

Evictions by social landlords in Scotland 2016-2018

July 2019

Shelter
Scotland

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Acknowledgements:

Shelter Scotland would like to thank East Ayrshire Council and Scotland's Housing Network (SHN) for taking the time to share their projects and practice in this report. All views expressed in this report are those of Shelter Scotland.

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Key points

- Over the last twelve months, evictions by social housing providers (housing associations and councils) have remained static. In 2017/18 there were 2,267 social sector evictions. This compares to 2,276 evictions in 2016/17.
- 1,322 of these evictions were carried out by local authorities and 945 evictions by registered social landlords (RSLs). 93% of evictions were carried out due to rent not being paid, whilst anti-social behaviour accounted for 6% of evictions.
- Eviction is an ineffective, costly and time-consuming way for social landlords to deal with rent arrears.
- Over the last decade the number of social sector evictions in Scotland have come down by a third since the high of 2008/09 (3,297) but, over the last five years they have increased by 44% to the current level.
- Pre-action requirements were intended to reduce the number of evictions in Scotland's social sector, by ensuring there was consistent intervention by all social landlords at the early stages of rent arrears to prevent eviction action. However, after their introduction in 2012 and an initial reduction in evictions, since 2013/14 the number of evictions has been increasing.
- UK wide welfare reform has seriously impacted tenants' income and ability to pay rent. The climate in which social landlords are carrying out these evictions for rent arrears is significantly different to that of 2013/14.
- The conversion rate between notice of proceedings resulting in a successful court order granted for an eviction has steadily increased between 2013/14 to 2017/18 – more so for local authority evictions. This suggests that local authorities are increasingly only commencing court action when they believe that they have a successful eviction case on their hands.
- Eviction actions in Scotland by social landlords have increased at different rates. But the consistent increase of every action in the eviction process over the last five years suggests that eviction continues to be used as a management tool by social landlords for tenants in rent arrears.
- Eviction is a costly, ineffective and time-consuming process for social landlords dealing with rent arrears. This is in addition to it being extremely stressful and unsettling for tenants who are likely already dealing with changes to their income. Eviction should only be used as a last resort.
- Shelter Scotland advisers are aware of instances whereby housing associations are less likely or able to offer flexibility or discretion to tenants. It is unclear what direct impact this has on evictions but could adversely affect an individual's ability to afford and sustain their tenancy.

Recommendations

- All social landlords should prioritise prevention of evictions and homelessness by adopting precautionary, pre-crisis and crisis interventions, in partnership with a wide range of advice and support services, to reduce the number of households threatened with eviction.
- Early face-to-face contact and involvement, comprehensive written information and advice and a focus on alternative ways to recovering debt should be available to all social tenants before crisis intervention is needed.
- There should be an increased focus on reducing the use of eviction actions to manage rent arrears among local authorities and RSLs. The Scottish Government should renew its focus on preventing the eviction of tenants for rent arrears.
- Specifically, the Scottish Government should commit to a review of the operation of pre-action requirements across the social rented sector.
- Shelter Scotland would like to further understand how the policies of social landlords – particularly local authorities – have evolved over the last few years and what changes have been made to policy and practice as a result of pre-action requirements (PARs) across the different teams dealing with evictions. This may help to highlight the reforms and updates that are needed to the PARs currently in place.
- Flexibility in collecting the first month's rent is integral in preventing rent arrears and subsequent eviction. Shelter Scotland advisers are aware of instances whereby housing associations are less likely or able to offer flexibility or discretion to tenants. Shelter Scotland has always encouraged clients to prioritise paying rent but are concerned that there is a significant number of people who cannot afford upfront full "rent in advance" payments.
- Eviction must always be a last resort. Any decision to evict a tenant, especially families, must be balanced against other duties and considerations, including the duty of local authorities to reduce and prevent homelessness and to protect children's well-being and future.
- Further research into the financial costs associated with social sector evictions in Scotland is required. Assessing the actual costs associated with social sector evictions should help social landlords and Scottish Government to make more informed decisions and aid them to achieve a more fair and balanced approach to evictions due to rent arrears.
- Best practice in managing rent arrears and minimising the use of costly and often ineffective eviction actions should be identified and shared within the sector consistently and more widely.

Introduction

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help. We're here so no one has to fight bad housing or homelessness on their own.

2018 marked 50 years since Shelter Scotland was founded, on the back of national outrage at the poor-quality housing in Scotland's cities. Legislation has come a long way in 50 years, and Scotland, in particular, has comparatively progressive laws around housing and homelessness. Despite this progress, there is still significantly more to be done to ensure households are supported and protected from experiencing homeless.

Eviction is an ineffective, costly and time-consuming way for social landlords to deal with rent arrears – even more so for local authorities, since an eviction is likely to result in taking a homeless application and a move into temporary accommodation for many households. In addition, it is an incredibly stressful experience for households. The impacts of homelessness on individuals are well known, a home is central to educational attainment, health and wellbeing and employment. Housing upheaval can have a lasting impact on children in particular: children who are homeless are three to four times more likely to have mental health problems than other children, even one year after being rehoused.¹ Eviction is, also, a human rights issue. Human rights case law has clarified that compliance with Article 8, the right to respect for people's private and family life, home and correspondence, requires that the court considers the proportionality of an eviction by a public authority, if the tenant challenges the proportionality and is able to persuade the court that there is a defence.² Similarly, Protocol 1, Article 1 protects your right to enjoy your property peacefully and not to have it taken away by the state arbitrarily or improperly.³ Shelter Scotland advocates that paying rent should be a priority for all households regardless of tenure when budgeting. Eviction as a response to rent arrears should be a last resort for these reasons. In 2012, pre-action requirements were introduced by the Housing (Scotland) Act 2010. This legislation placed a duty on all social landlords to work with tenants in arrears to prevent an eviction. Despite some initial progress, evictions have actually increased since 2013.

