



Absent residents and abandonment policy

1.0 Purpose and scope

This policy outlines our approach to investigating failed attempts to contact a resident and what steps we take to assure ourselves of their wellbeing.

Where there are clear signs of abandonment, this policy ensures that we make the best possible use of housing stock by swiftly repossessing properties to allow us to relet them.

The policy also outlines our approach to managing circumstances where a resident has spent a period of time away from their property which is beyond the period specified in their occupancy agreement.

This policy applies to the absence of residents living in all tenures, including Leaseholders, Shared Owners, General Needs, Care & Support (C&S), Temporary Housing, Key Workers and Student Lets.

2.0 Silent tenants

2.1 Missing persons

Where we are unable to make contact with a resident and unable to confirm their whereabouts we will always take action, investigate and seek to determine their wellbeing. This will lead us to check for signs of the property being lived in. In all instances of concern, we contact the police to report the resident missing or request further welfare checks. Carers, family or friends of a resident with dementia are encouraged to complete the Herbert Protocol Form to help the policy if the person goes missing.

We also raise an immediate safeguarding referral where the presumed missing resident is known or suspected to have needs for care and support needs and because of those needs is considered less able to protect themselves from abuse or neglect than people without those needs.

If the resident lives in one of our Extra Care services, we consider what preventative measures can be put in place to reduce the risk of the resident going missing as part of the support planning process and actions to take if a resident does go missing. In all other C&S services where the service offer includes wellbeing checks, records will be kept and maintained which detail what should be done and who should be contacted in the event of being unable to establish contact. This will include at what point access to the property should be attempted.

Where we are aware of a history of abuse, including domestic abuse at the property, and there are indications that the tenant has fled, we follow our domestic abuse and safeguarding adults procedures to ensure the resident is safe.

2.2 Identifying residents who have not engaged with us for a period of time

Throughout the course of their tenancy/lease, residents will have various touchpoints with us including, gas service checks, routine repairs, annual visits and income collection correspondence.

If a tenant does not engage with us for any reason, staff will be prompted to check for a pattern of failed interaction and where there is indication that a resident has not engaged with us for a period of time, investigate the matter further, for example, by asking cleaners or neighbours if they have seen the resident at home.

2.3 Welfare checks

We respond promptly to concerns from neighbours, or reports of smell to check on the welfare of a resident and notify the police of the reports. Where we have reason to believe, following investigation, that the welfare of a resident is at risk, we follow our No Access policy and liaise with the police to carry out a welfare check.

Where a resident is living in one of our Care and Support accommodation-based services and we conduct regular wellbeing checks as part of our service offer. We follow our Wellbeing Checks procedure and individual risk assessment (if one is in place) to confirm their wellbeing where a concern is raised.

Where a resident is found dead at the property, we follow our internal Death of a Resident procedures.

3.0 Abandonment

If we suspect that a resident has abandoned their property without formally serving us with notice, we carry out investigations to determine whether this is the case. We consider a property to be abandoned if the conclusion can be made that the resident has no intention to return.

An abandoned property normally meets most or all of the following criteria:

- The rent is not being paid
- Housing benefit or Universal Credit housing element has stopped
- The resident appears to have removed all or most of their personal belongings from the property
- A large amount of post has accumulated
- The property is not secure, but this has not been reported by the resident
- The resident is no longer registered for council tax, has requested to be removed from the electoral role or has informed utility companies that they are no longer responsible for utilities
- The gas, electric or water supply has been disconnected due to non-payment
- The gas, electric or water consumption has ceased
- Garden is in a poorly kept/overgrown
- Information passed on to us by neighbours

We make every effort to contact the absent resident to see if they have any intention of returning and warn them that their home is at risk. We will contact their known next of kin if we have unable to make contact. We will always encourage them to end the tenancy if they do not wish to return to the property, rather than treating their absence as an abandonment.

4.0 Informing us of a prolonged absence

It is a key principle when holding a tenancy or licence or shared ownership lease, as well as an insurance agreement, that the property is the resident's only or principal home. Failure to do so can result in them losing their security of tenure and the ensuing occupancy agreement is liable to be ended by serving notice in line with the notice period.

We require tenants, licence holders and shared owners to inform us, in advance, if they intend to be absent from the property for a considerable period of time, or longer than prescribed in their occupancy agreement, and to advise us of a planned return date.

