



RELATIONSHIP BREAKDOWN POLICY

(Approved by Shadow Board – 17 July 2007)



SOUTHWAY HOUSING TRUST

RELATIONSHIP BREAKDOWN POLICY

1.0 Policy Statement

- 1.1 Southway Housing Trust recognises that relationship breakdown is a significant cause of housing difficulty and can lead to a range of different housing problems. Southway is keen to develop a sensitive and appropriate response to tenants suffering relationship breakdown and to deal effectively with the resource and management implications for the organisation of relationship breakdown amongst its tenants.
- 1.2 Southway will offer whatever assistance it can to tenants and their partners who undergo relationship breakdown. This policy applies equally to heterosexual couples, lesbian and gay couples.
- 1.3 It is Southway's view that good practice in dealing with cases of relationship breakdown will assist both Southway tenants and Southway itself.
- 1.4 In cases of relationship breakdown, Southway will generally seek to provide just one unit of accommodation but concessionary offers may, on occasion, be made.
- 1.5 Southway will therefore:
- be particularly sensitive to the needs and wishes of tenants and their partners suffering relationship breakdown
 - offer sufficient flexibility to respond to the varied and often complex circumstances of individual households which will include married and cohabiting couples, households with and without children and same sex couples
 - take account of the likely range of housing and related problems associated with relationship breakdown including;
 - legal issues
 - housing management issues
 - financial issues
 - facilitate prompt or emergency responses in instances of domestic violence (see separate policy on Domestic Violence).



- ensure optimum efficiency in managing its housing stock and in preventing rental loss, whilst taking account of Southway's policy on equal opportunities and anti-poverty issues, in responding to households experiencing relationship breakdown

Links to Housing Corporation Registration Criteria (2004) and Regulatory Code:

Properly Governed: 2.7

Properly Managed: 3.5, 3.5.4, 3.5.6

2.0 Application of Policy

2.1 In view of the particular circumstances of households suffering relationship breakdown, Southway will adopt procedures which ensure that;

- all such households are offered private interview facilities or a home visit as appropriate
- confidentiality is fully respected and details of cases passed on only with the written consent of the tenant(s) concerned
- Officers (and interpreters where necessary) of the same sex as the interviewee are made available to conduct interviews if requested and/or Officers of the same cultural background as the interviewee where possible
- all Officers involved in interviewing are fully conversant with the housing issues relating to relationship breakdown and have had the relevant training
- a victim-orientated approach is taken to people suffering relationship breakdown, taking their wishes into consideration in determining the appropriate course of action

2.2 The procedures will specify a careful step-by-step approach to ascertaining the circumstances of the household in question and in considering with them the alternative course of action available to them. This will include consideration of;

- individual rights and obligations in respect of the tenancy, including responsibility for payment of rent

- options for transferring the tenancy and the mechanisms by which this might be achieved using housing management procedures (such as assignment) or relevant legislation (such as the Matrimonial Causes Act and the Matrimonial Homes Act)
- methods of balancing the rent account, including consideration of benefit entitlement and whether this can be backdated
- rights to make an application to the Local Authority under homelessness legislation (part VII of the 1996 Housing Act)

2.3 Where domestic violence is a feature of the relationship breakdown, a separate set of procedures will be followed. (See Domestic Violence Policy).

2.4 With each household Southway Officers would seek to establish;

- what each of the parties want and whether they are in agreement
- the status of the tenancy
- whether the couple are married or cohabiting and whether there are 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 (if so refer to Domestic Violence Policy)
- whether both parties are still in occupation of the property

2.5 The action taken will then be determined by the circumstances of the individual household.

2.6 Where no violence has occurred, consideration will be given to the options available to the household for determining who should remain in the property and how a transfer of tenancy (if necessary) could be achieved.

- 2.7 Where there are children the aim will usually be to accommodate the adult with whom the children are resident. Where possible this will be achieved using housing management mechanisms (for example, by encouraging an assignment of the tenancy). In all such cases, advice and assistance will be offered to the outgoing partner to help them to find alternative accommodation.
- 2.8 If the problem cannot be resolved using these mechanisms, the household would be advised to seek legal advice with a view to using the legal remedies available to them. Referrals would also be made to appropriate support agencies.
- 2.9 In all cases, Southway Officers will seek to ensure that the household understands their ongoing responsibilities to meet the rent payments on their tenancy. In pursuing the payment of rent, Southway will, however, be mindful of the individual circumstances of such households.
- 2.10 Procedures will also ensure that adequate advice is given to both parties to a relationship breakdown about their eligibility for housing and other benefits. A referral would be made to an appropriate advice agency as necessary.
- 2.11 Where the tenancy is in the sole name of one person, that person will be held responsible for any arrears. Joint tenants will be held jointly and severally liable for arrears unless agreement can be reached between the parties on the payment of the arrears.
- 2.12 Staff training will be provided to ensure that staff are familiar with all relevant legislation and case law relevant to relationship breakdown.
- 2.13 Southway will work closely with Manchester City Council and other local statutory and voluntary organisations in responding to cases of relationship breakdown.
- 2.14 Southway will monitor all reported cases of relationship breakdown and the courses of action taken.

3.0 Linkages with Other Southway Policies

- 3.1 This policy should be read in conjunction with the following policy/policies;
- Domestic Violence Policy
 - Equal Opportunities and Diversity Policy
 - Anti-Poverty Policy

<u>POLICY IMPLEMENTATION AND REVIEW HISTORY</u>	
Date Approved by Board: 17/7/07	Date Implemented: / /
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Review Date: / /	
<u>Amendment(s) Made/Reason</u>	
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