



TUNTUM HOUSING ASSOCIATION

DOCUMENT CONTROL		
Policy name:	Notice to Quit / Notice of Seeking Possession & Eviction Policy	
Version:		
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Customer-facing:	YES	

1. Introduction

- 1.1 As a Registered Provider, Tuntum Housing Association ('Tuntum') recognises the need to balance our responsibility to provide guidance and advice to residents who breach their occupancy agreements with our responsibilities to the wider customer base.
- 1.2 This policy is needed to establish clear guidelines for handling notices to quit, possession notices, and evictions while ensuring fair treatment of residents, adherence to the Regulator of Social Housing's Standards, and protection of Tuntum's assets.

2. Policy statement and aims

- 2.1 Prevent homelessness by exhausting all other management remedies where appropriate.
- 2.2 Provide early intervention to prevent eviction through proactive engagement and support referrals.
- 2.3 Define the authorisation process to ensure senior oversight of all high-stakes legal actions.
- 2.4 Deal with evictions consistently and transparently.
- 2.5 Protect the interests and well-being of other residents and the local community.
- 2.6 Take action to protect Tuntum's assets and income.
- 2.7 Ensure compliance with the Pre-Action Protocol for Possession Claims by Social Landlords.

3. Legislation or regulatory requirements

This policy complies with:

- 3.1 Housing Act 1988
- 3.2 Housing Act 1996
- 3.3 Equality Act 2010
- 3.4 Protection from Eviction Act 1977
- 3.5 Social Housing (Regulation) Act 2023
- 3.6 Localism Act 2011
- 3.7 Human Rights Act 1998
- 3.8 Data Protection Act 2018 (GDPR)
- 3.9 The Regulatory Standards (Consumer Standards)



4. Scope

This policy applies to:

- 4.1 All Tuntum residents (including General Needs, Supported, and Shared Ownership).
- 4.2 Housing management staff.
- 4.3 Support staff working with residents.
- 4.4 Third-party contractors or legal representatives acting on behalf of Tuntum.

5. Definitions:

- 5.1 Eviction: The recovery of accommodation owned or managed by Tuntum using available legal processes.
- 5.2 Notice Types:
 - 5.2.1 Notice to Quit: For excluded license and as appropriate for abandonments/death of a tenant.
 - 5.2.2 Section 8 Notice: For breach of tenancy terms by assured/assured shorthold tenants.
 - 5.2.3 Section 21 Notice: for starter tenancies and as otherwise provided for by legislation.
 - 5.2.4 Notice Seeking Possession (NSP): The formal notice for Assured Tenancies.
- 5.3 Pre-Action Protocol: Mandatory steps Tuntum must take before starting a possession claim for rent arrears.

6. Roles and Responsibilities

- 6.1 Head of Supported Housing & Outreach Services/Housing Services Manager:
 - 6.1.1 Reviews appeals against notices.
 - 6.1.2 Authorises eviction warrants.
 - 6.1.3 Monitors implementation of policy.
 - 6.1.4 Conducts (Last Stage) reviews to ensure all support avenues were exhausted.
- 6.2 Housing Officers/Supported Housing Team Leader:
 - 6.2.1 Issue notices following proper procedures.
 - 6.2.2 Maintain resident communication using accessible formats.
 - 6.2.3 Document all actions taken and attempts at mediation.
 - 6.2.4 Complete a Pre-Eviction Vulnerability Assessment for every case.
- 6.3 Tenancy Sustainment and Support
 - 6.3.1 Tuntum is committed to tenancy sustainment. Before a notice is served, we will:
 - 6.3.2 Attempt a minimum of three contact efforts across different mediums (e.g., phone, visit, letter).
 - 6.3.3 Offer a referral to internal or external support agencies (e.g., Debt Advice, Mental Health services).
 - 6.3.4 Identify if the resident has a disability or mental health issue that impacts their ability to comply with tenancy terms, and make reasonable adjustments under the Equality Act 2010.

6.4 Policy - Core Principles & Objectives



- 6.4.1 Tenancy Sustainment: The Association is committed to supporting residents to maintain their tenancies. Eviction will be considered a measure of last resort after all reasonable alternatives and support interventions have been exhausted.
- 6.4.2 Proportionality: All legal actions will be proportionate, taking into account the individual circumstances of the household, including any vulnerabilities or protected characteristics under the Equality Act 2010.
- 6.4.3 Transparency: We will communicate clearly with residents at every stage, providing written notice of our intentions and the reasons for seeking possession.