This report follows on from a 2017 report into social sector evictions from Shelter Scotland⁴ and focuses primarily on eviction actions by social landlords in 2017/18, with an analysis of trends from the last five years. The report concludes by making a series of recommendations to reduce the use of evictions across Scotland, building on good practice from the sector.

¹ Shelter (2006) [Chance of a lifetime: The impact of bad housing on children's lives](#)

² Shelter Scotland (2019) [Housing is a human right](#)

³ Equality and Human Rights Commission, [Article 1 of the First Protocol: Protection of property](#) (accessed May 2019)

⁴ Shelter Scotland (2017) [Evictions by social landlords in Scotland 2012-2016](#)

Background

Shelter Scotland works to prevent and reduce social sector evictions and campaigns for stronger support for tenants to sustain their social tenancies. In 2008, Shelter Scotland produced an initial report highlighting that there were over 3,500 evictions by social landlords in 2007/08, urging the Scottish Government and all social landlords to do more to try and reduce that number.⁵

Shelter Scotland then produced yearly analysis and review of progress into social sector evictions until 2013/14, a period which saw significant reductions in evictions for rent arrears from the high 2007/08 rates. A 2017 report by Shelter Scotland found that progress had levelled off and progress had stalled.⁶

Many people in Scotland struggle to keep their home and this can have drastic consequences. The majority of people who use Shelter Scotland's services do so for help with keeping their home (46%).⁷ The social sector houses 22% of all Scottish households – an estimate of over half a million households in Scotland.⁸ 11% of all homeless applications across all tenures a result of action by a landlord or lender.⁹ To achieve the Scottish Government's ambition of ending homelessness, we must ensure that social sector evictions are always used as a last resort. Shelter Scotland welcomes the broad agreement across the housing sector that eviction is an ineffective way of dealing with rent arrears, but data shows there is still work to be done to ensure that best practice is consistently applied.

Not only is eviction stressful and time consuming for all parties involved, it is costly too. Some research has shown that eviction cases can cost social landlords between £2,000-£6,000.¹⁰ It was this expense that led Stirling Council in June 2009 to ban evictions for rent arrears.¹¹

The cost of evictions – Stirling Council case study:

In 2008/09, the total cost of evictions to Stirling Council was £117,000¹². This is made up of £98,083 costs to the housing service and a further £18,917 through the council's obligation to discharge homeless duty.

Stirling Council noted that £48,000 of the total is due to be paid by the tenants. By 2010 only £4,000 of the outstanding rent arrears at the time of eviction has been collected. Stirling Council's audit review concluded:

"To this end, these findings would support the Shelter Scotland briefing report of November 2009 stating evictions are "an ineffective way of collecting rent" and "expensive for social landlords and for the public purse."¹³

⁵ Shelter Scotland (2008) [Evictions by social landlords in Scotland 2007-08](#)

⁶ Shelter Scotland (2017) [Evictions by social landlords in Scotland 2012-2016](#)

⁷ Shelter Scotland (2018) [Impact Report 2017/18](#)

⁸ Scottish Government (2018) [Scottish Household Survey – Annual Report 2017 LA Tables](#)

⁹ Scottish Government (2018) [Homelessness in Scotland 2017/18](#)

¹⁰ Shelter (2012) [Research briefing: immediate costs to government of loss of home](#)

¹¹ Shelter Scotland (2009) [Evictions by social landlords in Scotland 2008-2009](#)

¹² Stirling Council (2010) [Draft minutes of the meeting of the Executive held in the Council Chambers 4th February 2010](#)

¹³ Stirling Council (2010) [Draft minutes of the meeting of the Executive held in the Council Chambers 4th February 2010](#)

Section 11 notifications: 2009

The Homelessness etc. (Scotland) Act 2003 introduced Section 11 notifications, which placed a duty on RSLs, mortgage lenders and private landlords to notify their local council if they initiated legal proceedings to repossess a property. They came into force in April 2009. The intention was that after the section 11 notification was made, local authorities would be able to intervene early to advise households on next steps to resolve their housing issues, in turn leading to fewer evictions and subsequent homeless applications.

Pre-action requirements: 2012

Pre-action requirements – introduced in 2012 via the Housing (Scotland) Act 2010 – sought to hold social landlords to a set of preventative measures they must enact before taking a tenant to court over an eviction. This was intended to work in a similar way to the duty on mortgage providers to undertake a number of actions to help keep owner occupiers in their homes and was based on existing good practice across the sector, as an additional preventative step to section 11 notifications.

Prior to 2012, the number of court actions not resulting in an eviction indicated that the threat of an eviction was increasingly being used to tackle rent arrears despite the expense and stress this involves.

Whilst some support and advice was offered to tenants by social landlords on rent arrears prior to 2012, it varied extensively. National pre-action requirements were therefore identified as a way to open communication between tenants, landlords and third-party advice services on how to address arrears, including putting in place a repayment plan and therefore avoiding eviction, whilst ensuring consistency across the social sector.

