



Housing Services

Temporary Accommodation Rent Arrears Policy and Procedure

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Appendix 1

Policy Title	Temporary Accommodation Rent Arrears Policy and Procedure		
Version	Committee		Date Approved
1.0	Community & Wellbeing		19 November 2025

Revision History

Revision Date	Revisor	Version	Description of Revision

Appendix 1

1. Purpose

The purpose of the Rent Arrears Policy and Procedure is to set out how Epsom & Ewell Borough Council (EEBC) manages rental income, rent arrears, and possession proceedings for non-secure tenants and licensees living in interim and temporary accommodation provided or managed by the Council.

This policy should be read in conjunction with the [Pre-Action Protocol for Possession Claims for Social Landlords](#).

This policy and procedure will be applied ensuring that there is early contact and support in order to prevent arrears accruing and that the tenant or licensee can receive the right advice and support at the earliest opportunity.

This policy will set out when appropriate legal action will be taken to minimise arrears increasing and to seek possession of the property. Eviction will only be pursued as a last resort where all other methods of resolution have been unsuccessful and after all requirements of the Pre-Action Protocol have been met.

1. Applicability

This policy and procedure applies to rent, service and storage charges and the recovery of former tenancy arrears and is applicable to all non-secure tenants and licensees who are accommodated in interim/temporary accommodation under s.188 or s.193 of the Housing Act 1996 (as amended) or who are licensees at Woodside, Defoe Court, East Street, Epsom.

2. Terms

“Rent” and “arrears” apply to all rent, accommodation, service and storage charges.

“Tenancy and licence” refer to the relevant agreement between EEBC and the household for provision of interim or temporary accommodation.

“Tenant and licensee” applies to those who we have accommodated under a homelessness duty who have a liability to pay rent, accommodation, service or storage charge to EEBC.

“Rent liability” is due from the commencement date of the tenancy or licence agreement and then every Monday thereafter. Some tenancies or licences include a service charge.

The term “Tenancy Sustainment Officer” (TSO) allows flexibility to enable not just one role to be solely responsible for providing tenancy management and support. The role of providing tenancy sustainment will include the Temporary Accommodation Officer (TAO), Housing Needs Officer and Move-On Officers.

3. Background

Rental income pays for the services provided to tenants and licences, including tenancy management and repairs. It is therefore essential for rent collection to be maximised and any rent debt owed to the Council reduced through effective management of rent arrears and tenancy sustainment.

The Council's approach focuses first on sustaining tenancies and licences through arrears prevention, early intervention, advice, support, and the maximisation of income to prevent,

Appendix 1

minimise or manage debt.

Where a tenant or licensee has accrued rent arrears, every effort will be made to ensure that the payments are brought up to date, or affordable repayment plans agreed, so that they can remain in the property.

However, the Council needs to balance supporting households with the need to cover the costs of providing the accommodation, so may need to take steps to regain possession of the property if rent arrears accrue.

5. Rent Arrears Procedure

The Rent Arrears Policy and Procedure is based on a staged escalation process that depends on the amount and length of time the tenant or licensee is in arrears. This escalation process runs from initial contact and rent recovery through to possession proceedings and eviction. The process is set out in more detail in the sections below.

This process is integrated into, and managed by, the “Rent” and “Arrears” modules on the Abritas Housing IT system.

The stages of the Rent Arrears Policy and Procedure have been written to ensure compliance with the Pre-Action Protocol for Possession Claims by Social Landlords.

6 Prevention of Arrears and Tenancy Sustainment

Housing Services will implement the following tenancy sustainment measures to proactively prevent arrears, enable timely engagement, and ensure that tenants or licensees receive appropriate advice and support at the earliest possible stage.

6.1 Ways to Pay

To encourage a payment culture tenants and licensees will receive information on the available payment methods at the time of signing their tenancy or licence agreement, along with their assigned rent account number.

Payments can be made online through the Council’s website ([make-payment > Housing payments](#)) or by setting up a bank standing order.

