

Doc Number: 3-09a	Lead: Manager, Housing Services	Last Full Review: May 2026
Tick one of the below for review/changes made: Full review and changes made ☒ (add changes summary to table below) Full review, no changes made ☐ Changes made but no full review ☐ (add changes summary to table below)		Reviewer / Editor: Manager, Housing Services Changes Approved By: Reviewed and edited in-line with the Beacon? ☒ Yes ☐ No

Possession & Eviction Policy

Document Change Details

Date	Summary of Changes Made
November 2023	All P&Ps revert to version 01 as approval process & version control moved to Sharepoint. Version number no longer shown on the document
January 2026	Reviewed in line with the Beacon. Job roles amended. Responsibilities added
May 2026	Policy reviewed and separated from the Procedure

1.0 Purpose

To provide a clear statement of under what circumstances we will seek to obtain possession of a tenancy, the grounds and the internal processes.

To ensure compliance with legal requirements and good practice.

To clarify what support we will continue to offer when taking legal action against tenants.

To ensure that tenants' support needs and/or disabilities (including mental health needs) are considered when making decisions about legal action.

2.0 Introduction

Assured tenancies, including Assured Shorthold Tenancies (ASTs), can only be ended by a court order.

Tenants will not be subject to court action or eviction without proper notice being given and the correct legal procedures being followed. The form of notice and process for Assured and AST tenancies is prescribed in law.

We will only consider legal proceedings to gain possession where:

- there has been a clear breach of the tenancy agreement, and all reasonable preventative measures and/or support interventions have been exhausted.
- the property is required for a change in use, and the tenant has declined suitable alternative accommodation.
- the tenancy has been obtained fraudulently or through false information.
- the tenant is no longer using the property as their only or principal home.
- our interest in a property ends through the termination of a lease agreement.
- a criminal offence has occurred at the premises and is clearly linked to the tenant or their visitors.
- the tenant has not consistently met the agreed expectations, including engaging with support services or following agreed actions to improve their tenancy
- possession is required to allow us to meet the term of a lease or other legal agreement.
- the property and/or support service we provide is no longer suitable for the tenants needs and we are no longer able to keep the tenant safe.
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We recognise and respect the rights of other tenants, neighbours, colleagues, and the wider community, and will take appropriate and proportionate action to uphold those rights.

2.0 Responsibilities

Housing Team	Responsible for: • Working with tenants and support services to prevent escalation and encourage engagement • Ensuring that the policy is effectively implemented • Ensuring all actions are fair, proportionate and considering vulnerabilities and support needs
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	Communicating clearing with tenants and progressing appropriate legal action where necessary whilst continuing support
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3.0 Policy

We will only take legal action to end a tenancy where it is considered the most appropriate course of action and where other documented interventions have been unsuccessful.

We will provide person-centred support to help tenants sustain their tenancies, delivered by both housing and support teams (where applicable). All support offered will be appropriately recorded.

We will work proactively with tenants to resolve issues and prevent escalation to legal action. Exceptions may apply in cases of serious breach where immediate action is required (e.g. where there is an ongoing risk to tenants, colleagues, or the wider community).

Non-engagement will be recorded and may be relied upon as evidence in legal proceedings.

Where a tenant fails to engage with agreed support or tenancy requirements, a Notice Requiring Possession may be served (where permitted by the tenancy agreement). Examples include:

- not working with support staff
- no longer meeting the criteria for the accommodation
- not accepting suitable alternative move on accommodation
- presenting an unreasonable risk to other tenants
- interfering with the delivery of housing management.

For serious tenancy breaches, which place people at risk, we will consider the use of accelerated court proceedings to obtain possession, without giving the normal notice periods.

Prior to taking legal action, an Equality Impact Assessment will be completed to fully understand the tenant's support needs, vulnerabilities, and any disabilities (including mental health). The outcome of this assessment will be used to ensure that any action taken is fair, reasonable, and proportionate.

While appropriate support will be offered to mitigate the impact of legal action, we will proceed where such action is considered reasonable and proportionate.

Each case will be assessed on its individual merits. Decisions to seek possession will be clearly evidenced and explained, and tenants will be given the opportunity to respond. Following a decision, a tenant will be informed of their right of appeal.

Tenants will continue to be offered support when legal action is taken that may result in their tenancy being ended.

For rent arrears, we will usually first ask the court for a suspended possession order, which allows the tenant to stay if they repay what they owe. We may ask for outright possession (eviction) if

the tenant could reasonably have agreed a payment plan but has failed to do so, and the arrears are very high.

If the court grants possession, we will give the tenant information about where they can get help finding other accommodation (for example, the local council or private renting).

Before taking legal action, we will refer the tenant to the local authority homelessness prevention team (with their consent).

We are not responsible for making sure alternative accommodation is secured before eviction takes place.