The impact of pre-action requirements

Shelter Scotland's 2016 report into evictions by social landlords found that despite the policy intention and broad buy-in across the sector, pre-action requirements have not had a sustained, long term impact in reducing evictions.¹⁴ Worryingly, data shows that evictions have actually increased since 2013/14. Since 2016, eviction numbers have remained high, with the number of notices of proceedings issued continuing to increase. It is unclear why this is and more needs to be done to understand how practice has evolved in response to the introduction of PARs.

The current climate

Social landlords are operating in an increasingly difficult climate. There have been large cuts to local authority budgets whilst the same provision of service is expected.

In addition, the transition from Housing Benefit to Universal Credit (UC) has placed considerable pressure on social landlords. Scottish Federation of Housing Associations states that as the number of social tenants claiming UC increases, there is a real risk that the administrative burden on housing associations, cooperatives and local authorities will increase substantially, as all those on legacy benefits make the transition to Universal Credit by 2023.¹⁵

¹⁴ Shelter Scotland (2017) [Evictions by social landlords in Scotland 2012-2016](#)

¹⁵ SFHA (2019) [Written evidence: social security support for housing – social security committee](#)

Evidence from Citizens Advice Scotland indicates that rent arrears are far higher amongst tenants in receipt of UC: 73% of tenants on UC are in arrears, compared to 29% of tenants on legacy benefits.¹⁶ But it is essential that even in the face of increasing arrears, eviction is only used as a last resort for tenants. Anecdotal evidence from Shelter Scotland's social sector evictions roundtable event in 2018 – made up of representatives from the social sector – suggested that in turn, social landlords are facing increased arrears due to the way in which UC is being administered.

Rent arrears are a leading cause of eviction. It is essential that social landlords work to prevent eviction for rent arrears, and flexibility with first months rent is an integral part of this. Many housing associations ask for rent at the beginning of or just before a tenancy begins – called “first month’s rent”, “rent in advance” or “rent up front” and is usually between one week and one month’s rent. While many housing associations offer gradual repayment arrangements for tenants with difficulty paying, Shelter Scotland advisers have increasingly become aware of instances whereby housing associations are less likely or able to offer flexibility or discretion to tenants.¹⁷ It is unclear whether rent in advance policies have knock on effects for evictions, but this is a significant barrier to tenants securing a tenancy in the first place and alongside this has the potential to create ongoing affordability issues for tenants as they try to sustain their tenancy.

¹⁶ Citizens Advice Scotland (2018) [Rent arrears: causes and consequences for CAB clients](#)

¹⁷ Shelter Scotland & SFHA (2017) [First Month's Rent Flexibilities – Good Practice Guide](#)

The eviction process in Scotland

In this report, we use the term eviction to mean the removal of a tenant or household by a registered social landlord through enforcement of a court granted decree. The stages of an eviction in the social sector are:

- **Notice of proceedings¹⁸**
 - This is the first step in actioning an eviction in the social sector. The notice acts as a communication to tenants that their landlord has begun court action. This is not binding, and at this point many tenants may engage with their landlord to agree a repayment plan or another action, which can then stop the eviction.
 - In 2017/18, 40,415 notices of proceedings were issued (4% more than 2016/17).
- **Court action**
 - If the dispute hasn't already been resolved, the tenant will next receive a court summons. A letter from the court will inform the tenant that court proceedings have begun.
 - In 2017/18, 13,459 court actions were initiated (1% less than in 2016/17).
- **Decree granted**
 - The case is then heard at court. If a decree is granted, the landlord has permission to go ahead with the eviction.
 - In 2017/18, 5,751 orders for repossession were granted (3% less than 2016/17).
- **Eviction decree issued**
 - At this point, the decision has been made, and sheriff officers can begin to carry out the eviction process. This includes removal of the tenant, and termination of the tenancy.
 - In 2016/17, 2,267 evictions were carried out (similar to the 2016/17 level).

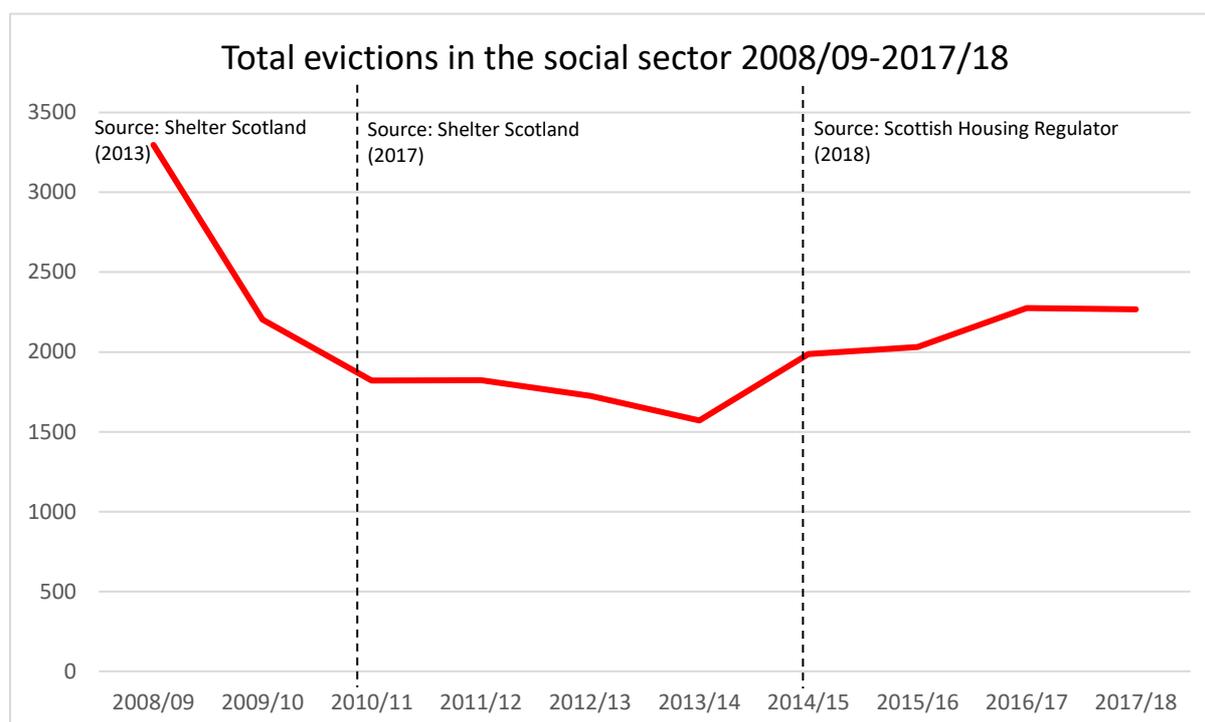
This report will look at all four of these categories in analysing the extent of social sector evictions in Scotland. It is important to note that many notices of proceedings and decrees granted do not result in actual evictions, but they do shed light into how often the threat of eviction is being used by social landlords.