Those tenants and licensees in receipt of Housing Benefit, will have their Housing Benefit paid directly into their rent account on a weekly basis. Payments are made weekly in arrears on a Tuesday.

6.2 New Occupants – Advice and Support at Tenancy and Licence at Sign-Up

Housing Services will ensure tenants and licensees receive clear information, advice, and support at the start of their tenancy or licence to help them manage rent payments and foster a culture of payment from the outset. When accommodation or storage is arranged Housing Services will provide tenants and licensees with the following information and assistance.

- A copy of the non-secure tenancy or licence agreement which outlines their rental liability and obligations to pay rent/charges.
- Payment instructions, which outlines the weekly rent, rent account number and details of ways to pay.
- Advice on applying for Housing Benefit (HB), the link to the online HB claims process and support to help make these claims, if required.

Appendix 1

- Suggest an amount of what to pay whilst their HB claim is being assessed. This is to encourage payment from the outset and reduce the likelihood of arrears accruing early in the tenancy or licence.
- Signpost to on-line benefit calculators such as <https://www.entitledto.co.uk/> or <https://www.turn2us.org.uk/> so the tenant or licensee can undertake an estimate of their welfare benefit entitlement.
- Advice about claiming any additional welfare benefits they may be entitled to.
- Encourage applicants to notify Housing Services and HB of any changes in their circumstances.

The Temporary Accommodation Officer (TAO) will notify the Housing Benefit team of the commencement or termination of a placement by providing a "TA - HB start/end notification", which will include the individual's name, address, rent charges, and rent account number.

6.3 Advice and Support after tenancy or licence sign-up

After the tenancy or licence sign-up date the TAO/TSO will undertake the following actions: -

- Monitor the rent account to check if the tenant or licensee has made any payments.
- Check the HB system "Connect and Serve" to establish the status of claim and if it is in payment.
- Liaise with the Housing Benefit team to verify the status and progress of any claim, checking for any outstanding information, likely eligibility, timescale for assessment.
- Contact with tenant or licensee if they have not yet made a payment, not yet submitted a HB claim, or not provided the information required to assess their HB claim and to offer support, if required.
- Monitor the rent account regularly, thereafter, to ensure expected payments are being made.

6.4 Housing Benefit

To ensure tenants and licensees are claiming and receiving the correct benefits Housing Services will provide advice and support on claiming Housing Benefits and Discretionary Housing Payment.

Where tenants or licensees may be eligible for Housing Benefit, they are able to apply through the Council's website: <https://www.epsom-ewell.gov.uk/residents/benefits/applying-benefits>. This should be done at the time of sign-up or as soon as possible thereafter and applicants must provide all necessary supporting documentation for their claim to be assessed.

Housing Services can provide an estimate of housing benefit entitlement using on-line benefit calculators such as <https://www.entitledto.co.uk/> or <https://www.turn2us.org.uk/>

Housing Services will liaise regularly with Housing Benefit to ensure that Housing Benefit claims and issues are dealt with promptly and that the Housing Benefit claims are in payment and have not been suspended or cancelled.

Possession proceedings for rent arrears will not be started against a tenant or licensee who can demonstrate that –

- (a) the Council has been provided with all the evidence required to process a housing benefit claim,
- (b) there is a reasonable expectation of eligibility for housing benefit; and
- (c) they have paid other sums due that are not covered by housing benefit.

