

TOWER HAMLETS COMMUNITY HOUSING

RELATIONSHIP BREAKDOWN

1.0 Statement of Intent

- 1.1 THCH recognises that relationship breakdown is a significant cause of housing difficulty, and can lead to a range of different housing-related problems. THCH is keen to develop a sensitive and appropriate response to tenants suffering relationship breakdown and to deal effectively with the resource and management implications for the organisation of relationship breakdown amongst its tenants.
- 1.2 THCH will offer assistance to tenants and their partners undergoing relationship breakdown. This policy applies equally to heterosexual couples, and lesbian and gay couples.

2.0 Guidance

- 2.1 Relationship breakdown is defined as a non-violent permanent breakdown of the relationship in a household which results in a tenant or household member requiring separate accommodation. This policy applies to married partners, unmarried but cohabiting partners, same sex partners, civil partners.
- 2.2 In cases of relationship breakdown, THCH will generally seek to provide just one unit of accommodation in total, but concessionary offers may, on occasion, be made.
- 2.3 THCH will be particularly sensitive to the needs and wishes of tenants and their partners suffering relationship breakdown by taking account of the likely range of housing and related problems associated with relationship breakdown, including:
 - legal issues;
 - housing management issues;
 - financial issues.
- 2.4 Incidents of domestic violence will require a prompt or emergency response (see separate policy on Domestic Violence). Where domestic violence is a feature of relationship breakdown, a separate set of procedures will be followed.
- 2.5 THCH will seek to ensure optimum efficiency in managing its housing stock, and in preventing rental loss, whilst taking account of THCH's policy on equal opportunities and anti-poverty issues, in responding to households experiencing relationship breakdown.

- 2.6 In view of the particular circumstances of households suffering relationship breakdown, THCH will adopt procedures which ensure that:
- 2.6.1 all such households are offered private interview facilities, or a home visit, as appropriate; that confidentiality is fully respected, and details of cases passed on only with the written consent of the tenant(s) concerned.
 - 2.6.2 Officers (and interpreters, where necessary) of the same sex as the interviewee will be made available to conduct interviews if requested and/or officers of the same cultural background as the interviewee where possible;
 - 2.6.3 All officers involved in interviewing will be fully conversant with the housing issues relating to relationship breakdown, and have had the relevant training;
- 2.7 The procedures will specify a careful step by step approach to ascertaining the circumstances of the household in question, and in considering with them the alternative course of action available to them. This will include consideration of:
- 2.7.1 individual rights and obligations in respect of the tenancy, including responsibility for payment of rent;
 - 2.7.2 options for transferring the tenancy, and the mechanisms by which this might be achieved using housing management procedures (such as assignment) or relevant legislation (such as the Matrimonial Causes Act and the Matrimonial Homes Act);
 - 2.7.3 methods of balancing the rent account, including consideration of benefit entitlement and whether this can be backdated;
 - 2.7.4. rights to make an application to the London Borough of Tower Hamlets (or another local authority) under homelessness legislation (part VII of the 1996 Housing Act).
- 2.8 With each household, THCH officers would seek to establish:
- 2.8.1 what each of the parties want, and whether they are in agreement; the status of the tenancy; and whether the couple are married or cohabiting, and whether there are any children;
 - 2.8.2 whether they are in receipt of housing or other benefits, and their possible eligibility for benefits; and whether there are any rent arrears;

- 2.8.3 whether domestic violence has occurred or been threatened;
- 2.8.4 whether both parties are still in occupation of the property.
- 2.9 The action taken will then be determined by the circumstances of the individual household.
- 2.10 Where no violence has occurred, consideration will be given to the options available to the household for determining who should remain in the property, and how a transfer of tenancy (if necessary) could be achieved.
- 2.11 Where there are children, the aim will usually be to accommodate the adult with whom the children are resident: Where possible, this will be achieved using housing management mechanisms (for example, by encouraging an assignment of the tenancy). In all such cases, advice and assistance will be offered to the outgoing partner, to help them to find alternative accommodation.
- 2.12 If the problem cannot be resolved using these mechanisms, the household would be advised to seek legal advice, with a view to using the legal remedies available to them. Referrals would also be made to appropriate support agencies.
- 2.13 In all cases, THCH officers will seek to ensure that the household understands their on-going responsibilities to meet the rent payments on their tenancy. In pursuing the payment of rent, THCH will, however, be mindful of the individual circumstances of such households.
- 2.14 Procedures will also ensure that adequate advice is given to both parties to a relationship breakdown about their eligibility for housing and other benefits. A referral would be made to an appropriate advice agency, as necessary.
- 2.15 Where the tenancy is in the sole name of one person, that person will be held responsible for any arrears. Joint tenants will be held jointly and severally liable for arrears, unless agreement can be reached between the parties on the payment of the arrears.
- 2.16 Staff training will be provided to ensure that staff are familiar with all relevant legislation and case law relevant to relationship breakdown.
- 2.17 THCH will work closely with the London Borough of Tower Hamlets and other local statutory and voluntary organisations in responding to cases of relationship breakdown.
- 2.18 THCH will monitor all reported cases of relationship breakdown amongst its tenants, and the courses of action taken.

3. Policy Review

3.1 This policy will be reviewed every three years.