
Report to: Clackmannanshire Council

Date of Meeting: 3rd October 2024

Subject: Housing Eviction Policy

Report by: Strategic Director (Place)

1.0 Purpose

- 1.1. This report provides Council with information on the work undertaken to develop the Housing Eviction policy.

2.0 Recommendations

- 2.1. It is recommended that the Council:
- 2.2. Approve the revised and updated Eviction Policy (Appendix 1).

3.0 Background

- 3.1. Council were informed last year that the Housing Service would work on a priority list of policies bringing these up to date, and ensure that they comply with legislative requirements.
- 3.2. Policies must adhere to statutory guidelines and recommendations, including statutory homelessness duties aimed at preventing homelessness, providing relevant support and ensuring the management of the Council's limited housing stock.
- 3.3. The policy development works included a consultation exercise undertaken with the Clackmannanshire Tenants' and Residents' Federation (CTRF). Pupils at Alloa Academy were invited to provide comment on the proposals following the implementation of the United Nations Convention on the Rights of the Child (UNCRC) (Incorporation) (Scotland) Act 2024.
- 3.4. The Tenancy Management Team within the Housing Service is responsible for the day-to-day operations and management of the Council's housing stock. Officers within the team operate in small patches, with the aim of forming strong relationships with council tenants.

- 3.5. At the start of the tenancy, the Team aims to ensure that the tenant is informed of their rights and responsibilities associated with maintaining the tenancy. Where any issues, vulnerabilities or additional support needs associated with the tenancy are identified, relevant support will be offered and provided.
- 3.6. When it becomes apparent that a tenancy is at risk Officers will seek to engage with the tenant and identify any support needs. Officers provide information, practical advice and sign post to any support services that tenants may require.
- 3.7. The Team together with relevant internal departments, external partner agencies and third sector organisations will aim to adopt a trauma-informed approach which considers an individuals needs and the circumstances of the tenant and ensures the delivery of tailored support to tenants.
- 3.8. Eviction is a last resort. Where it is required to take place the Team advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them, and seek to provide tenants and members of their household with information, advice and assistance on temporary accommodation and how best to secure alternative permanent accommodation.
- 3.9. The 2023/24 reporting period saw a clear reduction in court actions initiated for evictions and evictions carried out when compared with the 2022/23 period.
- 3.10. In 2022/23, there were 59 court actions initiated and 27 evictions carried out. Comparatively, the 2023/24 period saw 35 court actions initiated and 21 evictions carried out. 16 properties were recovered for non-payment of rent, 3 for antisocial behaviour reasons and 2 properties for other reasons.
- 3.11. The Eviction Policy intends to provide a clear and concise framework outlining when and how the Council will progress to seek eviction action. The Policy will also set out the process for providing relevant advice and support to tenants to aid in preventing eviction and potential homelessness from occurring.
- 3.12. The Eviction Policy must comply with statutory responsibilities set out in the Housing (Scotland) Act 2001, the Housing (Scotland) Act 2010 and the Housing (Scotland) Act 2014.
- 3.13. The Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014 introduced new requirements for considering eviction action under Grounds 1 and 2 (as defined by the Housing (Scotland) Act 2001).
- 3.14. Ground 1 is applied where the tenant has rent arrears or breaks any other tenancy agreement obligation. Ground 2 is applied where there is a conviction of using the house for immoral or illegal purposes, or an offence punishable by imprisonment committed in, or in the locality, of the house.

UNCRC

- 3.15. The UNCRC (Incorporation) (Scotland) Act 2024 went live in July 2024. The Act incorporates UNCRC into Scotland's laws. As part of the legislation, public authorities will not be allowed to act in ways that are incompatible with the UNCRC requirements. One of the UNCRC requirements is for all public bodies to present information in an accessible format for all children and young people.
- 3.16. All Council policies must now give due regard to UNCRC requirements.
- 3.17. The policy is intended to be more accessible, comprehensive, and easy-to-read, particularly where legal information is presented by paraphrasing the legislation and the relevant statutory guidance and recommendations.
- 3.18. A 'plain English' summary of the policies is provided to adhere to the relevant UNCRC requirements.

4.0 Changes to the working Eviction Policy

- 4.1. The proposed changes to the working policy are as follows:
 - Give due regard to UNCRC requirements,
 - Include pre-action requirements for seeking eviction under Ground 1,
 - Include the process for streamlined eviction,
 - Update information on Notice of Proceedings,
 - Update information on authorising and enforcing an eviction.