5.0 Permitted Absence

When a resident gives NHG notice that they are planning on taking a prolonged leave of absence from their property in line with their occupancy agreement, we ask for details of the circumstances from the resident. This could include the reasons for the absence, duration, certainty of return and date, forwarding address and contact number and arrangements for paying rent as applicable.

We advise the resident that any absence longer than the agreed time may lead to us taking action to repossess the property.

5.1 Licensees

Licensees are not permitted to be absent from their properties for a substantial period of time, the period of which is stipulated in the licence agreement, however temporary absence may be accepted in certain circumstances.

The following can be accepted as valid reasons for temporary absence:

- Staying in hospital
- Staying with relatives to receive or provide support and care.
- Having a short prison sentence¹.

In all cases a management decision is made considering the best possible use of the accommodation.

5.2 Tenants

Tenants are entitled to be absent from their properties for a substantial period of time, as long as the property remains their only and principal home.

The following are generally accepted as valid reasons for temporary absence:

- Staying in hospital
- Living in student accommodation in term time
- Living in alternative accommodation as a result of domestic abuse
- Staying with relatives to receive or provide support and care
- Having short fixed-term employment elsewhere
- Going on an extended holiday

- A short prison sentence¹.

The conditions under which Housing benefit and Universal Credit is payable during limited periods of temporary absence may differ from the conditions outlined above.

5.3 Shared owners

We grant permission for shared owners to be absent from their property, when they are unable to occupy the property for a fixed period up to 12 months for any of the following reasons:

- Where it is necessary to temporarily relocate for a caring responsibility
- Where it is necessary to temporarily relocate in order to seek employment elsewhere
- Where a request is made by a serving member of the Armed Forces whose tour of duty requires them to serve away from the area in which they live (a distance of at least 50 miles or 90 minutes travelling time) for a fixed period.

In exceptional circumstances, such as when extensive building safety works are required, we will grant permission for a longer absence. Further information can be found in our Lodgers, Subletting and Caretakers policy.

5.4 Leaseholders

Leaseholders do not require our permission to be absent from their property. If the leaseholder has no intention to return and it is a term of their lease that they live in the home, we pursue forfeiture of the lease.

6.0 Refused prolonged absence requests

If the length of absence means that arrangements for paying the rent and other charges cannot be made, the resident is encouraged to end their occupancy agreement. This may involve liaising, as appropriate, with the resident's probation officer, social worker or health worker. If they refuse to give up their property and arrears accrue, possession action is taken in line with our income collection policies.

Where there are no rent arrears, however, it may be difficult to regain possession of the property through the courts. In these cases, we encourage the resident to give up their occupancy agreement and consider taking legal action if they refuse.

If the resident asks for an extension of the agreed period, we review the request and may agree this in writing. If the extra time requested is excessive or we have sufficient reason to believe they have no intention of returning, we may decline the request and advise the resident to give up their occupancy agreement.

7.0 Residents in prison

Where absence is due to a prison sentence, we consider the following before making a decision on how to proceed:

- The nature of the crime
- Expected duration of absence

¹ please see section 6 for more guidance on residents serving prison sentences.

- Ability to pay the rent for the duration

If a sentence is long, we ask the resident to either end their occupancy agreement or, where possible, assign it to a member of the household.

If a resident is sent to prison, a crucial consideration of whether to seek possession of their property is where the convicted offence was committed. To commit a crime in, or in the vicinity, of the property is a breach of a resident's occupancy agreement. In these circumstances, we consider taking possession of the property, even if the resident has an intention to return and regardless of the length of their prison sentence.

If decision is made to seek possession of a rented property, we will consider granting a discretionary tenancy to any household member on a case by case basis, once the tenancy has ended.

We understand that stability and security is an important factor for ex-prisoners to get their lives back on track and reduces this risk of re-offending. We signpost residents to ex-offender programmes that can support them to sustain their tenancy. We work with probation officers to ensure the returning resident has the correct support in place. We also discuss with the resident what further support requirements they might have to enable them to sustain their tenancy.

8.0 Our approach

In writing this policy we have carried out assessments to ensure that we are considering equality, diversity & inclusion

9.0 Reference

List key legislation, regulation or external links

- Housing Acts 1985, 1988 and 2004
- Legal Aid, Sentencing and Punishment of Offenders Act 2012

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18.10.2019	New NHG policy	1.0
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