

Item No: 6	Classification: Open	Date: 26 January 2015	Meeting Name: Housing & Community Safety Scrutiny Sub-Committee
Report Title:		Evictions review – outcomes report	
Ward(s) or Group affected:		All	
From:		Strategic Director of Housing and Community Services	

RECOMMENDATIONS

1. Amendments will be made to our information systems to make future reviews simpler including creating a new field within iWorld to confirm attendance at evictions and developing a proforma for attendance at evictions with the appropriate levels of delegation.
2. The Rent Income and Arrears procedure will be amended to clarify the role of officers in respect of signing a bailiff's warrant at an eviction.
3. We will create a field on iWorld specifying if a case is with Legal Services and where documents can be found.
4. We will introduce a new field on iWorld requiring the Resident Services Officer to explicitly state if storage was or was not required following an eviction.
5. The Business Development Unit of Housing Operations will undertake quarterly reviews of a sample of all evictions carried out in the previous quarter to ensure that legal and procedural requirements have been complied with.
6. Officers will continue to regularly review and update the Rent Income and Arrears procedure to ensure it is accurate, up to date and as efficient and effective as possible.
7. Managers will continue to ensure that all relevant officers across the operations are trained in this procedure, properly complete fields on iWorld and comply with requirements to save key documents on the Electronic Data Management System.

BACKGROUND TO THE EVICTION REVIEW

8. On 26 November 2014, the Housing and Community Safety Scrutiny Sub Committee considered a report relating to the Mr AA High Court Judgement.
9. At the November meeting, the Housing and Community Safety Scrutiny Sub Committee requested that a sample of evictions carried out between April 2013 and October 2014 be reviewed by senior officers against the following criteria:
 - The grounds for eviction
 - The timescales in the application of court orders
 - The presence of the correct officers
 - The removal and storage of goods

10. During this period, a total of 330 evictions were carried out and the reasons for eviction are set out in the table below.

Reason for eviction	
Rent Arrears	211
Illegal Occupation	110
Other Reasons	9
Total	330

Selection of Cases

11. The review examined a 20% sample of all evictions during the period. Cases were selected at random and, reflecting the relative number of evictions, by type. Of the 65 evictions selected by officers, 6 had been dealt with by Rent Income Team One, which was the team involved in the Mr AA case. No eviction was included in the sample involving the Resident Services Officer involved in the Mr AA case as that individual had been suspended from work in April 2013 and so had not undertaken any evictions during the period covered by the review. One additional case was proposed by councillors for inclusion in the review.

12. A total of sixty six evictions were reviewed

Rent arrears	41
Illegal occupation	20
Other	4
Referred by councillors	1
Total	66

Methodology

13. The review was conducted by examining the information held on each case on iWorld and the Electronic Data Management System (EDMS). iWorld is the council's tenancy management and rent accounting information system. EDMS is the system for electronic property files for the council's tenanted and leasehold properties.
14. Both systems were interrogated to identify the evidence required to prove:
- The presence of the correct officers
 - If goods were left in the property and whether they were placed in storage or disposed of
 - The presence of legal documents relating to the eviction, including the timescales in the application of court orders.
15. In respect of the latter, the review examined the Order of Possession (also known as the possession order) by which the court allows the council to take possession of the property on a specified day. It also sought the Notice of Appointment with the Bailiff (also known as the warrant), which determines the date of the eviction.
16. In those cases where the possession order was issued more than 6 years before the eviction was carried out, further investigation was made to identify the order of the court expressly giving the council permission to request a warrant based on the original possession order.

17. In most cases sufficient information was recorded on iWorld and/or EDMS to satisfy all criteria. However, in a minority of cases additional information had to be sought directly from relevant officers to clarify details.

FINDINGS

Storage

18. Of the 66 evictions considered, the review found the required information to demonstrate that in 30 cases there were goods present in the property that required storage and that these were recorded and stored in compliance with the Goods Storage Procedure.
19. In a further 35 cases, there was sufficient information to show that there was no need to store any possessions left in the property.
20. In 1 case of an eviction on the grounds of illegal occupation the information found on iWorld or EDMS was insufficient to determine if any items requiring storage were left in the property. Further enquiries with the Special Investigations Team (which was involved in the eviction) produced a recollection that there were no items left requiring storage. No property from this address was logged on the storage list held by Housing Operations.

Goods stored	30
No need for storage	35
Unclear	1
Total	66

Documentation

21. The review found that in 40 of the 42 rent arrears evictions, both possession orders and warrants were recorded on EDMS. For non rent arrears evictions, possession orders are held on EDMS, but the warrants are held by Southwark Legal Services and are not scanned onto the tenancy file.
22. One case had been wrongly coded as a rent arrears eviction, but the tenancy was actually terminated and the keys returned to the council by the tenant. The TT1 form, which is the form which needs to be completed for a voluntary surrender of tenancy, was on file.
23. For 23 of the 25 non rent arrears evictions examined, 23 had the relevant possession order on file, while in 2 there was evidence a possession order had been obtained, but a copy had not been put onto EDMS.