6.5 Advice and Support

The Housing Service can provide tenants or licensees with advice and support on:

- Welfare benefit and Discretionary Housing Payment applications and supplying supporting information so these claims can be assessed.
- Estimates of welfare benefit entitlement using on-line benefit calculators such as <https://www.entitledto.co.uk/> or <https://www.turn2us.org.uk/>
- Signposting/referrals to specialised money advice services such as Epsom CAB <https://www.caee.org.uk/about-us/money-advice-debt/> or CAP <https://capuk.org/> , www.moneyadviceservice.org.uk, who can provide assistance on money and debt advice, including priority debts, budgeting, income and expenditure and maximising income.
- Referrals for support to external providers, such as Parashoot Floating Support <https://www.ravenht.org.uk/getting-help-and-support/support-to-keep-me-in-my-home/referring-to-parashoot-crisis-scheme/> or adult/children's social care services.
- Referrals to the Foodbank and the Good Company
- Referrals to ETHOS who can help with training and employment opportunities, especially for those households who are benefit capped.
- The right to obtain independent legal advice regarding their situation.

6.6 Tenants or licensees with disabilities, special needs or are vulnerable

Housing Services will consider the specific needs of vulnerable tenants or licensees when managing their arrears and in determining if a tailored approach is needed when taking arrears enforcement action.

Where a tenant or licensee is known to have a disability, literacy challenge, or language support need, Housing Services will take reasonable steps to ensure communications are accessible and comprehensible. In such cases, alongside sending rent arrears letters or notices, staff will also make telephone contact with the tenant or licensee to explain their content and, where necessary, use translation and interpreting services or provide the information in alternative formats.

If a support need is identified this will be recorded on the Housing ICT management system so that reasonable adjustments can be made to communications and the support required.

Housing Services will endeavour to provide or signpost appropriate housing support services to vulnerable residents and liaise with other agencies about their particular care and support needs.

As required under the Pre-Action Protocol, where a tenant or licensee is particularly vulnerable, the Council should consider at an early stage whether or not the tenant or licensee has the mental capacity to defend possession proceedings and the extent to which CPR 21 applies; whether or not any issues arise under the Equality Act 2010; and whether or not there is a need for a community care assessment in accordance with the Care Act 2014.

6.7 Agreed Repayment Plans

If a tenant or licensee has arrears and cannot pay them in one instalment, a repayment plan can be agreed. This plan should be affordable and take into account their individual circumstances, and reflect the surplus funds identified on the income and expenditure form.

Appendix 1

This repayment plan will be confirmed in writing, detailing the repayment amount, frequency, payment method, and advise of the consequences of missing payments.

All details must be recorded on the “*Agreements*” module on Abris Housing IT system and compliance will be monitored.

The agreed repayment plan can be amended if the tenant or licensee’s circumstances change.

6.8 Third Party Deductions

At any stage of the rent arrears recovery process, the Council may apply to the DWP for a third-party deduction from a tenant or licensee’s welfare benefits to recover arrears if attempts to engage with them have failed and a Notice to Quit may be issued.

7. Rent Arrears Recovery Process

Where a tenant or licensee has accrued rent arrears, the following arrears recovery processes will be initiated. This sets out the earliest possible point at which each letter and stage may be triggered.

Rent arrears monitoring will be undertaken on a weekly basis by analysing the “*Arrears*” module on the Abris Housing IT system. This is broken down into occupants who are 1 week, 2 weeks and 3 (or more) weeks in arrears.

When reviewing rent accounts, note that Housing Benefit is paid weekly in arrears and imported to the rent accounts on the Abris system each Tuesday. A tenant or licensee will have arrears if the expected Housing Benefit payment still leaves at least one week’s rent unpaid.

There should be ongoing liaison with the Housing Benefit team to verify the status and progress of any relevant claim. Additionally, Housing Benefit claims should be reviewed when there is reason to believe that a tenant or licensee may be entitled to payments but is not currently receiving them.

At all stages of the rent arrears recovery process:

- the tenant or licensee should be informed of their right to obtain independent legal advice regarding their situation. In addition, where rent arrears may be part of a general debt problem, the tenant or licensee should be advised to seek assistance from the Citizens Advice Bureaux (CAB), debt advice agencies or other appropriate agencies as soon as possible. Information on debt advice is available on the Money Advice Service website <https://www.moneyadviceservice.org.uk>.
- all letters, rent statements or notices should be sent separately to each named tenant or licensee.
- all contacts and communications with tenants or licensees should be recorded on the CRM of the Abris Housing IT system.