¹⁸ This report analyses 100% of the evictions statistics recorded in the Scottish Housing Regulator's [Annual Return on the Charter](#), but given that 93% of these eviction cases are the result of rent arrears, that will make up the majority of this report's focus.

Evictions in Scotland by social landlords

In 2007/08 over 3,500 social sector tenants were evicted.¹⁹ Despite the economic downturn, social sector landlords managed to reduce the number of evictions over the next few years and by 2010/11, this figure was down to 1,822 evictions. This reduction of 49 per cent over a three-year period was likely due to a successful change in the approach social landlords used when dealing with rent arrears.²⁰ Following this period, progress began to stagnate and evictions then steadily increased from 2013/14, despite the introduction of pre-action requirements which were intended to reduce the incidence of evictions.

Chart 1: Total evictions in the social sector 2008/09-2017/18²¹



¹⁹ Shelter Scotland (2008) [Evictions by social landlords in Scotland](#)

²⁰ Shelter Scotland (2016) [Evictions by social landlords in Scotland 2012-2016](#)

²¹ Note: there are reporting differences between the sources used in this table.

Eviction action	2013/14	2014/15	2015/16	2016/17	2017/18	% change to 2013/14	% change to 2016/17
Notices of proceedings issued	34,804	34,414	37,557	38,826	40,415	+16%	+4%
Number of court actions initiated	11,881	13,541	13,235	13,565	13,459	+13%	-0.7%
Orders for recovery of possession granted	4,159	5,515	5,759	5,910	5,751	+38%	-2.6%
Eviction Occurred	1,571	1,988	2,031	2,276	2,267	+44%	-0.3%

Table 1 shows that there has been an upward trend in evictions occurring, along with notices of proceedings, court actions and orders granted, since 2013/14. Between 2013/14 and 2017/18 evictions increased by 44%. The number of notices of proceedings issued has steadily increased over the last four years by 16%. The consistent increase in issuing notices of evictions is the case across both local authorities and registered social landlords and suggests that eviction is still being used as a threat by social landlords, in tackling problems in the tenancy.

The most recent data (2017/18) shows that all actions in terms of evictions appear to be settling. 2,267 households in Scotland's social sector were evicted in 2017/18, roughly the same as 2016/17 levels, whereas court actions initiated, and decrees granted have both dropped marginally, by -0.7% and -3% respectively since 2016/17.

²² Scottish Housing Regulator (2018) [Annual return on the Charter](#)

Reasons for eviction action

Of the 2,267 social sector evictions in 2017/18, 93% (2,113) were carried out due to rent not being paid. Anti-social behaviour accounted for 6% of evictions and other reasons 1%. Table 8 shows that the increase in evictions between 2013/14 and 2017/18 solely consist of rent arrears cases.

Reason for eviction	2013/14	2014/15	2015/16	2016/17	2017/18	% change 2013/14
Properties recovered because rent had not been paid	1,413	1,818	1,872	2,110	2,113	50%
Properties recovered because of anti-social behaviour	131	123	126	115	130	-0.7%
Properties recovered for other reasons	27	47	33	51	24	-11%
Total	1,571	1,988	2,031	2,276	2,267	44%

Of the court actions initiated in 2017/18, 16.8% resulted in an eviction. Of the 16.8%, 15.7% of these evictions carried through were as a result of rent arrears. Evictions for anti-social behaviour and other reasons made up just over 1% of evictions²³. Affordability of housing is increasingly a problem in Scotland, partly due to recent welfare reform. At Citizens Advice Scotland, advice for rent arrears has increased by 40% since 2012²⁴ showing just how significant this issue is. However, Shelter Scotland has always advocated that the threat of eviction should not be the first option to handling this. Early intervention such as setting out a debt management plan with tenants, should precede the issuing of a notice of proceedings. **Shelter Scotland and the Scottish Government believe that eviction for rent arrears should only be used as a last resort.**

Case study: A single mother could not cover her local authority rent due to changes to the benefit cap. The woman struggled with managing letters from her local authority about her arrears level and entitlement to benefits as she can't read. The family are now at risk of eviction due to arrears. Shelter Scotland is helping the family apply for discretionary housing payments to help prevent the eviction.