Court documentation correct	63
Court documentation incomplete	2
TT1 form	1

24. The review also examined the timescales in the application of court orders to see if any may have fallen outside of the six year limit after which the council would have to apply to the court for permission to be able to request a warrant on the basis of the original possession order. Only two such cases was found (5% of all arrears evictions reviewed) and in both of these the appropriate documentation was found to demonstrate that the council had

returned to court and been granted the required permission.

All documentation within 6 year period	64
Possession Order issued more than 6 years before eviction	2
Total	66

LBS officer present at the eviction

25. In 65 of the cases reviewed there was sufficient evidence to show that an LBS officer attended the eviction in person. In the remaining case, no eviction was carried out as the tenancy was voluntarily surrendered.

Officer(s) were present	65
Keys returned prior to eviction	1
Total	66

Further Information

Case referred by councillors

26. Councillors were invited to propose cases to be included in this review. Only one case was put forward. This case involved an eviction for rent arrears carried out on 19 September 2013.
27. The review found the possession order for this eviction (28 January 2013) and the bailiffs warrant (1 August 2013). The eviction was carried out within six years of the possession order being granted. Both the Income Officer and the Resident Services Officer attended the eviction. Goods were put into storage by the council's contractor and were retrieved by the tenant on 11 November 2013.

Evictions involving Rent Income Team 1

28. Given the background to this review, particular attention was given to examining evictions involving Rent Income Team one, which had dealt with the Mr AA case. A total of six cases were included in the review (14% of all rent arrears evictions). One of these was the voluntary surrender of tenancy. Of the 5 evictions:
- All evictions were attended by an LBS officer
 - 4 cases required storage and 1 did not
 - All 5 cases had complete court documentation

CONCLUSION

29. Of the 66 cases examined, in only 2 could a copy of the possession order not be retrieved, though in both cases evidence was found to show that an order was obtained, but that the requirement to scan the document into the electronic tenancy file had not been complied with.

30. Only 2 cases involved a possession order issued more than 6 years prior to the eviction. In both cases the council complied with the legal requirement to return to court to obtain permission to request a warrant based on the original possession order.
31. In all but 1 case there is clear evidence regarding any need for storage of the evicted tenant's goods. The lack of certainty in that one case does not imply that goods were found and disposed of when they should have been stored, but is most likely to reflect a failure of officers to explicitly record that there was no requirement for storage.
32. A council officer was present at every eviction under review, underlining the exceptional nature of the situation in the Mr AA case when no council officer attended the eviction.
33. Though the vast majority of cases were dealt with and recorded correctly, the review did identify a small number where the information on iWorld and EDMS was insufficient requiring further enquiries to be made with the officers involved in those evictions. One case was wrongly coded as an eviction when in fact the tenancy was voluntarily surrendered.
34. There is still some inconsistency in a minority of cases in respect of compliance with procedures, which needs to be addressed through training and management supervision.
35. The creation of additional fields on housing management information systems for recording key actions and the location of legal documents are required to ensure that comprehensive information about an eviction can be more easily retrieved in future.

NEXT STEPS

36. Management in Housing Operations will continue to ensure there is a regular update as part of the business process review schedule. Every single process and procedure is subject to regular review.
37. Eviction procedures are being reviewed in order to ensure that the calculation of the six year period is taken from the earliest possession order rather than any subsequent order or application whereby the date for possession is fixed. The procedure update will be completed by 1 February 2015 and will clarify what officers need to do in such cases and the need to return to court for the warrant to be re-issued.
38. Some procedures are obviously a greater priority than others, for example the Rent Income and Arrears procedure, and require more frequent review by the specialist managers for that area. It is important to note that as well as the regular review, review of the procedure can be prompted by a number of factors, including:
 - Changes to the legislative framework
 - Changes in interpretation based on emerging case law
 - Best practice
39. The review process includes ensuring there is regular refresher training for all relevant officers. The procedure is readily available on our housing operations intranet pages and to our customers on our internet pages.
40. By 1 February 2015 new fields will be added to iWorld to record which LBS officers were present at an eviction and whether there was any requirement to store goods or not.

41. From April 2015 a process of quarterly reviews of a sample of all evictions carried out in the previous quarter will be introduced to ensure that legal and procedural requirements have been complied with.

1.
APPENDIX ONE

As soon as the management became aware in May 2013 of the serious errors that had taken place in respect of the eviction of Mr AA a review leading to changes to Rent Income & Arrears Procedure and Goods Storage or Disposal Procedure was undertaken:

References to the "Housing Officer" job role were replaced by "Resident Officer" or "Resident Services Officer" roles in the Goods Storage Procedure.

The following changes were made to **section J (Eviction)** of the **Rent Income & Arrears Procedure**:

- A section on Goods Storage or Disposal was removed to prevent duplication with the Goods Storage or Disposal Procedure.
- A procedural step was added, stating that the Income Officer must confirm prior to an eviction which Resident Services Officer will be in attendance.
- A procedural step was added, stating that the Income Officer attending the eviction must call the Income Team Leader to confirm their presence on site.