



Dunbritton Housing Association Limited

Name of Policy	Death of a Tenant
Responsible Officer	Head of Housing Services
Date approved by Board	19 October 2022
Date of next Review	October 2025
Section	Housing Services
Reference	HS13

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Appendices N/A

1. INTRODUCTION

- 1.1 Dunbritton Housing Association is a registered social landlord established in 1992 to provide housing for social rent and services to owners through factoring.
- 1.2 We are governed by our Board, which is supported by a number of Committees. Our governance arrangements set out clearly the roles and responsibilities of our Board and Committee members and our members of staff.
- 1.3 Operational services are delivered through our office based at 1 Hatters Lane, Dumbarton G82 1AW.
- 1.4 As a landlord, Dunbritton Housing Association aims to promote the health and wellbeing of our customers by providing quality homes, located in estates that are safe, environmentally clean and well managed.

2. RISK MANAGEMENT

- 2.1 By having a written detailed Death of a Tenant Policy the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy. In addition this policy will help minimise rent loss.
- 2.2 The risk of not having this policy in place is an absence of the above, the Association being open to mismanagement, bias, unfairness and inequality and a poor reputation.

3. LEGAL BACKGROUND & COMPLIANCE

- 3.1 The key legislation influencing this policy is the Housing (Scotland) Act 2001, Scotland Act 1998, the National Assistance Act 1948 and the Data Protection Act 2018.
- 3.2 This policy and Dunbrittons general approach to dealing with situations involving deceased tenants is based on good practice such as SFHA's Raising Standards document on Void Management Appendix 5 – "Example Policy for the Death of a Tenant" and the practical advice booklet 'What to do after a death in Scotland' by the Scottish Government. This Policy also complies with the Scottish Social Housing Charter;

- Outcome 2 - Communication

4. TENANCY END DATE

- 4.1 When we receive notification of the death of a tenant, where no person qualifies to succeed the tenancy, a period of up to two weeks should be allowed for the house to be cleared. The Association recognise the difficulties and sensitivities associated with clearing belongings of a deceased person, therefore the Head of Housing Services has the discretion to extend this period.
- 4.2 In the event of the death of a tenant when there is no qualifying person to succeed to the tenancy, the tenancy is terminated when the Association receives the keys from the next of kin or other agency who may be dealing with the tenant's death.
- 4.3 Rights to housing benefit and universal credit normally end on the date of the tenants death. The Association has the discretion to claim the tenant's estate for any rent accrued after the tenant's death if applicable.

5. TERMINATING THE TENANCY/SUCCESSION TO TENANCY

- 5.1 If there is a qualified person(s), reference should be made to the Succession Policy – HS18. Persons claiming the right to succeed to a tenancy should inform the Association within 28 days of the tenant's death.
- 5.2 Persons who fail to provide adequate proof of residency to succeed to the tenancy within 28 days will be informed that they have no legal entitlement to the tenancy and failure to vacate the property and remove their belongings will result in summary court action being taken to recover the property and reclaim loss of rental income. In these circumstances the Housing Officer shall advise the Head of Housing Services who will seek legal advice.

6. NEXT OF KIN / CLOSEST RELATIVES

- 6.1 In the vast majority of deaths, the Association are contacted by the next of kin or relatives of the deceased who take control of all the furniture and personal effects left in the property.
- 6.2 A Death Certificate is paramount to end the tenancy and must be obtained from the next of kin or relatives at the earliest convenience. This will also act as proof to the identity of the next of kin and/or relatives. If there is any doubt as to the identity of the person claiming to be the next of kin or relative, further checks must be carried out e.g. I.D. etc.

- 6.3 The next of kin or relatives should be asked to clear the property as quickly as possible (normally within two weeks, however the Head of Housing Services has overall discretion on this).
- 6.4 If the next of kin or relatives are unwilling or unable to take responsibility for clearing the property, they should be asked to sign a mandate (Appendix 1) allowing the Association to clear the property and dispose of any items therein.

