

East Dunbartonshire Council
Housing Services

Void Management Policy 2019







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1. Introduction

- 1.1. The Void Management Policy is a statement of the policy aims, objectives, principles, legal and regulatory framework, overview of the void management process, and the overall targets in managing void properties. The operational procedures provide instructions and a checklist of requirements for officers involved in the void management process.
- 1.2. This policy outlines how the turnover of housing stock is managed by the East Dunbartonshire Council (the “Council”). This policy includes the management of the Council’s social rented properties and temporary accommodation.
- 1.3. Void management is defined as the period when a property becomes empty due to the end of an existing tenancy up to the point where a new tenancy starts. The Council manages this void period to reduce the length of time a property is empty and to minimise rent loss.
- 1.4. Efficient and effective void management ensures that the loss of rental income is minimised and void periods are limited to prevent an impact on the level and quality of service that is delivered.
- 1.5. The policy sets out the following:
- policy objectives;
 - legal and regulatory requirements the Council is required to meet;
 - void management process;
 - performance targets;
 - consultation with tenants; and
 - monitoring of the Council’s performance in relation to voids and the strive for continuous improvement.
- 1.6. The Void Management Policy is supplemented by detailed working procedures, which will be used by Council officers in implementing the policy. These are:
- tenancy creation;
 - ending a tenancy;
 - death of a tenant;
 - repairs to void properties;
 - abandonment of properties;
 - Health & Safety legislation and requirements;
 - aids and adaptations
 - undertaking a Settling in Visit;
 - re-let standard;
 - decant.



2. Policy Aims, Objectives and Principles

2.1 Policy Aims and Objectives

The policy complies with current legislation and reflects the aims of the Local Outcome Improvement Plan, Community and Corporate Plans, the Local Housing Strategy and wider good practice in housing management shared by the Chartered Institute of Housing and the Scottish Housing Network.

The Council has identified the following policy objectives:

- minimising the length of time properties are empty and the resulting rent loss;
- ensuring the efficient and effective management of void properties in order to deliver the best possible service by working together with tenants, Housing Services, Property Maintenance Services and the Council's repairs contractor(s);
- ensuring that empty properties meet the re-let standard, as defined by the Tenants' Scrutiny Group, prior to re-let;
- ensuring prospective tenants do not have to wait longer than necessary to move in to a property;
- monitoring void management performance ensuring the continuous improvement of service delivery.

2.2 Policy Principles

The Council's approach to void management will entail the following principles and highlight best practice:

- establishing a re-let standard for empty properties, so that an appropriate balance is struck between minimising expenditure and establishing reasonable standards for tenants;
- involving tenants in setting standards (e.g. by consulting on policy matters such as the re-let standard and the number of offers of rehousing which applicants may receive);
- pre-allocating properties before they become empty, wherever possible;
- setting targets for each stage of dealing with empty properties, and monitoring performance in order to achieve these;
- providing training, so that Council officers are equipped to carry out the roles expected of them;
- comparing the Council's performance with that of other local authorities;
- achieving continuous improvement in the Council's performance and in the service offered to tenants.



3. Legal and Regulatory Requirements

3.1 Scottish Social Housing Charter

The Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter (the “Charter”). The Council is required to implement the Charter in its approach to void management. The Council must report annually to the Scottish Housing Regulator on its performance in relation to the indicators set out in the Charter, in conjunction with tenants. The following indicators are relevant to the Void Management Policy:

Charter Indicator 6:	Percentage of stock meeting the Scottish Housing Quality Standard;
Charter Indicator 11:	How many times in the reporting year did you not meet your statutory obligations to complete a gas safety check within 12 months of a gas appliance being fitted or its last check;
Charter Indicator 17:	Percentage of lettable houses that became vacant in the last year;
Charter Indicator 18:	Percentage of rent lost through properties being empty during the last year;
Charter Indicator 30:	Average length of time taken to re-let properties in the last year;
C10:	Percentage of properties meeting the Energy Efficiency Standard for Social Housing;
C12:	Energy Performance Certificates.