7.1 Rent Arrears Stage One: Initial Contact

If the tenant or licensee falls into arrears, the TAO/TSO should contact them as soon as reasonably possible, to discuss:

- the cause of the arrears
- their financial circumstances

Appendix 1

- their entitlement to benefits, and
- to arrange an agreed repayment plan.

When a tenant or licensee has rent arrears exceeding the equivalent of one week's rent, '*Rent Arrears letter 1*' can be sent and emailed along with their quarterly rent statement.

If a tenant or licensee accumulates minor ongoing arrears, such as through non-payment of a service charge or a shortfall in Housing Benefit, they should be contacted by telephone or email regarding the overdue payments and advised to update their rent account to avoid further action. If there is no response, '*Rent Arrears letter 1*' can then be issued, along with their quarterly rent statement, when the arrears reach the equivalent of one week's rent.

The rent statement should be provided in a clear and understandable format, showing the rent due and amounts received for the previous 13 weeks. Upon request, the tenant or licensee should also be supplied with copies of their statements from when arrears first started to accrue. These statements should include all rent amounts due, the dates and amounts of each payment made (whether via housing benefit, discretionary housing payments, or directly by the tenant), as well as a running total of any arrears.

If the tenant or licensee meets the appropriate criteria, the TAO/TSO may apply for arrears to be paid by the Department for Work and Pensions (DWP) by deductions from their benefit.

The tenant or licensee should be offered advice and support with claiming any Housing Benefit or Discretionary Housing Payments.

Following the initiation of Stage One, if there has been no response from the tenant or licensee within one-week, further contact should be attempted by telephone, text message, email, or through messages left with the accommodation provider.

7.2 Rent Arrears Stage Two: Invite Tenant or Licensee to a Resolution Meeting

Where a tenant or licensee has received '*Rent Arrears letter 1*' and their rent account remains outstanding, no repayment plan has been arranged, or Housing Benefit is not in payment, or has been suspended or cancelled, then '*Rent Arrears letter 2*', inviting the tenants or licensees to attend a meeting, can then be sent two weeks after the first letter was issued.

Where a tenant or licensee has agreed to a repayment plan, but has not adhered to it, '*Rent Arrears letter 2*' can then be sent after 7 days has passed since the first missed repayment was due. A copy of their rent statement should accompany the letter, as detailed in 7.1.

Following initiation of Stage Two, attempts should continue to be made to contact the tenant or licensee by telephone, text message, email, or via messages left with accommodation provider, to discuss: the cause of the arrears; their financial circumstances; their entitlement to benefits; and to arrange an agreed repayment plan.

Continue offering the tenant or licensee support and advice on applying for Housing Benefit or Discretionary Housing Payments.

If the tenant or licensee meets the appropriate criteria, the TAO/TSO may apply for arrears to be paid by the Department for Work and Pensions by deductions from their benefit.

7.3 Rent Arrears Stage Three: Formal Warning of Intention to Serve Notice

"*Rent Arrears Letter 3*" can then be sent to the tenant or licensee as a formal warning that a Notice to Quit will be issued if, after one additional week, any of the following conditions remain unresolved:

- The arrears have not reduced,
- The applicant has failed to make the agreed or expected payments,
- Housing Benefit has advised that their claim is not in payment or has been suspended or cancelled.

A copy of their rent statement should accompany the letter, as detailed in 7.1.

If the tenant or licensee has not responded to letters or attended any meetings, arrangements can also be made at this stage to visit them at the property to discuss: the cause of the arrears; their financial circumstances; their entitlement to benefits; and arrangements to make a repayment plan of the arrears, and to arrange an agreed repayment plan.

