

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: **Abandoned Tenancies Policy**

Date: **26th August 2026**

Lead Officer: **Housing Manager**

Review Date: **August 2029**

Regulatory Standards: **Standard 1**

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Guidance

- 1.1 The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- 1.2 The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- 1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- 1.4 All governing body members accept collective responsibility for their decisions.
- 1.5 All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- 1.7 The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

The Scottish Social Housing Charter

1. Equalities

- The landlord supports the right to adequate housing
- every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

6. Estate Management, Anti-Social Behaviour, Neighbour Nuisance And Tenancy Disputes

- tenants and other customers live in well-maintained neighbourhoods where they feel safe.

11. Tenancy Sustainment

- tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.



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1. Policy Statement

1.1 Clydesdale Housing Association is committed to making effective use of its housing stock while safeguarding the rights of tenants.

The Association recognises that properties may occasionally appear to have been abandoned. Where there is evidence that a tenant is no longer occupying their home and does not intend to return, the Association will investigate fully and take appropriate action in accordance with the Housing (Scotland) Act 2001.

The Association will ensure that any action taken in relation to suspected abandoned tenancies is lawful, proportionate, evidence-based and sensitive to the needs of vulnerable tenants.

2. Policy Aims

2.1 The aims of this policy are to:

- Ensure compliance with the Housing (Scotland) Act 2001 and associated legislation.
- Protect the tenancy rights of Scottish Secure Tenants.
- Prevent housing stock from remaining unoccupied unnecessarily.
- Ensure all suspected abandonment cases are investigated thoroughly and fairly.
- Minimise the risk of unlawful repossession.
- Ensure vulnerable tenants are identified and supported wherever possible.
- Maintain comprehensive records and audit trails throughout the abandonment process.
- Ensure abandoned property is managed appropriately and in accordance with statutory requirements.
- Return abandoned properties to productive use as quickly as possible.

3. Scope

3.1 This policy applies to:

- All Scottish Secure Tenancies managed by Clydesdale Housing Association.
- Cases where a property is believed to have been abandoned by all tenants.
- Cases involving abandonment by a joint tenant.

- All employees responsible for tenancy management and housing services.

This policy does not apply to:

- Standard tenancy terminations.
- Court actions for recovery of possession.
- Cases involving succession, assignation or subletting unless abandonment concerns are also identified.

4. Legislative and Regulatory Framework

4.1 The Association will operate this policy in accordance with:

- Housing (Scotland) Act 2001, Sections 17-21.
- Scottish Secure Tenancies (Abandoned Property) Order 2002.
- Equality Act 2010.
- Human Rights Act 1998.
- Data Protection Act 2018 and UK GDPR.
- Scottish Housing Regulator Regulatory Framework.

The Association will have regard to any subsequent legislative or regulatory changes affecting tenancy management.

5. Principles

When dealing with suspected abandonment, the Association will:

5.1 Fairness

Ensure tenants are given every reasonable opportunity to confirm their occupancy or intention to occupy the property.

5.2 Evidence-Based Decision Making

Base decisions on reasonable enquiries and clear evidence rather than assumptions or unverified reports.

5.3 Safeguarding and Vulnerability

Take account of circumstances which may explain a tenant's absence, including:

- Hospitalisation
- Mental ill-health

- Domestic abuse
- Imprisonment
- Care arrangements
- Caring responsibilities
- Other vulnerabilities

5.4 Equality and Human Rights

Ensure no individual is disadvantaged by reason of age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage or civil partnership, or pregnancy and maternity.

5.5 Transparency

Maintain clear records throughout the abandonment process and ensure decisions can be justified and evidenced

6. Abandoned Property

6.1 Where property is found within a dwelling following repossession, the Association will:

- Act in accordance with the Scottish Secure Tenancies (Abandoned Property) Order 2002.
- Maintain an inventory of property found.
- Assess whether items require storage or may be disposed of.
- Retain records of storage, disposal and any associated costs.
- Maintain an Abandoned Property Register as required by legislation.

7. Roles and Responsibilities

7.1 The Housing Manager (or Management Team member) is responsible for:

- Overseeing the implementation of the policy.
- Authorising abandonment actions where required.
- Monitoring compliance with procedures.
- Reporting significant issues to senior management.

7.2 The Housing Officers are responsible for:

- Investigating suspected abandonment cases.
- Carrying out reasonable enquiries.
- Assessing vulnerability and support needs.
- Maintaining accurate records.
- Following the Association's Abandoned Tenancy Procedure.

8. Procedure

8.1 The operational process for managing suspected abandoned tenancies is detailed within the Association's procedure which will be reviewed in line with this policy:

Abandoned Tenancies Procedure (August 2026)

This procedure provides guidance on:

- Identification of suspected abandonment.
- Enquiries and evidence gathering.
- Vulnerability assessments.
- Service of statutory notices.
- Repossession processes.
- Management of abandoned property.
- Register requirements.
- Joint tenant abandonment cases.
- Void handover arrangements.

All staff must follow the Procedure when dealing with suspected abandoned tenancies

9. Monitoring and Performance

9.1 The Association will monitor:

- Number of abandonment investigations undertaken.
- Number of properties repossessed through abandonment procedures.
- Timescales taken to resolve cases.
- Complaints relating to abandonment decisions.
- Legal challenges arising from abandonment actions.
- Compliance with this policy and associated procedure.

10. Equality and Diversity

10.1 The Association is committed to promoting equality and eliminating discrimination.

10.2 Clydesdale Housing Association operates under the overarching duty of a Registered Social Landlord to provide housing accommodation and related services in a manner which encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001 and the Equality Act 2010.

10.3 We do not discriminate against applicants in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.4 An Equality Impact Assessment (EIA) has been undertaken in relation to this policy.

11. Review

11.1 This policy will be reviewed every three years or sooner where:

- Legislative changes occur.
- Regulatory requirements change.
- Good practice guidance is updated.
- Monitoring identifies a need for review.

Approved by the Committee of Management on: 26 August 2026

Signed:

Secretary/Chairperson

Signed:

Staff Member