3.2 Scottish Housing Quality Standard

The Scottish Housing Quality Standard (“SHQS”) was introduced in Scotland during 2004, to ensure that no property falls below the minimum standard. All socially rented properties were to meet SHQS target by 2015. The Council is required to comply with this standard and reports on the SHQS indicator as part of its report to the Scottish Housing Regulator. The SHQS is in addition to the duty contained in Sections 85-87 of the Housing (Scotland) Act 1987 in respect of any house not meeting the tolerable standard.

3.3 Energy Efficiency Standard for Social Housing

The Energy Performance of Buildings (Scotland) Regulations 2008 obliges the Council to provide a valid Energy Performance Certificate (“EPC”) to prospective tenants. The Energy Efficiency Standard for Social Housing (“ESSH”) was introduced in 2014, and aims to improve the energy efficiency of social housing in Scotland by the end of 2020. The ESSH sets a single minimum energy efficiency rating (EPC Band C or D) for landlords to achieve, that varies dependent upon the dwelling type and the fuel type used to heat it. ESSH compliance will replace SHQS energy efficiency elements by December 2020. ESSH2 was introduced at the end of June 2019, and increased the target of reducing carbon emissions to 90% by 2050, along with a requirement to achieve EPC Band B (Energy Efficiency rating) by 2032. The Scottish Housing Regulator monitors the Council’s compliance with ESSH.



3.4 Legal Requirements

The Council will ensure that it complies with all relevant statutory obligations in relation to void management contained in the Housing Scotland Act 1987, as amended by the Housing (Scotland) Act 2001, the Housing (Scotland) Act 2010 and the Housing (Scotland) Act 2014. The Council's approach is governed by the relevant legal and regulatory framework. Relevant statutory obligations include:

- **Sections 12 of the Housing (Scotland) Act 2001** which indicates that a tenancy can be ended by the tenant giving four weeks' notice to the landlord.
- **Sections 17 – 21 of the Housing (Scotland) Act 2001** which describe action that the Council is required to take if seeking to recover tenancies that have been abandoned.
- **Section 27 of the Housing (Scotland) Act 2001** covering repairs obligations, provides that landlords have a duty to ensure that a house is, at the commencement of the tenancy, wind and watertight and in all other respects reasonably fit for human habitation, and keep the house in such condition throughout the tenancy. The landlord must before the commencement of the tenancy, inspect the house and identify any work necessary to comply with the aforementioned duty and notify the tenant of any such work. Landlords have a legal right to enter a property on 24 hours' notice for the purpose of viewing its state and condition and carrying out any work necessary to comply with the duty of ensuring the house is wind and watertight and reasonably fit for human habitation.
- **Section 29 of the Housing (Scotland) Act 2001** which enables the Council to reimburse a tenant at the end of their tenancy for the cost in respect of improvement work carried out by the tenant, and which is considered to be appropriate. The improvement work must first be approved by the Council. The amount of payment must not exceed the cost of the work after any deduction of the amount of any grant paid or payable under XIII (grants for improvement, repairs etc.) of the 1987 Act. Please refer to the Council's Estate Management Policy.
- **Section 30 of the Housing (Scotland) Act 2001** which refers to 'qualifying improvement work' and compensation payable to a 'qualifying person', which includes tenants, tenants of joint tenancies and tenants who have inherited a tenancy. Compensation is not payable if the tenancy comes to an end in prescribed circumstances or if payment has previously been provided under Section 29 of the Housing (Scotland) Act 2001. This is detailed further in the Council's Estate Management Policy.
- **Sections 35-36 of the Gas Safety (Installation and Use) Regulations 1998 (SI 1998/2451)** (SI 1998/2451) require landlords to ensure that properties have had a safety inspection within the previous 12 months and to provide the incoming tenant with a copy of the inspection certificate within 28 days. The Gas Safety (Installation and Use) (Amendment) Regulations 2018 make provisions for a Gas Safe engineer to inspect all gas appliances and flues before a tenant takes up occupation.