7.4 Rent Arrears Action Stage Four: Notice to Quit

If all efforts to engage with the tenant or licensee and arrange a repayment plan have failed at stages one, two and three, formal possession proceedings may now be initiated. All contacts/communication with the tenant or licensee should be recorded on the Abritas Housing IT system as this may be used as evidence in any subsequent court proceedings.

The TAO/TSO should notify the Housing Solutions Manager (HSM) of the arrears balance and the steps taken to resolve the arrears and request authorisation to serve a statutory Notice to Quit (NTQ).

Before requesting authorisation, the TAO/TSO must ensure that required actions in the pre-eviction protocol has been followed, and the pre-eviction protocol action list is completed.

The Housing Solutions Manager will be responsible for authorising and signing the NTQ.

The NTQ will be issued giving four weeks' notice, expiring on a Monday. The NTQ may be served on the tenant or licensee in person or at their address. Where the NTQ is sent by post allow two extra days for service. A notice of service will be completed by the officer serving it.

The NTQ must be accompanied by a rent statement as outlined in section 7.1, a copy of the Pre-Action Protocol for Possession Claims by Social Landlords, and the "*NTQ Arrears letter*" that explains the reasons for seeking possession. The letter also requests that the tenant or licensee inform the Council in writing within 5 working days of any personal circumstances or relevant matters they wish to be considered.

This will provide the tenant and licensee with another opportunity to discuss their situation and explain any personal circumstances or other matters they wish to be taken into account.

The HSM will consider any representations received, and if a decision is made to proceed with a claim for possession, the HSM will give a brief written reason for doing so.

7.4.1 After service of statutory notices and before issuing possession proceedings

After serving the NTQ, and before issuing possession proceedings, the Council, as

Appendix 1

landlords, should:

- make reasonable attempts to contact the tenant or licensee to discuss: the amount of the arrears; the cause of the arrears; repayment of the arrears; and the housing benefit position
- send to the tenant or licensee a copy of the Pre-action Protocol for Possession Claims by Social Landlords
- postpone the court proceedings for as long as the tenant or licensee is complying with an agreement to pay current rent plus an amount towards the arrears
- warn the tenant or licensee who has stopped complying with a repayment plan of the intention to bring possession proceedings, giving clear time limits within which to comply again and avoid proceedings.

On expiry of the NTQ, if the tenant or licensee has failed to engage, pay the arrears or agree or adhere to a repayment plan, the HSM should seek advice from Legal Services regarding initiating court proceedings to regain possession of the property.

Where a decision is made to start possession proceedings, the HSM should then instruct Legal Services by completing the Legal Instruction proforma and provide a copy of the expired NTQ, the tenancy or licence agreement and rent statement, and email this to Legal Services (LegalInstructions@epsom-ewell.gov.uk), who will review the evidence and prepare the relevant application to the County Court for a possession hearing.

TAO/TSO should continue to attempt weekly contact with the tenancy or licence to try to discuss the situation and to attempt to arrange a repayment plan. If these attempts are successful, the repayment plan should be confirmed in writing and the HSM will monitor the case until ten days prior to the court hearing, when a final decision will be made on whether the possession proceedings continue.

In cases where the tenant or licensee has begun to adhere to a repayment plan prior to the court date, the HSM should seek approval from the Strategic Housing Manager (SHM) and Legal Services to adjourn the court action.

7.5 Rent Arrears Action Stage Five: Court Proceedings

Not less than ten days before the court hearing, the Council, as a landlord, must provide the tenant or licensee with an up-to-date full rent statement and disclose what information they have about their housing benefit position.

The Council, as a landlord, should also inform the tenant or licensee of:

- the date and time of the court hearing
- the terms of the order that will be applied for
- the need and importance to attend the hearing as their home is at risk.

A record of the above advice must be noted on the CRM of the Abritas Housing IT system.

If, after issuing proceedings, the tenant or licensee complies with an agreement to pay the current rent and a reasonable amount towards arrears, the Council, as a landlord, should agree to adjourn the court proceedings for so long as the tenant or licensee keeps to such agreement.