7. WHEN THERE IS NO NEXT OF KIN OR RELATIVES

- 7.1 If there is no next of kin, the estate legally becomes ownership of the Crown.
- 7.2 In cases of suspicious death or where no next of kin or relatives are involved, the Police will in all probability be dealing with this situation, if however they are not, they must be contacted immediately.
- 7.3 The Police thereafter will be responsible for contacting one or both of the agencies responsible for funeral arrangements and executing the estate. The agencies referred to are the Local Authority – Environmental Health Department and the Local Procurator Fiscal.
- 7.4 Local authorities have a legal obligation to organise and pay for the funeral of a person who has no next of kin.
- 7.5 West Dunbartonshire Councils' Environmental Health Department are responsible for dealing with these situations. The contact officer is; Mark Walsh, Team Leader, who can be contacted on 0141-951-7957.
- 7.6 Argyll & Bute Councils' Environmental Health Department are responsible for dealing with these situations. The contact officer is; Mary Watt, who can be contacted on 01436 658906.
- 7.6 If no next of kin has been established, the Police will contact the Local Procurator Fiscal and pass all details to them. The contact telephone number for the Local Fiscal is 0141-420-5413. The Local Fiscal will investigate and liaise with both ourselves, and if necessary the 'Queen's and Lord's Treasurer's and Remembrancer' (QLTR)
- 7.7 Once the Local Fiscal has concluded their investigations they will contact ourselves with their findings. If a next of kin has been established, they should be encouraged to empty the property as per section 6 of this Policy. If no next of kin has been established the Local Fiscal will advise what should happen to the furniture and personal effects that have been left in the property.

- 7.8 The Housing Officer will compile a full inventory of furniture and personal effects as per section 9 of this policy. These cannot be removed until authorised by the Local Fiscal, who in most cases will have already consulted with the QLTR.

8. ENTERING THE PREMISES

- 8.1 If the Police or the Association receive information about a suspected death in a property, the Police will deal with this situation. They will force access if required and investigate the circumstances of the tenant's death. They will contact any next of kin or relatives and pass the details and/or keys to the Housing Office. If there is no next of kin or relatives the Police will contact the Local Procurator Fiscal who will carry out their own investigations.

9. SEARCHING THE PREMISES AND TAKING THE INVENTORY

- 9.1 When the Police and Local Fiscal have concluded their investigations, the Housing Officers who take entry of the property will complete a full inventory (Appendix 2) of each room and where possible, take digital photographs of any goods found in the property.
- 9.2 Once the inventory has been completed and quantified it must be signed by both Housing Officers, thereafter the Void Management procedure should commence.

10. POLICY REPORTING

- 10.1 The Housing Officer will register all deaths using the termination of tenancy form and loading it onto the Kypera. The Head of Housing Services will report these and all other void figures quarterly to the Board.

11. APPEALS

- 11.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints Policy which is available at the Associations Office. You also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

12. EQUALITIES COMMITMENT

- 12.1 Dunbritton Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

12.2 Dunbritton seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.



APPENDIX 1 MANDATE TO DISPOSE OF BELONGINGS

TENANT(S) NAME:

ADDRESS:

DATE OF DEATH:

I (Next of kin / Relative) hereby authorise
Dunbritton Housing Association to dispose of all items of furniture and
personal belongings found in the property at;

.....

Signed :

Date :

Witness :

Date :



APPENDIX 2 PROPERTY INVENTORY

TENANT(S) NAME:

ADDRESS:

DATE OF TENANCY TERMINATION:

DATE ACCESS FORCED:

DETAILS OF FURNISHINGS/POSSESSIONS FOUND IN PROPERTY

<i>Room</i>	<i>Detail (Condition) (Value)</i>	<i>Approx. Value</i>
Living Room		
Kitchen		
Hall		

Bedrooms		
1.		

APPROXIMATE VALUE OF GOODS:

OUTSTANDING DEBT OWED TO HOUSING ASSOCIATION:

APPROXIMATE VALUE FOR STORAGE: £1,300

RECOMMENDATION – STORE/DISPOSE (delete as required)

HOUSING OFFICER..... DATE.....

HOUSING OFFICER..... DATE.....

RECOMMENDATION AGREED

HEAD OF HOUSING SERVICES

DATE

DATE GOODS DISPOSED OF/RETURNED: