour, supported by the Anti-social Behaviour Team if necessary.
- **Housing Assistants Tenancy** – administration of garage rent debt up to and including eviction.
- **Housing Needs** - deal with updating and maintaining the housing register, allocation of properties and statutory duties regarding homelessness under the Housing Reduction Act.

The Income Management and Tenancy Management Teams are responsible for monitoring and taking enforcement action against tenants in debt.

2. Policy Aim

This policy explains the Council's approach when tenants accrue rent arrears or have tenancy arrears at the end of their tenancy. Bolsover District. In summary the Council will take a firm but fair approach, ensuring that tenants are supported and have available financial inclusion expertise to help in resolving any difficulties. The Council will not tolerate tenants who are unwilling to pay their rent debt arrears nor receive help and legal action will be taken where necessary.

To achieve the Policy Objectives Bolsover District Council will commit to managing rent debt following the principles below:

- Priority is to prevent rent debt from happening
- Prompt action and early intervention will be taken on any debt

- Fair and appropriate repayment agreements will be made
- Pre-action protocol will be followed
- Legal action will be taken where appropriate

3. Equality Act Duty

The Council has a statutory duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010. Acting in accordance with this Policy will help to ensure that the collection of sums due is conducted in a consistent and objective manner that will reduce the risk of inadvertent discrimination against persons with protected characteristics. It will also ensure that debt collection and recovery is delivered in an equally accessible manner to all members of the community. In order to establish if a tenant requires additional support or help, officers will undertake regular assessments of the tenant's personal circumstances, known as an Equality Act assessment

The policy ~~It~~ clearly defines our commitment to equality and proportionality within the rent management processes. The Council in delivering this policy, will ensure that no individual is discriminated against on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The policy aims to be:

- Sensitive to the needs of individuals
- Accountable
- Fair
- Efficient
- Responsive and flexible

Bolsover District Council recognises that it manages a wide, diverse customer base and is committed to providing equal access to services. We will endeavour to provide clear information, providing information in different formats or languages where requested and make reasonable adjustments if a customer requires additional support or help.

An Equality Impact Assessment will be undertaken to establish if a customer requires additional support in line with Pre-Action Protocol for Possession Claims for Social Landlords.

4. Tenant's responsibilities

The term tenant includes sole and any joint tenants. If two or more people have signed the Tenancy Agreement they are jointly and severally liable for the payment of rent. This means that each person is fully responsible for the payment rent and any rent debt.

All tenants of Bolsover District Council have signed a tenancy agreement, which is a legal contract. The tenancy agreement ~~which~~ sets out the rights and

responsibilities of the tenant(s) and the Council. The tenancy agreement is a legally binding contract between the Council and the tenant(s). The tenancy agreement states that tenants, should pay their rent on a weekly basis and if they fail to do so and fall into arrearsdebt the Council can apply for possession as set out in Schedule 2 of the Housing Act 1985 (as may be amended from time to time).

Rent charges may be changed from time to time and are reviewed each year in line with Government policy. Any such change takes place from the first Monday in April each year and the Council will give a minimum of 4 weeks' notice to tenants.

The Council also offers additional services which have to be paid for as part of the rent or additional service charges.

Tenants will be required to actively work with the Income Management Team and Tenancy Management Team to resolve their arrears-rent debt situation and whilst eviction will be the action of last resort, if tenants fail to take steps to deal with their rent arrearsdebts, possession proceedings will be issued as appropriate.

It is the tenant's responsibility to ensure rent is paid even if the tenant claims Housing Benefit or Universal Credit. It is the tenants responsibility to ensure that all necessary claims are in payment and provide all information required to make sure the claims are in payment.

5. Prevention

Prevention is key to rent debt arrears control and the Council will prioritise prevention to ensure that tenancies are successful and sustainable~~endeavour to advise tenants as soon as arrears accrue~~. Rent debt is ~~Arrears are~~ not only financially damaging to an individual they can be socially damaging too as they risk losing their home. The Council aims to maximise income through offering advice and support at the earliest opportunity to prevent rent debt arrears increasing.

The Council aims to prevent rent arrears-debt by promoting a 'rent first' culture where rent payment is seen as a priority by staff and tenants. ~~culture w~~where payment is encouraged, help is provided to maximise tenants income and to ensure tenants are aware of and use the free financial advice at all stages of their tenancy. This includes referring to the Citizens Advice Bureau, Derbyshire Unemployed Workers or other agencies who offer free financial advice.