- **The Construction, Design and Management (CDM) Regulations 1994, The Construction (Design and Management) Regulations 2007(CDM 2007), and the more recently The Construction (Design and Management) Regulations 2015 (CDM 2015)**, require landlords to meet prescribed health and safety requirements for certain types of void repair work.
- **Control of Asbestos Regulations 2012**, provide duties and regulations for landlords in the management of asbestos. The Council adheres to the Control of Asbestos at Work Regulations 2012 for void domestic properties by engaging with UKAS approved contractors to survey every void property. This is detailed further in the Council's Asbestos Management Procedures.
- **Health and Safety at Work etc. Act 1974 and the Control of Substances Hazardous to Health Regulations 2002**, require landlords to ensure that the risk of exposure to legionella in rented property is properly assessed and controlled. The Council has Legionella Control and Water Quality Procedures for void properties.
- **The Data Protection Act 1998 replaced by the EU General Data Protection Regulations (GDPR) and the Data Protection Act 2018** govern the way that the Council processes personal information. As such, this requires that the Council's use of tenants' personal information is lawful, fair and transparent and in all respects complies with the provisions of GDPR and the 2018 Act. The following links provides detail of the Council's responsibilities in respect of personal data.
<https://www.eastdunbarton.gov.uk/council/data-protection>
https://www.eastdunbarton.gov.uk/sites/default/files/documents/council/privacy-notices/privacy-notices-f-k/privacy-notice-housing_0.pdf
- **Equalities Act 2010 and Equality Act 2010 (amendment) Regulations 2012** sets out the general equality duty that the Council gives due regard to the need to eliminate discrimination, harassment and victimisation. The Council must ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. All communication with tenants will be in 'plain language'. The Council will make appropriate arrangements for communicating with tenants who have additional support needs.
- **The Freedom of Information (Scotland) Act 2002**, give the public a legal right to request information held by the Council. The legislation aims to increase openness and accountability by ensuring that individuals are informed and able to question the decisions of the Council. The following link provides detail on how to access information held by the Council.
<https://www.eastdunbarton.gov.uk/council/freedom-information>
- **Local Government in Scotland Act 2003** sets out the Council's statutory duty to provide best value, which means continuous improvement in the performance of its functions. Audit Scotland monitors Scotland's local authorities in relation to Best Value.

Linked Policies and Plans

- Local Outcomes Improvement Plan 2017-2027
- Scottish Archives on Archives Retention Schedule (SCARRS)
- Allocation Policy
- Estate Management Policy





4. Overview of Void Management Process

This policy outlines the four key stages involved in the void management process and obligations of the tenant and the Council. The four stages are:

Stage 1 - End of Tenancy;

Stage 2 - Selection of New Tenancy;

Stage 3 - Repairs to Void Properties;

Stage 4 - Tenancy Creation.

In practice, Stages 1 to 3 overlap to ensure that void management practices are as efficient as possible. There are detailed procedures which guide Officers through the key processes involved in void management.

4.1 Stage 1 – End of Tenancy

4.1.1 End of Tenancy

The duty in Section 27 of the Housing (Scotland) Act 2001 (as indicated above) is replicated in the Council's tenancy agreement and obliges the Council to carry out certain inspections and/or works before re-letting the property. If a property requires repair or other work to bring the house up to the standard of being 'wind and watertight, habitable and in all other respects reasonably fit for human habitation' then the Council must do so before the new tenancy begins. The Council must carry out a diligent inspection of the common parts and take reasonable steps to remove any danger found before the tenant moves in.

The tenancy agreement places a number of obligations upon tenants following termination of their tenancy:

- to leave the house in a clean and tidy condition;
- to remove all belongings;
- to ensure any lodgers or sub-tenants leave with the tenant;
- to allow the Council to undertake a pre-termination of tenancy inspection;
- to hand keys to the Community Hub;
- to remove any fixtures and fittings installed without the Council's written permission and put right any damage caused by e.g. laminate flooring;
- to check with the Council to make sure that all payments due are paid;
- to leave the house in good decorative order;
- to carry out the repairs the tenant is obliged to undertake;
- to provide the Council with a forwarding address unless there is good reason for not doing so.



The Council will ensure that it complies with all relevant contractual obligations towards all tenants and expect tenants to comply with their contractual obligations when a tenancy is brought to an end. Please refer to the Council's End of Tenancy Procedures.