If the tenant or licensee ceases to comply with the agreement, the Council, as a landlord, should warn them of the intention to restore the proceedings and give them clear time limits within which to comply again and avoid restoration of the proceedings.

7. 6 Rent Arrears Action Stage Six: Expiry of the Possession Order - Bailiff's Warrant

Following expiry of the possession order, if the tenant or licensee remains in occupation at the property and is still in rent arrears, the HSM will request for Legal Services to apply for an application for a bailiff's warrant.

In the event that the tenant or licensee makes an offer of repayment to the Council to clear the debt in full following the date that the possession order comes to an end, the HSM should discuss these terms with the SHM and Legal Services prior to entering into any agreement and will seek approval to either cancel or continue with an application for a bailiff's warrant.

When the bailiff's eviction date has been received from the County Court, the TAO/TSO must notify the tenant or licensee and, if relevant, Children Services, of the date of the eviction. The TAO/TSO should make the Housing Options Team aware so that they can offer the tenant or licensee advice about their future housing options.

If the accommodation is nightly paid accommodation, the TAO will advise the accommodation provider of the bailiff's eviction date and an end to the booking placement.

If the property is owned or managed by EEBC, the TAO is required to attend the premises to execute the bailiff warrant and coordinate the changing of locks. Depending on the assessed level of risk, the officer should consider requesting police assistance.

8.0 Former Rent Arrears

Once the tenant or licensee has vacated the accommodation or storage facility they will be notified of the arrears, and a final rent statement will be sent with a letter to advise them of the following:

- The arrears owed
- They must contact the Council to arrange an agreed repayment plan
- If they are on the Council's Housing Needs Register, they cannot be considered for social housing until the arrears are paid in full and will have reduced priority if they do not meet their agreed repayment plan.

The Council will use all appropriate resources to pursue former tenant arrears, including:

- small claims court action
- debt collection agencies
- third party deductions
- using appropriate third parties to establish the applicant's address.

The Housing Solutions Manager will be responsible for raising an invoice for former rent arrears.

9.0 Links to other policies

This policy and procedure is linked to the Council's Housing Allocations Policy which refers to the sanctions associated with being in arrears and being able to apply for social housing through the Housing Needs Register.

10. Equality and Diversity

The Council is committed to its duty under the Equality Act 2010 and ensures that tenants or

Appendix 1

licensees are treated fairly. Where a tenant or licensee has a protected characteristic that may impact their ability to manage rent payments, Housing Services will take these specific needs into account when addressing arrears. This includes considering whether a tailored approach is required for arrears enforcement action and providing appropriate advice and support as needed.

An Equality Impact Assessment (EIA) has been completed for this Temporary Accommodation Rent Arrears Policy and Procedure.

11. Complaints

Tenants or licensees who are dissatisfied with the Council's decision regarding rent arrears and who wish to make a complaint can do so through the Council's complaints process <https://www.epsom-ewell.gov.uk/complaints>.

12. Legislation

- Protection from Eviction Act 1977
- Housing Act 1985 and 1988, 1996
- Homelessness Reduction Act 2017
- Human Rights Act 1998
- Equality Act 2010
- Welfare Reform Act 2012
- UK General Data Protection Regulation & Data Protection Act 2018
- Pre-Action Protocol for Possession Claims – Civil Procedure Rules
- Coronavirus Act 2020

13. Pre-Action protocol

The Pre-Action Protocol for Possession Claims by Social Landlords came into effect on the 6th of April 2015 (updated 13th January 2020 to include temporary accommodation) and is the legal framework in England and Wales which outlines the steps social landlords (such as councils and housing associations) must take before initiating court proceedings to evict a tenant due to rent arrears. The protocol is very clear that possession claims should only be brought as a last resort and failure to adhere to the protocol may result in the Council being unable to regain possession of the property and/or being liable for costs.

<https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/pre-action-protocol-for-possession-claims-by-social-landlords>