Pre-action requirements

- 4.2. The Housing (Scotland) Act 2010 introduces pre-action requirements that all social landlords must comply with when seeking the recovery of possession under ground 1 on the basis of rent arrears.
- 4.3. The aim of pre-action requirements is to provide early intervention to help tenants deal with their rent arrears, offer support and alternative resolutions, and use eviction action as a last resort.
- 4.4. The policy now provides the information on pre-action requirements and the support that will be offered to the tenants.

Streamlined Evictions

- 4.5. The streamlined eviction process simplifies the process for recovery of possession by removing the requirement for considering the reasonableness of seeking eviction action.

- 4.6. The policy now gives the process for seeking streamlined evictions and provides information on considerations as to whether the reasons for pursuing streamlined eviction are appropriate and proportionate, as defined in the Scottish Government guidance note on the Streamlined Eviction Process.
- 4.7. Before pursuing streamlined eviction, the Council will give due regard to other relevant Council policies and plans such as keeping to the commitments contained within the Promise to care experienced children and young people, considering the objectives of the Local Outcomes Improvement Plan as well as Family Wellbeing Partnership approaches.

Notice of Proceedings

- 4.8. In response to national lockdowns following the COVID-19 pandemic, which delayed and limited eviction actions that the Council could seek, independent solicitors TC Young, were consulted. Advice was given to update the definition of a qualifying occupier to include changes to the age of the qualifying occupier.
- 4.9. Following this advice, the policy now states: “A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home.”

Authorising and Enforcing the Eviction

- 4.10. The Eviction Policy now offers further clarification on the process following the Court action to include the relevant timelines for granting the decree of repossession and enforcing the eviction action.

5.0 Sustainability Implications

- 5.1. There are no sustainability implications.

6.0 Resource Implications

Financial Details

- 6.1. There are no funding implications from this report that will not be met from within existing resources.
- 6.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.3. Staffing

There are no staffing implications from this report. There are comprehensive procedures in place that are followed by Housing Officers when seeking eviction action under the relevant grounds found within the relevant legislation.

7.0 Exempt Reports

7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all.

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational and achieve their full potential.

Our communities will be resilient and empowered so they can thrive and flourish.

(2) **Council Policies**

Complies with relevant Council Policies

9.0 Equalities Impact

9.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes

No

10.0 Legality

10.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

11.1. Please list any appendices attached to this report.

Appendix 1 Eviction Policy

Appendix 2 Eviction Policy Child-friendly Summary

Appendix 3 Eviction Policy Equality and Fairer Scotland Impact Assessment

12.0 Background Papers


12.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered).

Yes No
 (please list the documents below)

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Clackmannanshire Council
Housing Service
Eviction Policy



Contents

1.	Scope of the Policy	1
2.	Aims of the Policy.....	1
3.	Legal Framework.....	1
4.	The Grounds for Recovery of Possession	2
4.1.	Ground 1.....	2
4.2.	Ground 2.....	2
4.3.	Ground 7.....	2
5.	Tenancy Support	3
6.	Pre-action Requirements (Ground 1).....	3
7.	Test of Reasonableness.....	4
8.	Notice of Proceedings	4
9.	Streamlined Evictions.....	5
10.	Authorising and Enforcing the Eviction	5
11.	Equal Opportunities and Diversity.....	6
12.	Privacy Statement.....	6
13.	Complaints	7



14.	Appeals.....	7
15.	Monitoring and Reviewing.....	7
16.	Appendices.....	8
16.1.	Appendix 1. Glossary of Terms and Interpretations.....	8
16.2.	Appendix 2. Complete List of Grounds for Recovery of Possession.....	8



1. Scope of the Policy

Clackmannanshire Council's Eviction Policy sets out the framework of how a Tenancy Agreement between the Council and the tenant will end due to eviction action pursued by the Council.

The Council has the responsibility to act within the legislative framework and adhere to statutory guidelines and recommendations. This policy recognises that the Council's role as a landlord may conflict with its statutory homelessness duties. As such, it also outlines the processes that will be followed to ensure that potential alternative solutions have been explored before resorting to eviction action.