End of Tenancy with Full Notice: when the tenant gives the full 28 days' notice of their intention to bring a tenancy to an end, the Council will ensure that the tenant is made aware of their responsibilities relating to leaving the property. The end of tenancy responsibilities are clearly stated in the tenancy agreement and will be explained when the tenant gives notice. The Council will ask the tenant to sign a notice confirming their intention to end their tenancy.

End of Tenancy with Inadequate Notice: when the tenant leaves a property without the required 28 days' notice, the Council will try to contact them using any telephone numbers or addresses they have previously supplied. The Council will try to locate the outgoing tenant, to advise them in writing of their responsibility to clear the rent due for the full 28 days' notice period and of any costs which are due (e.g. for clearing the property, or for rechargeable repairs). The tenant will also be asked to sign a termination notice.

4.1.2 Abandoned Properties

In some circumstances, the Council may have reasonable grounds for believing that a house is unoccupied and has been abandoned in terms of Section 17 of the Housing (Scotland) Act 2001. The Council will undertake investigations and checks to confirm this is the case. Section 18 of the Housing (Scotland) Act 2001 and the Scottish Secure Tenancies (Abandoned Property) Order 2002 will be adhered to through serving a notice to recover the property and in relation to the storing of the tenant's possessions. Please refer to the Council's Abandonment Procedures.

4.1.3 Pre-Tenancy Termination Inspections

When the tenant has given adequate notice, pre-termination inspections will be carried out with the tenant in attendance. The Council will also carry out an end of tenancy inspection on the termination date to ensure that the property is up to standard. Please refer to the End of Tenancy Procedures.

4.1.4 Rechargeable Repairs

Liability for any re-chargeable repairs due by the tenant will be assessed when notice to end the tenancy is received. The Council will advise the tenant(s) at the pre-termination of tenancy inspection stage, of the work requiring to be undertaken to a reasonable standard and the available time for the work to be completed. The Council may carry out the required work and recharge the outgoing tenant if the work is not completed prior to the end of the tenancy. Please refer to the Repair to Void Property Procedures.

4.1.5 The Right to Compensation for Improvements

As outlined above, Sections 29 and 30 of the Housing (Scotland) Act 2001, provide that outgoing tenants who have carried out qualifying improvement work with the Council's consent, will be compensated.



4.2 Stage 2 – Selection of New Tenancy

4.2.1 Selection of New Tenancy/ Tenancy Creation

To ensure that the loss of rent is kept to a minimum, the Council will begin the process of selecting a new tenant for a void property as soon as possible following receipt of notice from the outgoing tenant, or otherwise on becoming aware that the property will be available for re-letting.

Prospective tenants will be selected in accordance with the Council's Allocations Policy. The Council will issue the tenant selected for the vacancy with a provisional offer of housing, which will be subject to tenancy references and/or a home visit to verify the information in their housing application, and subject also to the selected applicant being able to view the property before making their decision. Please refer to the Council's Allocation Policy and Procedures.

Target timescales for completing these stages of the process are described at Section 5 of the Void Management Policy.

4.3 Stage 3 – Repairs to Void Properties

4.3.1 Repairs to Void Properties

The Council will inspect properties as soon as is practicable and will complete repairs inspections and the ordering of any void repairs which are required, no more than 3 days after the property has been vacated. This stage is important in minimising the time taken to complete repairs to void properties.

The purpose of void repair inspections is to:

- ensure the property is empty of both people and goods;
- ensure the property is secure;
- complete the property checks specified in the Council's void management procedures;
- assess decorative standards and the need for repairs in accordance with the Council's re-let standards for void properties;
- assess possible rechargeable repairs if this has not been possible previously;
- arrange for gas and electrical appliances and installations to be professionally checked;
- take final meter readings if this has not already been undertaken.

Asbestos checks are undertaken by UKAS approved contractors to survey every void property. The survey report is presented to Property Maintenance Services and the Team Leader (Housing Operations) to determine the amount, location, and state of any asbestos content within the property. A decision is then taken on whether to remove, encapsulate or leave the material prior to hand over to the prospective new tenant. Any removal work is carried out by licensed asbestos removal companies. The length of time required for such works is determined by the amount of removal work to be carried out.





