

Evictions Policy

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1. Our policy statement

- 1.1. We want you to feel secure in your home and we will work with you to help you maintain your tenancy. At the same time, we must balance this with our responsibility to other residents and our legal obligations.
- 1.2. Should there be any serious failure to meet the requirements of your tenancy agreement we will work directly with you and appropriate partnering agencies to find a solution that will resolve any issues before considering legal action.
- 1.3. We see eviction as a last resort. We will only take this action when we have taken all reasonable steps to resolve the issue with you. However, there may be circumstances, due to a serious breach of your tenancy where eviction is considered the only appropriate action and is sought at the outset.
- 1.4. Eviction is defined as a tenancy brought to an end by a court order and the subsequent execution of a bailiff's warrant.
- 1.5. This policy has been developed in line with the standards laid out by the Regulator of Social Housing, the National Housing Federation's models, and the following acts:
 - [Homelessness Reduction Act 2017](#)
 - [Prevention of Social Housing Fraud Act 2013](#)
 - [Homelessness Act 2002](#)
 - [Housing Act 1985, 1988, 1996 and 2004](#)
 - [Protection from Eviction Act 1977](#)
 - [Regulator of Social Housing Consumer standards \(2024\)](#)

2. The scope of this policy

- 2.1. This policy applies to Sage's general needs social housing tenancies, whether for new-build or relet homes.

3. Our objectives

- 3.1. Our approach to eviction is designed to make sure that decisions are fair, consistent and based on the individual circumstances of each case. We will always aim to prevent eviction wherever possible by working with you at an early stage.
- 3.2. We will make sure that you are treated with respect and that you understand what is happening if your tenancy is at risk. We will also make sure you know what support is available to you and what your rights are.
- 3.3. We will follow all relevant legal and regulatory requirements and will only take action where it is reasonable and proportionate to do so.
- 3.4. We will ensure that appropriate guidelines and authorisation processes are in place so that decisions to seek possession are made consistently, fairly, and in line with this policy.

4. Our Approach

- 4.1 We will take steps to support you to keep your home wherever possible. This includes making sure you understand your tenancy agreement and working with you if any issues arise.
- 4.2 If there are concerns about your tenancy, we will act as early as we can and will work with you to try to resolve the problem. Where appropriate, we will also work with other services and agencies to support you, taking all reasonable steps to work with you to resolve them before considering legal action, unless the circumstances are serious enough to require earlier action.
- 4.3 We will take your individual circumstances into account, including any vulnerabilities or support needs. We will take a flexible and proportionate approach based on your situation.
- 4.4 If we identify that you are vulnerable, or where there are children or other dependents in your household, we will consider whether a safeguarding referral or additional support is required and take appropriate action.
- 4.5 If you are a care leaver, we will take additional steps before progressing any eviction action. We will engage with relevant partner agencies and seek to bring together a multi-agency discussion to explore what further support or intervention may be put in place to help you sustain your tenancy.
- 4.6 We will usually only take legal action to end your tenancy when we have been unable to resolve the issue with you and there is no realistic alternative.
- 4.7 If you are experiencing financial difficulties, we will work with you to understand your circumstances, agree an affordable repayment plan and, where appropriate, refer you to our Financial Wellbeing Team for additional support and guidance. We will not normally seek to evict you if you are engaging with us and keeping to your repayment plan, unless there are other serious issues relating to your tenancy.
- 4.8 If you are at risk of losing your home, we will provide you timely advice and assistance, including information about your housing options, and will do this before your tenancy is brought to an end.

When We May Take Eviction Action

- 4.9 There are some situations where we may need to take steps to end your tenancy. These may include where there are serious or repeated breaches of your tenancy agreement, including rent arrears that are not being addressed, antisocial behaviour or criminal activity, or where your home is being used for an unlawful purpose.
- 4.10 We may also take action where a property has been abandoned or where someone is living in a property without the right to do so.
- 4.11 In more serious cases, we may decide that it is necessary to begin legal action without taking earlier steps if this is a proportionate response to the situation.

5. What you can expect from us

Fairness and Equality

- 5.1 We will always treat you fairly and with respect when making decisions about your tenancy. We will consider your circumstances and make sure that any action we take is reasonable and proportionate.
- 5.2 We will take account of any equality or accessibility needs and will make reasonable adjustments where needed so that you can engage fully with us.

Keeping You Informed

- 5.3 If your tenancy is at risk, we will keep you informed about what is happening and why. We will explain what steps we are taking and what this means for you.
- 5.4 We will give you opportunities to work with us to resolve the issue and will signpost you to support and advice where appropriate.

Your Right to Challenge Decisions

- 5.5 You have the right to challenge decisions that we make about your tenancy.
- 5.6 If we decide to take legal action, we will explain how you can ask for that decision to be reviewed. Reviews will be carried out by an appropriately authorised colleague who was not involved in the original decision. We will clearly explain the outcome of the review and the reasons for the decision. We will also explain how you can use our complaints process and access independent advice.