²³ Scottish Housing Regulator (2018) [Charter Indicators and data by outcomes and standards](#)

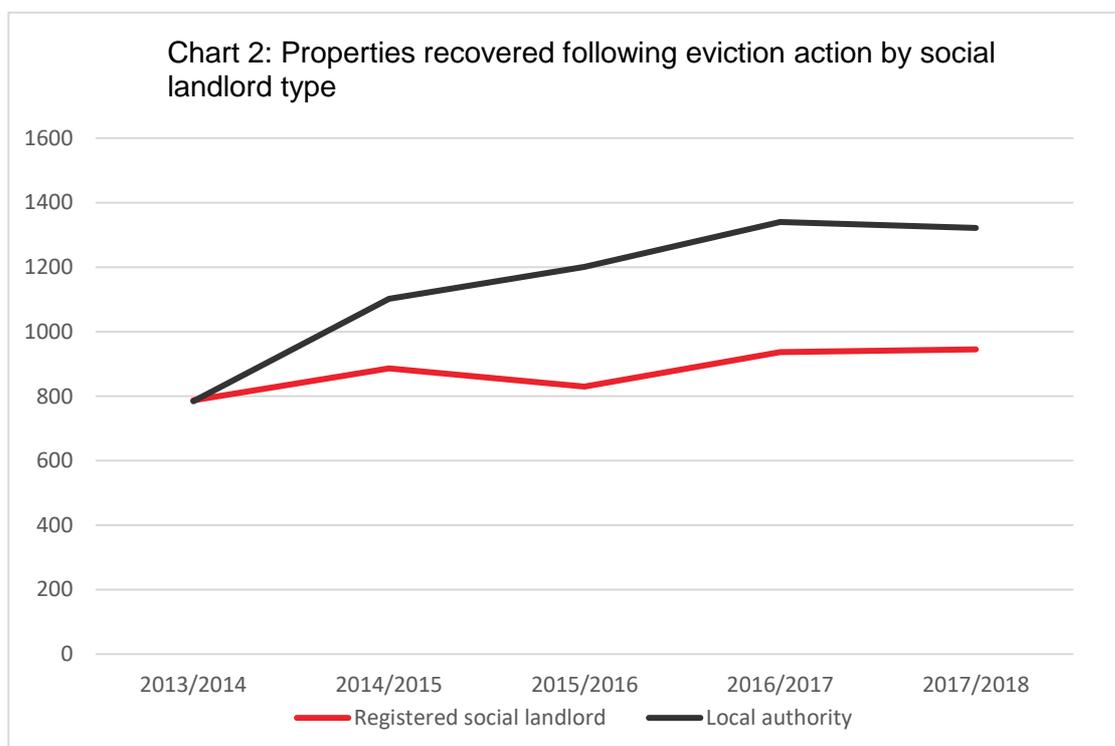
²⁴ Citizens Advice Scotland (2018) [Rent arrears: causes and consequences for CAB clients](#)

Case study: A single mother with a four-year-old son was living in local authority housing and was signed off work with stress. Unfortunately, she was subject to the benefit cap and her income was cut. She applied for a discretionary housing payment twice, she was awarded it once when there was money available and refused another time. Her rent arrears accrued to £1,500, at which point the local authority began eviction proceedings. The court granted the eviction.

Social sector evictions by landlord type

The majority of evictions in 2017/18 involved local authority tenants (58%). Table 3 shows that the significant increase in evictions since 2013/14 is largely due to local authority actions: evictions by local authorities increased by 69% between 2013/14 and 2017/18 (with a small decrease in evictions in the last year). In comparison, evictions by registered social landlords increased by 20% between 2013/14 and 2017/18.

Landlord type	2013/14	2014/15	2015/16	2016/17	2017/18	% change 2013/14
Registered social landlord	787	886	830	936	945	20%
Local authority	784	1,102	1,201	1,340	1,322	69%
Total	1,571	1,988	2,031	2,276	2,267	44%



Local authority evictions

Local authorities house 58% of Scotland's socially renting households.²⁵ This proportion has steadily declined over the last decade with the decrease in local authority stock, and growth of housing associations.

Since 2013/14, local authority evictions have increased across Scotland. Table 4 shows that in 2017/18 there were 1,322 evictions by local authorities, less than a 1% decrease on 2016/17.

Local authority	2013/14	2014/15	2015/16	2016/17	2017/18	% change to 2013/14	% change to 2016/17
Scotland	784	1,102	1,201	1,340	1,322	69%	-1%
Aberdeen City	130	215	137	149	122	-6%	-18%
Aberdeenshire	43	30	45	41	39	-9%	-5%
Angus	20	27	19	15	35	75%	133%
Clackmannanshire	8	15	9	10	19	138%	90%
Dundee City	60	61	73	47	41	-32%	-13%
East Ayrshire	46	70	67	80	82	78%	2.5%
East Dunbartonshire	22	27	8	16	12	-45%	-25%
East Lothian	8	15	19	8	17	113%	113%
East Renfrewshire	10	24	11	12	21	110%	75%
Edinburgh, City of	51	55	111	155	129	153%	-17%
Falkirk	25	44	73	62	93	272%	50%
Fife	58	89	72	61	92	59%	51%
Highland	45	49	57	53	37	-18%	-30%
Midlothian	19	20	15	27	19	0%	-30%
Moray	5	12	8	9	9	80%	0%
North Ayrshire	30	38	40	55	53	77%	-4%
North Lanarkshire	71	116	196	230	189	166%	-18%
Orkney	0	2	0	0	3	N/A	N/A
Perth & Kinross	1	0	6	17	24	2300%	41%
Renfrewshire	46	45	56	70	68	48%	-3%
Shetland	2	5	2	4	5	150%	25%
South Ayrshire	11	7	10	12	9	-18%	-25%
South Lanarkshire	53	59	91	124	116	119%	-6%
Stirling	7	18	30	16	10	43%	-38%
West Dunbartonshire	8	34	20	27	49	513%	81%