2. Aims of the Policy

The specific aims of the policy are:

- To identify tenants' support needs, use preventative action and provide early intervention in an attempt to prevent evictions and potential homelessness from occurring;
- To ensure that Clackmannanshire Council has a clear and concise policy for eviction action and the recovery of possession of the property;
- To deal with all repossession actions and evictions in a consistent way;
- For all repossession actions to meet all legislative requirements and statutory guidelines.

3. Legal Framework

Clackmannanshire Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance.

The main legislative framework for tenancy repossession action and eviction is set out in the following acts:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014

Additional guidance may be sought in:

- Antisocial Behaviour etc. (Scotland) Act 2004
- Human Rights Act 1998
- Homelessness etc. (Scotland) Act 2003



- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

4. The Grounds for Recovery of Possession

The complete list for grounds for recovery of possession of a property are contained within the Housing (Scotland) Act 2001, Schedule 2, Part 1, as amended by the Housing (Scotland) Act 2010, Part 16, Sections 153 and 155(2)-(7) and Part 2, Section 14 of the Housing (Scotland) Act 2014.

For the complete list of the grounds, please see appendix 2.

The main grounds that the Council will use to form the basis for eviction are the following conduct grounds:

4.1. Ground 1

- The tenant has rent arrears, or any other obligation of their tenancy agreement has been broken.

4.2. Ground 2

- The tenant, or someone living in or visiting the property, has been convicted of (a) using the house for immoral or illegal purposes or (b) an offence punishable by imprisonment committed in, or in the locality of, the house.
- An “offence punishable by imprisonment” means that the offence carries imprisonment as a possible, but not definite penalty.

4.3. Ground 7

- The tenant, or someone living in or visiting the property, has acted in an antisocial manner within the locality, or pursued a course of conduct amounting to harassment or antisocial behaviour.

Only the Sheriff, and not the Council, has the authority to grant a decree for repossession of the tenancy. To grant the decree for repossession, the Court must be satisfied that:

- Pre-action requirements have been complied with, if eviction action is sought under Ground 1 on the basis of rent arrears;



- It is reasonable to grant the decree, except where repossession is sought as part of the streamlined eviction process;
- A valid statutory notice of proceedings has been served on the tenant and all qualifying occupiers.

5. Tenancy Support

At the start of a tenancy, the Council will aim to establish a strong relationship with its tenant. The Council will aim to ensure that the tenant is informed of all of their responsibilities associated with maintaining the tenancy.

The tenant will be informed once it becomes apparent that their tenancy is at risk. In line with the Council's tenancy management, antisocial behaviour and any other relevant policies and procedures, appropriate preventative and early intervention action will be considered and taken. The Council will aim to ensure that the relevant information, advice and/or support is given to the tenant. It will work together with other relevant internal departments and external partner agencies and third sector organisations to identify the needs of the tenant and deliver tailored support packages.

The Council will adopt a trauma-informed approach which considers the individual circumstances of the tenant and ensures that all other potential actions have been pursued before considering eviction action as a last resort.

Where all other remedies have been exhausted and eviction action is due to take place, the Council will advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them.

6. Pre-action Requirements (Ground 1)

If eviction action is sought on the basis of rent arrears, the Council must ensure that pre-action requirements have been fulfilled before serving the notice of proceedings and applying for the recovery of possession to the Court. Pre-action requirements are aimed at providing support and further protection for tenants facing eviction for rent arrears, and aiming to resolve the arrears before applying for eviction action as a last resort. The Council must:

- Provide the tenant with clear information about the terms of the tenancy agreement and any rent or other financial arrears owed to the Council;
- Aim to provide the tenant with advice and assistance on benefits available to them;
- Provide the tenant with information where they can seek help to manage their debts and make reasonable efforts to refer the tenant to appropriate support services;
- Aim to establish a rental payment/arrear repayment plan with the tenant;



- Provide the tenant with an opportunity to apply for housing benefits, adhere to a payment plan, or explore alternative measures of reducing outstanding arrears before initiating the formal eviction process.

7. Test of Reasonableness

Where the Court must be satisfied that it is reasonable to grant the decree for repossession, the Court must have regard to:

- The nature, frequency and duration of the conduct;
- The extent to which the tenant was personally responsible for the behaviour leading to eviction action;
- The impact of the conduct on other individuals and the wider community;
- Any alternative actions the Council has taken prior to eviction action in an effort to address the conduct of the individual in question.

