

# Policy on Relationship Breakdown: non-violent situations

## Summary:

This policy on relationship breakdown outlines how Chelmer Housing Partnership will respond to tenants suffering relationship breakdowns, with the exception of domestic violence, (which is dealt with in the Domestic Violence policy) |

## 1 POLICY AIMS

- To offer appropriate advice and assistance to tenants and their partners undergoing relationship breakdown. This policy applies to heterosexual and same sex couples.

## 2 STATUTORY, REGULATORY & CORPORATE RESPONSIBILITIES

- 2.1 Housing Act 1996 and 2004
- 2.2 Homelessness Act 2002
- 2.3 CHP's values statement highlights diversity and equality which relates to dealing with relationship breakdown.

## 3 POLICY DETAILS

- 3.1 Due to the demands on our housing stock CHP will generally seek to provide just one unit of accommodation to partners where the relationship has broken down.
- 3.2 Chelmer Housing Partnership will therefore:
  - Be sensitive to the needs and wishes of tenants and their partners suffering relationship breakdown

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- Offer sufficient flexibility to respond to the varied and often complex circumstances of individual households, which will include married and cohabiting couples, households with and without children, and same sex couples.
- Take account of the likely range of housing and related problems associated with relationship breakdown, including:
  - Legal issues
  - Household management issues
  - Financial issues

The victims of domestic violence will be advised of possible courses of action, both to respond to the immediate situation and deal with the longer term. This may include possible legal remedies (such as injunctions), alternative housing options and other sources of advice and assistance (such as Women's Aid). Full details are included in our Domestic Violence policy.

### 3.3 We will:

- offer private interview facilities, or a home visit, as appropriate
- ensure confidentiality and details of cases passed on only with the written consent of the tenant(s) unless issues regarding the protection of children or vulnerable adults are of concern.
- offer interviewers and where necessary interpreters of the same sex or ethnicity as the interviewee if requested.
- ensure Staff involved in interviewing, are fully conversant with the housing issues relating to relationship breakdown.
- accept the validity of their account of the situation and taking their wishes into consideration in determining the appropriate course of action

### 3.4 Our procedures will specify a careful step-by-step approach to ascertaining the circumstances of the household in question, and identify the alternative course of action available to them. This will include consideration of:

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- Individual rights and obligations in respect of the tenancy, including responsibility for payment of rent
  - 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 Matrimonial Causes Act and the Matrimonial Homes Act)
  - Methods of balancing the rent account, including consideration of benefit entitlement and whether this can be backdated  
can we make this decision?
  - Advice on where to obtain from a local authority, information on homelessness legislation (Part VII of the Housing Act 1996)
- 3.5 Where domestic violence is a feature of relationship breakdown, a separate set of procedures will be followed. (See separate policy on domestic violence)
- 3.6 With each household Chelmer Housing Partnership's officers would seek to establish
- What each parties want, and whether they are in agreement
  - The status of the tenancy
  - Whether there are any children
  - Whether they are in receipt of housing or other benefits, and their possible eligibility for benefits
  - Whether there are any rent arrears
  - Whether domestic violence has occurred
  - Whether both parties are still in occupation of the property
- 3.7 The response of CHP will be determined by the circumstances of the individual household.
- 3.8 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.

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- 3.9 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.
- 3.10 If the problem cannot be resolved using these mechanisms, the household would be required to seek legal determination, with a view to using legal remedies available to them. Referrals would also be made to appropriate agencies.
- 3.11 In all cases, Chelmer Housing Partnership will ensure that the household understands their ongoing responsibilities to meet the rent payments on their tenancy. In pursuing the payment of rent, CHP will, however, be mindful of the individual circumstances of such households.
- 3.12 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.
- 3.13 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.
- 3.14 Chelmer Housing Partnership will work closely with statutory and voluntary organisations in responding to cases or relationship breakdown.

## **4. POLICY CONSULTATION, PROMOTION & EVALUATION**

- 4.1 Chelmer Housing Partnership will consult with, recognized tenants and residents groups, voluntary organisations, statutory agencies and staff on a regular basis to review the effectiveness of this policy.
- 4.2 Chelmer Housing Partnership will formally review relationship breakdown policy on a three yearly basis.
- 4.3 To ensure that equal access to our services is available, Chelmer Housing Partnership will comply with all legislative requirements and good practice relating to equal opportunities. We will work to avoid exclusions or

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restrictions that are not appropriate to the housing and support needs of tenants that may lead to discrimination. We will ensure that all tenants receive a consistent level of quality service.

- 4.4 The Head of Residential Services is responsible for the effective implementation of this policy, and will ensure staff are adequately trained in the procedures for dealing with relationship breakdown.

### 5. LINKS

Housing Act 1996 and 2004

Homelessness Act 2002

Family Law Act 1996

CBC Homeless Prevention Strategy 2005-2010

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