6.5 Pre-Action Protocols

- 6.5.1 Before a Notice to Quit (NTQ) or Notice Seeking Possession (NSP) is served, the following steps must be evidenced:
- 6.5.2 Early Intervention: Contact must be attempted through multiple channels (phone, visit, letter) to resolve the issue (e.g., rent arrears or ASB).
- 6.5.3 Financial Inclusion: For rent-related cases, residents must be offered an income and expenditure assessment and referred to internal or external debt advice services.
- 6.5.4 Multi-Agency Liaison: Where a resident has known support needs, we will engage with relevant agencies (Social Services, Mental Health teams) to explore support plans that could prevent the need for legal action.

6.6 Serving of Notices

- 6.6.1 Notice Types: We will use the correct legal notice appropriate to the tenancy type (see section 5).
- 6.6.2 Grounds for Possession: The Association will clearly state the mandatory or discretionary grounds being relied upon. We prefer the use of discretionary grounds to allow the Court to consider the reasonableness of the eviction.
- 6.6.3 Service Methods: Notices will be served in accordance with the tenancy agreement, typically via hand delivery, first-class post, or 'left at the property.' A Certificate of Service will be retained for all notices.

6.7 Vulnerability & Mental Capacity

- 6.7.1 Equality Impact Assessment (EIA): A desktop EIA must be completed before any decision to proceed to a possession hearing to ensure no discrimination is occurring.
- 6.7.2 Mental Capacity Act: If there is reason to believe a resident lacks the capacity to understand the legal proceedings, we will seek the appointment of a Litigation Friend or involve the Office of the Public Guardian.

6.8 Management Oversight & Authority

- 6.8.1 The Sign-off: No application for a Warrant of Eviction shall be made without the formal approval of a Senior Manager. This ensures a final check on the evidence and social impact.
- 6.8.2 Evidence Requirements: All legal actions must be backed by a robust audit trail of contact, support offers, and warnings.



6.9 Mandatory Post-Notice Review

- 6.9.1 Even after a notice is served, Tuntum remains open to negotiation. Legal action may be paused or withdrawn if:
- 6.9.2 A sustainable repayment agreement is reached and maintained.
- 6.9.3 The breach of tenancy (e.g., anti-social behaviour) has ceased for a significant, proven period.
- 6.9.4 A significant change in the resident's circumstances makes eviction no longer proportionate.

7. Monitoring, including audit and review

- 7.1 This policy will be:
- 7.2 Reviewed every three years.
- 7.3 Monitored through regular reporting to the Customer Excellence Committee.
- 7.4 Updated based on legislation changes, Ombudsman rulings, and operational feedback.
- 7.5 Benchmarked against sector best practices and Key Performance Indicators (KPIs) regarding eviction rates.

8. Procedure

- 8.1 Detailed procedures are outlined for:
- 8.2 Serving notices (including personal service protocols).
- 8.3 Appeals process (allowing residents to challenge the decision to serve notice).
- 8.4 Court proceedings (witness statements and evidence gathering).
- 8.5 Eviction process (liaising with Bailiffs and Social Services).
- 8.6 Cost recovery (recharging legal costs where appropriate).
- 8.7 Post-eviction support (signposting to the Local Authority homelessness team).

9. Equality Impact Assessment

- 9.1 Tuntum is committed to Equality, Diversity and Inclusion and will make reasonable adjustments to the policy to recognise, accommodate and support individual needs where needed. This Policy adheres to Tuntum's approach to Equality and Diversity. All staff members will take a proactive approach to ensure that no individual or group is discriminated against or treated differently as a direct or indirect result of this Policy.

10. References

RELATED EXTERNAL DOCUMENTS	
Reference	Link to reference
• Housing Act 1988 & 1996 • Equality Act 2010 • Protection from Eviction Act 1977 • Pre-Action Protocol for Possession Claims by Social Landlords	

DLUHC Guidance on Social Housing Evictions	
RELATED INTERNAL DOCUMENTS	
Reference	
- Tenancy Agreements - Tenancy Management Procedure - Anti-Social Behaviour and Hate Crimes Policy - Arrears Management Policy - Safeguarding Policy (Adults and Children) - Domestic Abuse Policy - Data Protection Policy - Abandonment Policy	

11. Contacts

Below is a list of key contacts who can provide support, guidance, and access to relevant information.

- General Housing Team (generalhousingteam@tuntum.co.uk)
- Asset Management (assetmanagement@tuntum.co.uk)
- Customer Services Team (admin@tuntum.co.uk)

Internal control not for publication:

Policy changes	
Policy version	Proposed changes