Legal Requirements

- 5.7 We will follow the correct legal process when taking action to recover possession of your home. This includes making sure that the appropriate legal grounds apply, all statutory requirements have been met and any required notices have been served before legal action is commenced.
- 5.8 We will only seek possession of your home where this is supported by the terms of your tenancy or occupancy agreement and the housing legislation that applies to the type of agreement you hold.
- 5.9 If you hold a Fixed Term Assured Shorthold Tenancy, we may apply to the court for possession under the Housing Act 1988. We may rely on one or more of the Grounds for Possession set out in Schedule 2 of the Act or use the Section 21 process where appropriate. We will only use the Section 21 process for as long as it remains in force and legally available to Sage.
- 5.10 If you hold an Assured Tenancy with a probationary period, you will be an assured shorthold tenant during the probationary period, including any extension. During this period, we may rely on one or more of the Grounds for Possession set out in Schedule 2 of the Housing Act 1988 or use the Section 21 process where appropriate. We will only use the Section 21 process for as long as it remains in force and legally available to Sage. This reflects Sage's tenancy documentation, which states that the tenancy operates as an assured shorthold tenancy during probation and any extension.

- 5.11 If you hold an Assured Tenancy without a probationary period, or you have successfully completed your probationary period and become an assured tenant, we may seek possession where one or more of the Grounds for Possession set out in Schedule 2 of the Housing Act 1988 apply. We will apply to the court for a possession order before recovering possession of your home.
- 5.12 If you occupy your home under a Temporary Licence Agreement, licence, use and occupancy arrangement or another form of occupancy agreement, we will take action to recover possession in line with the terms of your agreement and the legal process that applies to your occupation. Temporary Licence Agreements are included among the arrangements recognised by Sage's Tenancy Policy.
- 5.13 Before taking possession action, we will consider our responsibilities under the Equality Act 2010, the Human Rights Act 1998 and other relevant legislation. We will take account of any known disabilities, vulnerabilities, support needs, safeguarding concerns and other relevant personal circumstances to make sure that our action is lawful, reasonable and proportionate.
- 5.14 We will comply with all applicable notice and court requirements. Where a court order is required, you will not be required to leave your home unless the legal process has been completed and the court has granted possession.

Preventing Homelessness

- 5.15 If you are at risk of losing your home or becoming homeless, we will offer timely advice and support, including information about your housing options. Where appropriate, we will refer you to the relevant local authority so that you can access further help before your tenancy or occupancy agreement ends.

6. How We Make Decisions

- 6.1 Decisions about eviction are made carefully and, on a case-by-case basis. Before acting, we will look at what steps have been taken to resolve the issue, your individual circumstances and whether eviction is a proportionate response.
- 6.2 We will keep clear records of our decisions and the reasons for them.

7. Equality and diversity

- 7.1 We are committed to making sure all services are accessible to all our customers. Our staff will be trained to communicate appropriately with you, and they have the relevant information and access to translation services to make sure they fully understand you.
- 7.2 This policy will be applied in a way which makes sure we treat all customers with fairness and respect. We recognise our duty to advance equality of opportunity and prevent discrimination or victimisation on the grounds of age, sex, sexual orientation, disability, race, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and any other defined within the [Equality Act 2010](#)
- 7.3 On request we will provide translations of all our documents, policies and procedures in various languages and formats including braille and large print. Our website also has accessibility tools allowing you to personalise each web page to make it easier to read and to download content as audio file

8. Delivery of this policy

8.1 This policy should be read alongside:

- [Tenancy Policy](#)
- [Income Collection Policy](#)
- [Good Neighbourhood Management Policy](#)
- [Unacceptable Behaviour Policy](#)
- [Starter Tenancy Policy](#)
- [Antisocial Behaviour Policy.](#)
- [Tenancy Fraud Policy](#)
- [Helping You Access Our Services Policy](#)

8.2 The effective delivery of this policy including training, guidance and support required by staff for implementation of this policy will be provided by the Legal Team.

9. Monitoring and Assurance

9.1 We monitor how eviction is used to make sure this policy is applied consistently and fairly.

9.2 We review eviction activity to understand the number and reasons for evictions, including the types of cases and outcomes, so that we can identify trends and inform service improvements.

9.3 This information is reported through our governance arrangements on a regular basis, and is also reviewed quarterly by Board, and may be used to compare our performance against good practice.

10. Policy review

10.1 We will review this policy at least once every three years to make sure it remains relevant and accurate unless:

10.2 Legislation/regulation or industry changes require otherwise, making sure that it continues to meet our aims and industry best practice.

10.3 We identify any problems or failures in this policy as a result of customer and stakeholder feedback, complaints, or findings from any independent organisations.

Version	Checked by	Amendments	Approved at/by	Date of Approval	Published by	Date of Review
1.7	Head of Resident Services	Strategic review to ensure alignment with consumer standards	Leadership Team / Customer Scrutiny Panel / Board	Jun 26	Office Management	Jun 29