

Policy

Title: **Relationship Breakdown**

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A policy should be a short statement which describes in general terms or objectives what a service area's principles and key objectives are on a particular subject and should be no longer than a 2 pages in length. The aim of the policy is to give practical effect of the strategy it supports.

Translations available on request by phoning 0151 510 5000

यदि आपनि এই तथा अन्य भाषा पढ्ने छान, अहले वना कले 0151 510 5000 नयले फोन करुन।

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Introduction

Halton Housing Trust (the Trust) recognises that relationship breakdown is a significant cause of housing difficulty and can lead to a range of different housing problems for all in the relationship. The Trust will ensure that any customer who is involved in or has been through a relationship breakdown are dealt with in a sensitive and appropriate way. It will ensure that there is a balance between the needs of the individual and the wider community by effectively managing the housing stock to meet the needs of all.

Aims / Objectives

The Trust recognises that relationship breakdown is a stressful situation and will offer whatever assistance it considers appropriate and is realistically able to give. The Trust will consider the housing needs of all parties in any relationship breakdown with the aim of early resolution of their housing issues

Scope

This policy covers any incidents of relationship breakdown and it identifies the action taken by the Trust in dealing with relationship breakdown from initial notification through to action and support for those involved.

Policy Statement

At the breakdown in any relationship a major concern of all parties is to retain their existing home or potentially obtain alternative housing whether this is for an individual or a family. The Trust needs to ensure that it can reasonably assist all customers to meet their housing needs within the Trust's Access to Housing and Meeting Housing Need Policy. In dealing with any case of relationship breakdown, the Trust will:-

- be particularly sensitive to the needs and wishes of customers and their partners experiencing a relationship breakdown;
- offer sufficient flexibility to respond to the varied circumstances of individual households, ensuring that reasonable consideration is taken of the customers age, disability, race, religion and beliefs, sexual orientation gender and transgender when reaching a decision on housing options
- take account of the likely range of housing and related problems associated with relationship breakdown including legal, housing management and financial issues;
- facilitate prompt or emergency responses in instances of domestic violence (in accordance with the Trust's separate Domestic Abuse Policy);

- ensure optimum efficiency in managing its housing stock and in preventing rental loss, bearing in mind the Trust's equality and diversity and financial and social inclusion approach.

The Trust will always take into consideration the difficult and sensitive circumstances of households suffering relationship breakdown. When the Trust is made aware of any relationship breakdown it will work with the customers to make a decision on the future housing options and in adopting its approach it will ensure that:

- All such households are offered private interview facilities, or a home visit as appropriate taking account of any religious or cultural traditions, dependant upon individual circumstances.
- There is a recognition that if there is a relationship breakdown within a bungalow or sheltered accommodation, that any age restriction on granting a tenancy is considered and all options explored.
- If the partner is under 18 explore any implications of them holding a tenancy in their name including obtaining a guarantor if required.
- Understand that in adapted properties customers with the disability will have more rights due to their condition and adaptations to remain within the existing home.
- On an individual basis recognise and respond appropriately to all disabilities i.e. mental health (capacity), learning disabilities etc.
- Confidentiality is fully respected and details of cases are passed on beyond staff directly involved only with the written consent of the customer(s) concerned.
- Sensitively confirm the nature of existing relationships as this may have an impact on the decision taken by the Trust.
- Explore any barriers to effective communication and officers and interpreters where necessary are of the same sex, and if possible of the same cultural background, as the interviewee if this is requested.
- All officers involved in interviewing are fully conversant with the housing issues relating to relationship breakdown and have had relevant training.
- A non-judgemental approach will be taken to people experiencing relationship breakdown, which presumes the validity of the individual's account of the situation, and also takes account of the individual's wishes when determining the appropriate course of action.

The Trust will not require someone fleeing violence to seek an injunction against the perpetrator, nor will it require the victim to seek an injunction as evidence of violence. If there is domestic abuse in a relationship then the Domestic Abuse policy and procedure should be followed.

The Trust's procedures will specify a careful step-by-step approach, which will establish the circumstances of each case and to consider with each household the alternative courses of action that may be available to them. This will include consideration of:

- individual rights and obligations in respect of the tenancy including responsibility for the payment of rent;
- options for transferring the tenancy and the mechanisms by which this might be achieved either under housing management procedures (such as by

assignment), or via relevant legislation (such as the Matrimonial Causes Act and the Matrimonial Homes Act);

- methods of balancing the rent account, including advice on benefit entitlement and whether the customer should seek backdated benefit in appropriate circumstances;
- the right to make an application to Halton Borough Council under homelessness legislation.