8. Notice of Proceedings

To start the formal eviction process, the Council will send a notice of proceedings to the tenant and any qualifying occupier who lives with the tenant. A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home.

The notice of proceedings must include the following:

- Signal the intent of the Council to apply for a decree for repossession from the Court;
- The reasons and grounds for recovery of possession;
- The earliest date the Council can request a Court hearing;
- How the Council has met the pre-action requirements where eviction action is sought on the basis of rent arrears.

The date given in the notice is the earliest date on which the Council can start court action for possession. Following the date, the Council has a 6-month window to initiate court action. Where the process of streamlined eviction is sought under ground 2, the notice of proceedings must be served anytime within 12 months of the conviction, or where the conviction was appealed, the day on which the appeal was dismissed or abandoned.



9. Streamlined Evictions

If eviction is sought under ground 2, and the Council has served the notice of proceedings to the tenant for the recovery of possession within 12 months of the conviction, streamlined eviction process is followed. Streamlined eviction process removes the test of reasonableness, but the Council must give considerations to the relevant statutory guidance in relation to raising eviction action using the streamlined eviction process.

Before pursuing streamlined eviction, the Council will give due regard to and will exhaust other relevant Council policies and plans such as keeping to the commitments contained within the Promise to care experienced children and young people, considering the objectives of the Local Outcomes Improvement Plan as well as the Community Justice Improvement Plan.

The Council should also consider whether the reasons for pursuing streamlined eviction are appropriate and proportionate. This includes taking into account:

- The nature and severity of the offence(s);
- The individual who has been convicted of the offence and their connection to the property;
- Where the offence occurred and its relevance to the Council housing tenancy;
- The extent to which the offence has affected other individuals within the community, considering its impact over time and its influence on the stability of the community;
- Any proactive steps taken by the convicted individual to make positive change;
- Impact of eviction on household members;
- Other measures taken/that could be taken by the Council or partner agencies to address the conduct in question.

10. Authorising and Enforcing the Eviction

Having served the notice of proceedings to the tenant, the tenant will be served the Statement of Claim and a warrant from the Court, which summons the tenant to a Court hearing and outlines the first date of the hearing. The papers will be served by hand by the responsible housing officer. On occasion, they may also be served by recorded delivery or by Sheriff Officers if the tenant is in prison or is living under non-usual circumstances.

If the Court agrees to proceed with the eviction action at the Court hearing, a decree for repossession will be granted, specifying the date for the tenancy to end. The Court must wait at least 14 days in case the tenant appeals the decision to evict. For further information on appeals procedure, please see the appeals section.

After the appeal period, Sheriff Officers will send the tenant a form of charge of removing, which sets out the deadline by which the tenant must vacate the property. Following the deadline, the Sheriff Officers will be sent to the tenant's home to remove them from it.



Once the removal is complete, Sheriff Officers must serve a letter to the tenant, informing them of the completion of the removal, the date it occurred and the individuals responsible for carrying it out.

11. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

12. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information(Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow [the link](#).

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the [Information Commissioner's Office](#).



For further information on Clackmannanshire Council's data protection practices, please visit the Council's [Data Protection Statement](#). For the Council's Data Protection Policy, please follow the [link](#). For further information on freedom of information laws, please visit the [Scottish Information Commissioner webpage](#).

13. Complaints

If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the [Council's Complaints Procedure webpage](#).

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a [complaints form found online](#) or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the [SPSO website](#).

14. Appeals

If the tenant or their representative was absent at the Court hearing for the decree for repossession, a process of Minute for Recall may be initiated. This gives the tenant another opportunity to state a defence at the Court and potentially recall the decree for repossession. The Minute for Recall must be submitted within 14 days of receiving the date for eviction.

In all other cases, the tenant can also appeal the Court's decision to grant an eviction decree within 14 days of granting the decree if the tenant believes that the Sheriff did not follow the law or the Court procedures correctly.

15. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.



16. Appendices

16.1. *Appendix 1. Glossary of Terms and Interpretations*

Antisocial Behaviour – behaviour as defined by section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004. Antisocial behaviour occurs where a person “acts in a manner that causes or is likely to cause alarm or distress; or pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not of the same household.”