In order to prevent arrearsrent debt, the Council recognises that it must tackle the underlying causal factors. Some of the most common reasons for rent arrears-debt are listed below:

- Housing Benefit or Universal Credit issues
- Loss of income due to change in personal circumstances
- Low income
- Multiple debts and competing priorities

- Difficulty managing finances
- Missed rent increases
- Vulnerability/disabilities

6. Payment Methods

The Council aims to ensure that tenants are able to pay their rent as easily as possible, in a way that suits them and their lifestyle. The Council does this by providing a range of payment options allowing more traditional ways of paying as well as embracing payments by way of new technology. These options include:

- Direct Debit
- Online
- Automated telephone line and over the telephone with a member of staff
- Using a kiosk at a Contact Centre
- Standing Orders

7. Early intervention

The Income Management Team monitor all accounts on a weekly basis and will endeavour to contact tenants in debt within 7 days of a payment being late to try and find out the reason for the debt, provide advice and agree a plan moving forward. Contact can include letters, telephone calls, text messages, emails and visits.

~~Accounts are monitored on a weekly basis and the Income Management Team will initially contact tenants to find out the reason for the arrears, provide advice and agree a plan moving forward. An arrears letter is usually sent to all those who have missed their first two weeks payment. This letter also advises of where additional help or advice can be sought.~~

Ensuring that tenants are kept informed of their rent account is important and rent statements are included with all rent ~~debt arrears~~ letters and are sent by post annually showing a full year's transactions. Statements will be provided more frequently if they are requested and will assist tenants in making regular payments. All officers will have access to the last 12 weeks transactions on their mobile devices when visiting tenant's homes.

~~The Council works to ensure that claims for benefits are processed as quickly as possible. All Tenancy Management Officers have the means to photograph and scan documents required to process claims. These images can then be emailed to the benefit department who will process the claim.~~

In some instances it will not be possible to prevent ~~arrears~~rent debt. However, early intervention helps to identify problems quickly so that people can be referred to organisations that are able to help. Rent ~~arrears~~debt will not be allowed to build up without intervention from the housing management team. They will follow a staged and escalated ~~arrears~~ procedure ~~as detailed in Appendix 4 attached to~~

~~this policy.~~ This procedure can be suspended by a tenant choosing to pay rent and agreeing a repayment plan.

Prior to any formal action being taken, the Income Management Assistant will make contact with tenants by letter, telephone, text messaging and home visits. They will try to agree affordable repayment plans with tenants and offer advice throughout. Payment plans will usually be an agreement to pay the rent plus a further amount towards the arrears debt. This payment will be expected each and every week. However, officers may agree for the payments to be calculated so that they can be made less frequently, for example each month where this assists tenants to manage their finances more effectively.

8. Effective contact

Direct contact with tenants will help officers to gauge what type of support or help can be provided and to ensure tenant's information and personal details are kept up to date. An assessment of the tenant's needs will be undertaken at appropriate times but full engagement by the tenant is required for this to be meaningful.

Where the Council know English is not the tenant's first language, where necessary, we will provide all written information translated into the tenant's chosen language and conduct interviews through appropriate translators.

Where the Council is aware of disabilities or other vulnerabilities, appropriate measures can be put in place to enable effective communication. For example where someone is deaf someone who can sign will be provided, larger font letters can be sent and additional home visits can be arranged.

9. Clear and accurate record keeping

The Tenancy Management Team and Income Management Team will keep electronic records of all the contact and action they take in respect of tenant's rent accounts on a computer programme, diary system. Each and every contact will be recorded on this system and tenant's details updated as appropriate. Details such as who lives at the property, the household income and expenditure, repairs, and equality act issues will be recorded as well as any details of repayment plans. Decisions which are made by an officer will also be recorded on the same system.

10. Enforcement

~~Enforcement will only be taken when there has~~ ~~It is only when there has~~ been little or no engagement, or a lack of, or no payment.

~~The first formal step in the legal process is the issuing of a~~ ~~statutory notice, a~~ ~~, will a formal notice be served.~~ ~~This is called a~~ Notice of Seeking Possession (NOSP). ~~This is a statutory notice and the first step in formal action being taken.~~ ~~The detailed process following service of the notice is set out in Appendix 4.~~ This

process incorporates the legal duty to follow the rent arrears-debt pre-action protocol which is a specific procedure before issuing court proceedings.