As part of the process of dealing with any report of relationship breakdown, the officers involved will seek to establish:

- what each of the parties want and whether they are in agreement;
- the status of the tenancy;
- the status of the relationship of any couple including marriage, civil partnership or cohabitation and the responsibility for any children;
- whether they are in receipt of housing or other benefits and their possible eligibility for benefits;
- whether there are any rent arrears;
- whether domestic violence has occurred;
- Whether both parties are still in occupation of the property.

Any action to be taken will be determined by the circumstances of the individual household. It is important to ensure that account is taken of individual needs confirming that age, race, religion and beliefs, disability, gender, sexual orientation or transgender are considered within the approach, in such circumstances possible courses of action include:

- determining where appropriate who should remain in the property and considering how a transfer of tenancy - if necessary - could be achieved;
- usually giving preference to accommodating the partner with whom the children are resident (in some cases custody will be shared and in those cases appropriate action will need to be taken);
- offering advice and assistance to the outgoing partner to help them find alternative accommodation, which may or may not be provided by the Trust;
- giving advice on legal remedies available to the household where there is no agreement ;
- Making referrals to appropriate support agencies. This would include Halton Borough Council's (HBC) Housing Benefits Section and the Benefits Agency who could offer advice and assistance so that customers understand and can meet their on-going responsibilities for paying the rent. HBC Housing Options

Where the tenancy is in the sole name of one person, that person will be responsible for any arrears. Joint tenants will be held jointly liable for arrears unless agreement can be reached between the parties on the payment of the arrears.

Training will be provided for all staff involved in dealing with this policy. It will include reference to all legislation and case law relevant to relationship breakdown. The Trust will work closely with the relevant local statutory and voluntary organisations in the Halton area in responding to cases of relationship breakdown.

Responsibility

The Director of Customer Services will be responsible for ensuring:

- the effective implementation of this Policy;
- that all relevant employees receive training on the Trust's Relationship Breakdown Policy ;
- that all cases are fully documented and that high quality records are maintained on each case

Service Standards

From the customer initially advising the Trust of a relationship breakdown, the customer(s) should be interviewed within 10 working days except in cases of domestic abuse where the abused customer should be interviewed within 24 hours.

After the initial interview, the customers will be contacted within 10 working days with an update and proposed further action.

Performance Measures / Monitoring

The Performance Management Team will monitor the following:

- Number of reports received of relationship breakdown
- Time taken to respond to reports of relationship breakdown and action taken

Consultation arrangements

The Trust has not consulted with customers in the preparation of this Policy but will consult with customers at the Customer Forum 19th May 2010. Any comments forthcoming will then be incorporated into the policy.

Benchmark Analysis

The Trust has reviewed the policies set by a number of other housing associations. The Trust's policy is comparable to the housing associations that it has consulted.

Regulatory and/or Legal Compliance

The Trust's Relationship Breakdown Policy and its associated procedures are compatible with obligations imposed by existing legislation, including:-

- Housing Act 1985 (as amended by the Housing Act 1996);

- Homelessness Act 2002;
- Protection from Eviction Act 1997;
- Children Act 1989;
- Disability Discrimination Act 1995
- Race Relations Act 1976 and the Race Relations (Amendment) Act 2000
- Human Rights Act 1998
- Commission for Racial Equality Code of Practice on Rented Housing 1991
- Crime and Disorder Act 1998;
- Local Government Act 2000;
- Domestic Abuse, Crime and Victims Act 2004.

KLOEs affected

The Policy links directly with the cross cutting Diversity KLOE while the outcome of action highlighted also has an impact on the Tenancy and Estate Management KLOE.

Equality and Diversity Considerations

An Equality Impact Assessment has been carried out on the Policy. It concluded the following:

- the Policy is not directly or indirectly discriminatory
- the Policy increases equality of opportunity by permitting or requiring positive action or action to redress disadvantages
- any action identified following the Equality Impact Assessment (EIA) has been incorporated into the Policy. If there are longer term proposals, an action plan has been developed, which can be adopted that will further enhance the equality of opportunity in the context of this policy.

Links to Strategies, Procedures and Associated Documents

- Anti-Social Behaviour Policy
- Domestic Abuse Policy
- Harassment and Hate Crime Policy
- Meeting Housing Need and Access to Housing Policy
- Diversity Policy
- Customer Care Policy
- Customer Involvement Policy
- Customer Handbook
- The Trust's Tenancy Agreements

Business Impact

It is not expected that this Policy will have a direct impact on the Trust's Business Plan. However action within this Policy may have a positive impact on its business activities in general as it will ensure that the Trust's stock is more effectively managed.

Self Assessment Compliance Statement (SACS) Considerations

As a result of the revision of this Policy it is not envisaged that any changes or amendments are required to the SACS document.