Decree for Repossession – an order for recovery of possession granted by the Court

Eviction – the physical removal of a tenant from the premises following Court action

Form of Charge for Removing – an official Court letter sent to the tenant which confirms the enforcement and the deadline for the eviction

Notice of Proceedings – legal document which states that the Council may raise proceedings in the Court to gain possession of the tenancy

Tenant – includes any joint tenants

Recovery of Possession – Court proceedings for recovery of possession of the tenancy

16.2. *Appendix 2. Complete List of Grounds for Recovery of Possession*

There are 14 grounds that Clackmannanshire Council may use to form the basis for eviction, as defined by Housing (Scotland) Act 2001, and amended by Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014.

Where eviction action is sought under grounds 1 to 8, the Court must be satisfied that it is reasonable to grant the decree for repossession. Grounds 9 to 15 are known as ‘management’ grounds and require the Council to offer suitable alternative accommodation to the tenant in order for the Court to grant decree for repossession.

The grounds for recovery of possession that the Council may use are as follows:

1. The tenant has rent arrears, or any other obligation of their tenancy agreement has been broken.
2. The tenant, or someone living in or visiting the property, has been convicted of (a) using the house for immoral or illegal purposes or (b) an offence punishable by imprisonment committed in, or in the locality of, the house.
3. The tenant, or someone living in the property, has caused deterioration of the property or common parts;



4. The tenant, or someone living in the property, has caused deterioration of furniture provided with the property;
5. The tenant has been absent from the property for a continuous period of more than 6 months without a reasonable cause;
6. The tenant knowingly or recklessly made a false statement in order to obtain the tenancy;
7. The tenant, or someone living in or visiting the property, has acted in an antisocial manner within the locality, or pursued a course of conduct amounting to harassment or antisocial behaviour;
8. The tenant, or someone living in the property, has been guilty of conduct which is a nuisance or annoyance within the locality, or harassed someone living in or visiting the local area;
9. The tenant has allowed the property to become overcrowded;
10. The Council intends to demolish or carry out substantial works on the property;
11. The property is designed or adapted for a person with special needs, there is currently no one living in the property with such needs, and the Council requires it for a person who has such needs.
12. The property is designed, provided with or located near facilities for a person with special needs, there is currently no one living in the property with such needs, and the Council requires it for a person who has such needs;
13. The Council has leased the property and the lease has ended;
15. The tenant has had a relationship breakdown and their spouse, civil partner or cohabitee has requested that the tenancy is transferred to them.

EVICTIOn POLICY

CHILD-FRIENDLY VERSION



When you are a person who lives in a council home (a tenant), you sign an agreement that has rules about how to be a good tenant, like paying your rent on time and keeping a tidy garden. Sometimes, if rules are broken we might need to serve a notice to evict the tenant. This is where the tenant can no longer stay in the house. This document explains how and when we will evict a tenant.



We must follow the law and make sure we look at other options before evicting a tenant. We will try our best to help the tenant to stop the eviction and homelessness from happening.

Most common reasons for us evicting the tenant include unpaid rent, criminal activity or antisocial behaviour. We must make sure that we follow the correct steps. We need to take the case to Court for a Sheriff to decide if the tenant should be evicted.



To start eviction action, we will send a letter to the tenant to tell them what we are doing. We will tell them why and when we seek to evict them. If the Court allows to evict the tenant, the tenant will have to leave their home.

If the tenant cannot come to hear the Court's decision or thinks the Court did not follow the law or procedures correctly, they can ask the Court to look at the eviction decision again.



Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Clackmannanshire Council's Eviction Policy
Service:	Place
Team:	Housing Business Management

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	Yes
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy

Clackmannanshire Council's Eviction Policy sets out the framework of how a Tenancy Agreement between the Council and the tenant will end due to eviction action pursued by the Council. Clackmannanshire Council has the responsibility to act within the legislative framework and adhere to statutory guidelines and recommendations, including statutory homelessness duties by preventing homelessness from occurring and providing the relevant support. This policy aims to recognise that the Council's role as a landlord may conflict with its statutory homelessness duties. As such, it also outlines the processes that will be followed to ensure that potential alternative solutions have been explored before resorting to eviction action.

The Council's Evictions policy must comply with statutory obligations set out in the Housing (Scotland) Act 2001, Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014. The Policy has been reviewed to ensure that it complies with the most recent legislative changes found within the relevant legislation.

The document intends to make changes to formatting to make it more accessible. The Evictions Policy gives due regard to the UNCRRC (Incorporation) (Scotland) Act 2024 which will go live in July and requires all public bodies to present information in an accessible formation for all young people.