²⁵ Scottish Government (2018) [Scottish Household Survey 2017: annual report](#)

West Lothian	5	25	26	40	29	480%	-28%
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Note: The following local authorities have been removed from the table, as they don't have stock as a result of whole stock transfers: Argyle & Bute, Dumfries & Galloway, Eilean Siar, Glasgow City, Inverclyde and Scottish Borders. For consistency this report uses information provided by councils and housing associations to the Scottish Housing Regulator in their annual ARC returns. However a comparison between these data and statistical data provided by councils to the Scottish Government shows that for some councils the ARC data on evictions understates evictions by excluding properties abandoned following eviction action by the council. For example, in 2017/18 the ARC data understates evictions for Fife by 58 and for Falkirk by 38.

Table 4 figures suggest that the model of pre-action requirements isn't fully embedded in all local authorities. All but six local authorities in Scotland have seen their evictions increase on 2013/14 levels. There is also considerable variation between local authorities. For example, figures range from increases of 2,300% (though this accounts for an increase of just 23 cases) to decreases of 45%. This level of variation suggests the problem is more around local practice and management of tenants in rent arrears, than any geographical factors.

Notices of proceedings issued by local authorities

Local authority	Notices of proceedings issued	Total evictions	% NOPs resulting in an eviction
Scotland	28,322	1,322	5%
Aberdeen City	1,221	122	10%
Aberdeenshire	858	39	5%
Angus	821	35	4%
Clackmannanshire	404	19	5%
Dundee City	573	41	7%
East Ayrshire	1,845	82	4%
East Dunbartonshire	82	12	15%
East Lothian	354	17	5%
East Renfrewshire	434	21	5%
Edinburgh, City of	800	129	16%
Falkirk	1,618	93	6%
Fife	1,585	92	6%
Highland	2,136	37	2%
Midlothian	298	19	6%
Moray	330	9	3%
North Ayrshire	1,703	53	3%
North Lanarkshire	4,554	189	4%

Orkney	38	3	8%
Perth & Kinross	1,206	24	2%
Renfrewshire	1,942	68	4%
Shetland	13	5	38%
South Ayrshire	589	9	2%
South Lanarkshire	1,959	116	6%
Stirling	142	10	7%
West Dunbartonshire	1,570	49	3%
West Lothian	1,247	29	2%

On average for all of Scotland's local authorities and social landlords, 5% of notices of proceedings result in an eviction occurring,²⁶ but there is considerable variation across Scotland's local authorities, ranging from 2% to 16%. This could suggest that some local authorities are more likely to evict tenants for arrears than others. This suggests a problem of a culture of managing arrears through eviction, in some local authorities, as opposed to eviction increases being influenced by geographic factors.

Eviction actions by local authorities

Eviction actions by local authorities	2013/14	2014/15	2015/16	2016/17	2017/18	% change to 2013/14
Notices of proceedings issued	23,236	23,534	25,954	26,870	28,322	22%
Number of court actions initiated	7277	9093	9026	9606	9645	32%
Orders for recovery of possession granted	2761	3877	4152	4270	4107	49%
Eviction occurred	784	1102	1201	1340	1322	69%
Rate at which a NOP results in a successful order for recovery	11.80%	16.40%	15.90%	15.80%	14.50%	N/A

Table 6 shows that not all eviction actions are increasing at the same rate. It might be expected that each action would increase at a rate of 22% - in line with the increase in NOPs. In fact, there was a 49% increase in orders granted and 69% in actual evictions occurring.

The final row shows that the proportion of notice of proceedings which result in an order for recovery of possession being granted has increased from 11.8% in 2013/14 to 14.5% in

²⁶ Scottish Housing Regulator (2018) [Annual return on the charter](#)

2017/18 – i.e. there is a greater likelihood now that a notice of proceeding will result in an order for recovery of possession being granted. This could suggest that local authorities are increasingly only issuing notices of proceedings when they believe that they have a successful eviction case on their hands.

Registered Social Landlord evictions

Registered social landlords (RSLs) house 41% of all households living in Scotland's social sector.²⁷ Whilst evictions since 2013/14 by registered social landlords have increased, this has been at a lower rate than local authorities.

Table 7: eviction actions by RSLs						
Eviction actions by registered social landlords	2013/14	2014/15	2015/16	2016/17	2017/18	% change to 2013/14
Notices of proceedings issued	11,568	10,880	11,603	11,956	12,093	5%
Number of court actions initiated	4,604	4,448	4,209	3,959	3,814	-17%
Orders for recovery of possession granted	1,398	1,638	1,607	1,640	1,644	17%
Eviction occurred	787	886	830	936	945	20%
Rate at which a NOP results in a successful order for recovery	12.1%	15%	13.8%	13.7%	13.6%	N/A

Table 7 shows that whilst actual evictions for tenants of registered social landlords have increased by 20% since 2013/14, notices of proceedings have increased at a lower rate (5%) and the number of court actions initiated has in fact decreased.