The Council has defined a re-let standard which properties should attain in order to meet the SHQS and EESSH/EESSH2. A void property, which requires central heating, kitchen or bathroom renewal, rewiring, window and door replacement, will usually have this undertaken through the Capital Programme. Please refer to the Repairs to Void Property Procedures on the requirements of the re-let standard.

Void repair works are identified and instructed through Property Maintenance Services and may be carried out by Property Maintenance Services or an external contractor. The Team Leader (Housing Operations) will be responsible for monitoring overall compliance with the terms of the repairs contract (where applicable) and for ensuring that the Housing Service's targets and standards for void management performance are achieved.

Health and safety issues are important in assessing whether properties can safely be viewed by prospective tenants during the void repair period. Please refer to the Repairs to Void Property Procedures and the Health and Safety Procedures.

4.3.2 Temporary Accommodation

Properties that are used as temporary accommodation for homeless people will require to meet the re-let standard for void properties, as contained in the Repairs to Void Property Procedures.

4.3.3 Aids and Adaptations

When a property becomes void and there are aids and adaptations within the property, the Council will ascertain if the property can be matched to a prospective applicant who has a requirement for those adaptations. During the void management process, Housing Services, Property Maintenance Services and the Occupational Therapy Service will review and consult on the required adaptations. If the prospective tenant has no requirement for the adaptations, Property Maintenance Services and the Team Leader (Operations) will determine whether the adaptation is to remain or is to be removed.

4.4 Stage 4 – Tenancy Creation

After viewing a property, the prospective tenant is required to advise the Council within 24 hours whether they intend to accept the offer. In exceptional circumstances, the Council may allow a longer period for the prospective tenant to make their decision.

On acceptance of the offer, the Council and the tenant will enter into a Scottish Secure Tenancy (SST), or a Short Scottish Secure Tenancy (SSST), using the Council's standard style tenancy agreements.

The Council will conduct a sign-up interview to have the tenancy agreement signed, to explain the terms of the tenancy agreement and to answer any questions the tenant may have.



5. East Dunbartonshire Council's Targets for Void Repairs and Re-lets

To ensure that void management practices are as efficient as possible, the Council will work to the overall target of 55 days and the following target timescales in managing void properties.

Action	Target Timescale
Tenant advises of intention to terminate tenancy	N/A (but tenants should give 28 days' notice)
Termination notice and end of tenancy procedures issued to tenant by housing officers	Same day as tenant advises their intention to terminate
Termination inspection (PTI)	5 days
New tenant selection completed and provisional offer issued	5 days
Housing Services to notify Property Maintenance Services when keys received from outgoing tenant	Same day as the day on which keys are returned by the tenant
Void repair inspection and ordering of void repairs	3 days of notification by Housing Services
Completion of void repairs	30 days of being instructed by Housing Services
Asbestos management of void properties (including time required to undertake survey and decide on appropriate course of action)	11 days
Viewing of the property by the selected applicant and signing of the tenancy agreement	14 days following return of keys by Property Maintenance Services
Settling-in visit	Within 6 weeks of the date of entry



6. Involving Service Users

6.1. The Council is committed to receiving regular feedback from service users about our performance, to help improve service delivery.

7. Complaints

7.1. Where a tenant has complained about the quality of service or conduct of an officer of the Council or an employee of a Council contractor, the Council will always try to put things right by considering what action can be taken to address the tenant's concerns. The tenant has the right to make a complaint, using the Council's complaints procedures.

8. Monitoring Performance

8.1. The Council will monitor void performance in achieving the targets outlined above in Section 5 and the service standards described in this policy, which are the Scottish Social Housing Charter, weekly Housing Management meetings and regular reporting to the Policy and Resources Committee

8.2. The Council will also conduct periodic self-assessments of its performance in void management, drawing on tenant input to identify areas for improving the service provided.

9. Review Date

9.1. This policy will be reviewed every three years or earlier if required, to reflect the introduction of new legislation, regulation and/or good practice guidance. The next review of the Void Management Policy is due in 2022.



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OTHER FORMATS

This document can be provided in large print, Braille or in audio format and can be translated into other community languages. Please contact the Council's Communications & Engagement Team at:
East Dunbartonshire Council, 12 Strathkelvin Place, Southbank,
Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا ترجمہ درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।