The Evictions Policy is now intended to be written in more simplistic language, particularly where legal information must be presented by paraphrasing the legislation and the relevant statutory guidance and recommendations.

Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?

General Equality Duty -

➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct

Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionately against any of the protected characteristics where the Council decides to pursue eviction action.

➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not

Proposals on the changes of formatting, simplifying information and providing an easy-to-read summary of the document may have a positive impact on protected groups

Proposals on changes to the Notice of Proceedings and the age of the qualifying applicant may have an impact on protected groups. The proposed policy aims to provide information on support available for anyone facing eviction action.

The protected group identified to be impacted are:

- Young people

The Council will continue to address gaps in provision of support and identify any potential mitigating action to be considered, and will consult the relevant protected groups.

➤ Fostering good relations between people who share a protected characteristic and those who do not.

Impacts are assessed as low in relation to the proposed changes to the policy.

Fairer Scotland Duty -

➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

Proposals on fulfilling pre-action requirements may have an impact on applicants who are experiencing or likely to experience socioeconomic disadvantage. The policy now aims to include information about the support, advice and information that the tenant will be provided where they face eviction due to rent arrears. The Council will work together with other relevant internal departments and external partner agencies and third sector organisations to identify the needs of the tenant and deliver appropriate support.

While a range of support schemes are in place to protect vulnerable residents, including the provision of information, advice and financial welfare as well as agreeing and upholding to a debt repayment plan, the Council is mindful of the current cost of living crisis and its impacts on the residents, and further information is sought from the relevant groups on impacts and any mitigating action that the Council should consider.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>The policy may have an impact on this protected group. Following advice from independent solicitors, the policy aims the definition of a qualifying occupier to include changes to the age of the qualifying occupier. The policy now aims to state that “the policy now states: “A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home.” This may impact young individuals who may be affected by any proceeding eviction action. Where eviction action is due to take place, the policy aims advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them. This includes advice and assistance on temporary accommodation and ways to secure alternative permanent accommodation.</p> <p>The proposed policy document aims to change formatting, simplifying the information and providing an easy-to-read summary of the document, which aims to help children and young people read and understand complicated documents.</p>
Disability	Yes	The proposed policy document aims to change formatting, simplifying the information and providing an easy-to-read summary of the document, which may help people with learning disabilities to read and understand complicated documents
Gender Reassignment	No	There is no indication at this stage that this protected characteristic would be impacted
Marriage and civil partnership	No	There is no indication at this stage that this protected characteristic would be impacted
Pregnancy and Maternity	No	There is no indication at this stage that this protected characteristic would be impacted
Race	No	There is no indication at this stage that this protected characteristic would be impacted
Religion and Belief	No	There is no indication at this stage that this protected characteristic would be impacted
Sex	No	There is no indication at this stage that this protected characteristic would be impacted
Sexual Orientation	No	There is no indication at this stage that this protected characteristic would be impacted

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

Clackmannanshire Council has a robust process for initiating and carrying out evictions which is in line with all legislative requirements and statutory guidance. This policy does not aim to unlawfully discriminate against or have a negative impact on any of the protected groups. Where eviction action is to take place under any of the grounds as defined by Housing (Scotland) Act 2001, Clackmannanshire Council aims to ensure that appropriate support is provided to the tenants facing eviction, subject to their individual circumstances, including any of their protected characteristics.

However, we seek to gather additional information on the needs of the relevant groups, any potential impacts relating to the proposals and any mitigating actions that the Council could take.

Which equality groups and communities might it be helpful to involve in the development of the policy?

We are seeking information on any impacts arising from the proposals and any additional mitigating action that we should consider.

In particular, we are seeking views from Clackmannanshire Tenants' and Residents' Federation as well as children and young people.

Next steps

Clackmannanshire Tenants' and Residents' Federation as well as Alloa Academy's Pupil Parliament will be consulted.

Following the completion of consultations and analysis of feedback for the Clackmannanshire Council's Eviction Policy, we will update and publish this impact assessment.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
Details of engagement undertaken and feedback received		
Following the engagement with Clackmannanshire Tenants' and Residents' Federation and Alloa Academy's Pupil Parliament, appropriate changes were made to alter the layout and the wording of the document following the feedback received from the groups.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:		
Tick ✓	Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
APPROVAL		
NAME	DESIGNATION	DATE