The final row suggests that while RSLs are increasing their actions at a slower rate than local authorities, the actions they do raise are similarly more likely to result in a successful eviction. This suggests that, like local authorities, registered social landlords are only beginning court action when they are confident an eviction order will be granted – as can be seen through the steadily increasing conversion rate from 12.1% to 13.6% over the four years. The fact that RSL evictions are increasing at a lower rate than local authorities suggests that RSLs are finding alternative ways of managing arrears. However, any increase in evictions suggests that work is needed.

²⁷ Scottish Government (2018) [Scottish Household Survey 2017: annual report](#)

Technical evictions

There were 99 technical evictions by local authorities in 2017/18. This is lower than 2013/14 levels, but significantly higher in than the previous year (2016/17).²⁸

2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	% chan ge 2013/ 14	% chan ge 2016/ 17
470	434	354	203	109	74	236	69	99	-9%	43%

Technical evictions occur when a social landlord is granted an order to evict and carries out that order, but simultaneously offers the tenant a new tenancy so that they can stay in their home. Often, this is because landlords and tenants may agree a way forward too late and an order for eviction has already been granted. In these cases, the only way the tenant can remain in the property is if they sign a new tenancy for the existing property with the landlord.

While Shelter Scotland welcomes any effort to keep a household in their home, this is not an efficient process – both tenant and landlord have still gone through costly and often stressful eviction proceedings. A technical eviction is not a positive way to keep tenants in their homes, and Shelter Scotland welcomes the decline of this practice over the last decade. With overall eviction in the social sector increasing since 2013/14, but technical evictions decreasing, this suggests preventative effort from social landlords to keep people in their homes without beginning court action.

Case study:

A woman and her children fled a domestic abuse situation and left temporarily to stay with relatives in Glasgow. Due to the difficult situation, she failed to maintain rent payments and accrued arrears. When she returned to her local authority home, she found an eviction from the local authority had been granted against her in court.

Shelter Scotland's helped the woman claim backdated discretionary housing payment to reduce her arrears and negotiated with the local authority to allow her to stay in her original property. The eviction of the client and her children was prevented, and her debts are being addressed by means of affordable repayment arrangements.

²⁸ Scottish Government (2018) [Housing Statistics for Scotland 2017-18](#)

Good practice in reducing social sector evictions

Shelter Scotland acknowledges that despite stagnating national progress in reducing evictions, there is considerable good work, practice and projects taking place across Scotland. This is particularly admirable in the context of an increasingly difficult operating environment – the roll out of Universal Credit being one example of this.

However, the data shows there is considerable variation between local authority areas, suggesting a difference in local practice in the management of tenants in rent arrears. Where landlords are managing to reduce their evictions, good practice should be shared across the sector.

Reduction in technical evictions by social landlords

Between 2013/14 and 2017/18 there was a 9% decrease in technical evictions (as shown in table 9) – this goes hand in hand with a 44% increase in evictions during the same timeframe. The reduction in technical evictions could suggest that local authorities are choosing to intervene earlier with tenants in rent arrears to prevent court action commencing. We welcome this approach by local authorities, preventing often costly and stressful eviction actions for all parties.

Case study: East Ayrshire Council

East Ayrshire Council is carrying out a number of changes to the way their Housing Services teams operate in an attempt to lead to a reduction in evictions.²⁹ This is largely centred around a more person-centred approach with staff embedded in the community.

- Front door approach

During 2016/17, the Health & Social Care Partnership began the redesign of the “front door” to community health and care services. A single multidisciplinary team of social workers, occupational therapists and support assistants based across two locations was put in place to have the initial conversation with people accessing services. This team advises people on a range of issues which often overlap departments.

Households in East Ayrshire will now have only one worker to deal with, and staff from different services can liaise with each other more easily. The goal is to reduce inappropriate referrals to the Health and Social Care Partnership and, in some cases, to remove the need for a referral, for example if information and advice is all that someone needs. To date, the impact of the redesign has been to provide a co-ordinated response to a request for support, enabling people to access appropriate supports in a seamless way.

As part of its expansion, the group will take on “at risk of eviction” cases, providing them with longer term one on one support and assistance, with quicker access to services. The intention is that staff will be able to intervene more easily and prevent an eviction.

- Neighbourhood Coaching Recovery Team:

²⁹ Information provided by East Ayrshire Council.

East Ayrshire Council are also revising their Housing Officer team. More Housing Officers are being hired, agile working will be encouraged, and caseloads are being reduced by 25% to allow for a more personal, community integrated approach. Staff will be based in schools, libraries, community centres, along with working from tenants' homes. This will be led by the needs of the household and community. This team will have a central role in reducing evictions. The focus is on early intervention and prevention with clear objectives around coaching and building resilience within local communities.

The intention of the neighbourhood coaches is not to dip in and out "fixing" problems, but rather to focus on the positives in people, build trusting long-term relationships and equip people for success. The neighbourhood coach is more than simply a customer service manager who seeks to ensure that customers are happily using East Ayrshire's own services. Rather, the coach seeks to connect customers to all local services and assets that might help them thrive and grow.

The role is also to connect customers to each other and build community. In other words, customers can help the neighbourhood coach to help other tenants, building a network of mutual support that becomes freestanding and sustainable.