The Council may decide to include in legal proceedings, other matters affecting a tenant's tenancy, for example, other breaches of tenancy agreement, the most common being anti-social behaviour. These other matters do not necessarily have to be included in the relevant notice served on the tenant, but the Tenancy Management Team will make the tenant aware prior to any hearing taking place.

If repayment agreements are made and are complied with and sustained, the account will be monitored and there would be no requirement to progress to Court.

Where the debt continues to increase following the service of a NOSP the Council can make an application for a possession claim to be heard at the County Court after 28 days.

The Court outcomes include:

Adjournment Fixed Period: The hearing adjourned for further information/enquiries and will be relisted for a further date.

Adjournment on Terms: The case is adjourned on terms of rent payable plus an agreed sum towards the debt if a customer has significantly reduced the debt prior to the hearing. The tenant does not lose security of tenure on an Adjournment. The granting of costs would be at the discretion of the Court.

Suspended Possession Order: Possession of the property will be suspended on terms of payment of current rent plus an agreed sum towards the debt. If payments are not made, a warrant for possession can be applied for after the suspension period (usually 14 or 28 days).

Outright Possession Order: Possession awarded by the Court on cases where the Council has demonstrated persistent non-payment or co-operation. Possession is usually given within 14-28 days. Once this period has passed, a warrant for

End of Tenancy

At the end of a tenancy, tenants are referred to as Former Tenants and the rent account will be either clear, in credit or in arrears. If the account is in arrears the Council will following the Former Tenants procedure, below and will continue efforts to collect the outstanding debt. Procedures can include referral to a Debt Collection Agency.

11. Former Tenants Arrears

Former Tenants are tenants who no longer live in the property allocated to them either because:

- 1 they have terminated the tenancy by giving 28 days' notice or
- 2 they have left the property without giving notice, i.e. abandoned the property or

3 they have been evicted from the property.

All tenants, when terminating their tenancy, are advised in writing of all rent due up to the termination date and will be advised of the implications involved if rent arrears are not paid in full. ~~Recovery action will commence when the status of the tenancy changes to former tenant.~~

Legal action to recover the arrears will be considered in cases where an assessment of the former tenant's financial circumstances, indicate that such action would be appropriate.

Where the arrears are in respect of a deceased tenant action will be limited to contacting the next of kin or executor to claim against the estate.

Where a debt is uneconomic to pursue or there is no prospect of recovery, the debt will be written off.

12. Garage, Garage Plot and Parking Bay ~~Arrears~~Debt

Garage, garage plot and parking bay rent accounts that are in ~~arrears~~debt are monitored by the Housing Assistant –Tenancy. As with ~~tenancy arrears~~rent debt collection, early intervention is made and ~~contact is made~~ letters are sent when the account is in ~~arrears~~debt for 2 weeks. Should the tenant fail to clear the ~~arrears~~debt despite having been notified, a 'Notice To Quit' on the garage will be served.

If the account is not cleared at the expiry of the Notice To Quit, for council owned garages the locks may be changed on the garage and the tenant may be charged for this along with any costs for clearing the garage.

For garage plots the tenant may be charged for the demolition and clearance of the site.

For parking bays the former tenant may be charged for replacing the barrier keys.

13. Confidentiality and Data Protection

The Data Protection Act 2018 regulates the processing of information relating to individuals which includes the obtaining, holding, using or disclosing of said information. The Council will treat all information provided in confidence and in accordance with the Data Protection Act 2018. Necessary information will be used and shared for managing the customer's tenancy and to deliver services. These include, but are not restricted, to the DWP, Probation Services, Police, Social Services, and companies providing services on behalf of the Council.

All office interviews will be carried out privately. The information held by the Council about a tenant's rent account will not be disclosed unless with the tenant's permission and/or in accordance with the relevant legislation. Tenant's information is used to manage their rent accounts, payments, ~~arrears~~ and provide relevant debt advice. It is also used to ensure tenancy conditions are complied with such as dealing with tenancy breaches, anti-social behaviour or fraud.

14. Equality Act duties

The Council has a statutory duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010. Acting in accordance with this Policy will help to ensure that the collection of sums due is conducted in a consistent and objective manner that will reduce the risk of inadvertent discrimination against persons with protected characteristics. It will also ensure that debt collection and recovery is delivered in an equally accessible manner to all members of the community. In order to establish if a tenant requires additional support or help, officers will undertake regular assessments of the tenant's personal circumstances, known as an Equality Act assessment, a copy of the form used can be found at Appendix 5.

Appendix 1 – Tenancy Management