The new Housing Officer role will merge alongside the 'normal' housing function but they will have the time to utilise their skills to support tenants in a variety of ways, including finding work, managing their tenancy agreement, money advice, gaining access to training and learning opportunities, participating in community activities, signposting to health services and confidence building.

Case study: SHN & North and Islands Homelessness and Housing Options Hub

Scotland's Housing Network (SHN) is leading a six-month project starting in February 2019 aiming to intervene early in the eviction process to keep people in their homes in the north and islands.³⁰ This project will seek to improve performance in relation to section 11 notices in preventing eviction, homelessness and housing difficulty for households.

Landlords, including housing associations, and lenders are obliged to inform the relevant local authority when they begin proceedings to evict from or repossess a property, by way of a section 11 notice. The aim of this is that the local authority can then act to support the household to prevent the eviction or repossession. This investigation will seek to understand the ways in which section 11 notices are operating in the north of Scotland and islands and improve the performance and outcomes these notices have for clients. Data from SHN members found that only 12% of section 11 notices issued to local authorities resulted in an eviction or repossession not taking place in 2017/18, and homelessness being prevented. This suggests that section 11 notices are not having the effect that they were intended to have.

The motivation behind this project came from national focus from the Scottish Government in 2018 on early intervention and prevention of homelessness. There was consensus across the housing associations involved that there are huge benefits to tenancy sustainment and there was a desire to investigate ways to facilitate preventing eviction and homelessness. The project will work with local authorities and RSLs to address three strands:

- **Timing:** The timing of section 11 notices are crucial. Currently notices are submitted to a local authority at the point a case is in court. There is agreement across interested

³⁰ Information provided by Scotland's Housing Network in May 2019.

parties that there is benefit in this being issued to local authorities much sooner if the household is to be supported to stay in their home. This project will consider outcomes when a section 11 notice is triggered as soon as the notice is served to the tenant.

- **Information:** The information provided in section 11 notices to local authorities currently is minimal, meaning local authorities often aren't fully informed on the household's situation. This project will seek to gather wider information on household make up, debt and vulnerabilities, so that local authorities can best support households to manage and prevent eviction.
- **Relationships:** Lastly, this project seeks to establish and maintain good working relationships following the section 11 notice. Local authorities will be expected to keep housing associations informed on the action they're taking, and will facilitate communication and collaboration between all actors – tenants, housing associations and housing options teams within local authorities.

There are obvious challenges to the approach that this project seeks to investigate. Issuing section 11 notices earlier in the eviction process will undoubtedly require increased resource from housing associations, and then local authorities at an intervention stage. But if this project finds that these early efforts can prevent housing distress, as well as costly eviction proceedings, this could be an effective tool for social landlords seeking to tackle rates of eviction and housing difficulty. This project does not just aim to prevent homelessness, but to ensure households have a smooth transition to alternative housing if they are issued with an eviction notice.

Findings and recommendations from this report are expected to be published in Autumn 2019, and should provide some interesting insight regarding the type of information provided to local authorities and at what point and how local authorities can engage with both tenants and landlords to prevent eviction and subsequent homelessness.

Conclusion

Shelter Scotland acknowledges the difficulty social landlords have faced in recent years, particularly with a challenging welfare reform programme coupled with cuts to local authority funding. There is broad agreement across the housing sector that eviction should only be used as a last resort for rent arrears. This report finds that there is still some way to go in reaching that goal.

Since 2013/14, evictions have increased, with this rise only beginning to level out in the last year. In particular, there has been a 16% increase in notices of proceedings issued over the last four years, which suggests that eviction could be being used as a threat by social landlords. It is possible that given the increasing funding pressures that local authorities find themselves in, some councils could be using eviction as a way to manage their own arrears since they now have less room to be flexible with their tenants in financial difficulty.

Key recommendation:

- Further research into the financial costs associated with social sector evictions in Scotland is required to assist landlords in making the best financial decisions with regard to pursuing evictions for rent arrears.

In addition, the proportion of notice of proceedings resulting in a successful court order granted for an eviction has steadily increased – more so for local authority evictions. This suggests that local authorities are increasingly only beginning court action when they believe that they have a successful eviction case on their hands. Given the majority of evictions are for rent arrears, this pattern suggests that mechanisms intended to keep tenants in their homes – specifically pre-action requirements – are not working as they were intended to. In fact, through their evidence-based nature, they could actually be aiding social landlords in evicting tenants. The disparity between different local authorities suggests that this is not a geographic problem, but one around the internal attitude to the management and reduction of rent arrears.

Key recommendation:

- All social landlords should prioritise prevention of evictions and homelessness by adopting precautionary, pre-crisis and crisis interventions, in partnership with a wide range of advice and support services, to reduce the number of households threatened with eviction.

Without more of an understanding of the way pre-action requirements are being used, Shelter Scotland has concerns that this policy will continue to raise questions about its use in practice.

Scotland is moving into increasingly uncertain times, with ongoing freezes to benefits and the impact of Universal Credit Full Service yet to be seen. Tenants need to be at the centre of dispute resolution in order to avoid continuing increases evictions. Shelter Scotland believes that a review of pre-action requirements, along with a sustained person-centred approach to managing arrears is the most effective way to move forward with this target.

Key recommendation:

- The Scottish Government should renew its focus on preventing eviction of tenants for rent arrears by way of a review of the operation of pre-action requirements. This should include a greater understanding of how the policies of social landlords – particularly local authorities – have evolved and what changes have been made to policy and practice as a result of the introduction of PARs.