

Unauthorised Occupiers Policy

1.0	SCOPE
	Purpose
1.1.	This document sets out whg's policy towards responding to unauthorised occupiers in residential properties.
	Legal and regulatory framework
1.2.	Legal Aid, Sentencing and Punishment of Offenders Act Section 144: Offence of Squatting Anyone who deliberately goes into a property without permission with intention of living there is committing a criminal offence, unless they are a former tenant or licensee of the property.
1.3.	Protection from Eviction Act 1977 Section 1: Unlawful Eviction Anyone who withdraws services, restricts access, interferes with peaceful enjoyment of the property, or otherwise acts with intention of causing the occupant to leave the property, is committing a criminal offence.
1.4.	Regulator of Social Housing: Tenancy Standard Registered providers shall make sure the home continues to be occupied by the tenant they let the home to in accordance with the requirements of the relevant tenancy agreement [2.2.6] and minimise the time that properties are empty between each letting [2.1.5].
2.0	POLICY STATEMENT
	Squatters
2.1.	Anyone squatting in a whg property will be advised in writing that they are not legally allowed in the property and that we will apply for possession. We will then seek an Interim Possession Order at the earliest opportunity. There is no right to any form of appeal against this within whg, however we will provide signposting and guidance where appropriate.

2.2.	Visits to properties occupied by squatters will be carried out in pairs as standard.
2.3.	For the purposes of this Policy, the term squatter refers to any person who entered the property after the former tenant left the property, who is aware they were not there legitimately, and who has the intention of living there.
	Left in Occupation
2.4.	Occupants are deemed to be left in occupation if they were living at the property when the former tenant died or otherwise permanently left the property.
2.5.	whg will advise anyone left in occupation that: <ul style="list-style-type: none"> • they are an unauthorised occupier; • we will apply for possession of the property; and • they must make payments towards the use and occupation of the property for the period they are living there.
2.6.	We will assist anyone left in occupation to find suitable accommodation. This may be through a tenancy with whg, or through support and signposting to the relevant local authority.
2.7.	Occupants who were household members of the former tenant, who have been living in the property as their only home for at least twelve months, may be offered a new whg tenancy where it would be reasonable to the individual circumstances. The tenancy is likely to be for a different property that meets the eligibility criteria of the occupant. The offer of a new tenancy is subject to an approved Special Rehousing Case under whg's Allocations Policy.
2.8.	Occupants who were lodgers or subtenants of the former tenant will not normally be offered a tenancy with whg, regardless of length of time living in the property. In exceptional circumstances, it may be reasonable to offer a new tenancy either at the property in question or at a different property that meets their eligibility criteria. The offer of a new tenancy is subject to an approved Special Rehousing Case under whg's Allocations Policy.
2.9.	Former joint tenants left in occupation following the service of a valid Notice to Quit by a departing joint tenant will usually be granted a new tenancy for their home under whg's Tenancy Assignment Policy. However, where it would be reasonable to request the former joint tenant to move to suitable alternative accommodation, this will be subject to an approved Special Rehousing Case under whg's Allocations Policy.
2.10	whg is not obliged to offer a new tenancy to anyone left in occupation. Cases will be considered individually to determine whether it is reasonable for whg to offer a tenancy in the circumstances. This will take into account household needs, especially where the occupant may have reduced access to suitable

	accommodation due to disability, but also eligibility of the occupant(s), and reasonable indicators of intention to commit or complicity in tenancy fraud.
2.11	Following approval of a Special Rehousing Case for suitable alternative accommodation, occupants will be placed into gold banding and must make reasonable efforts to seek a new home via the Choose & Move system. We will apply auto-bidding under the Allocations Policy where we believe occupants are failing to bid on suitable properties without reason.
2.12	If an occupant has refused a reasonable offer of accommodation with whg, we will apply for possession of the property.
3.0	PERFORMANCE MEASURES
3.1.	The Community Housing management team carries out monthly assurance checks that review whether cases of unauthorised occupation have been managed in line with policy. Additional quarterly reviews are conducted to provide further assurance. These check whether whg is compliant with the Tenancy Standard and all applicable legislation.
3.2.	There are no key performance indicators associated with this Policy.
4.0	EQUALITY AND DIVERSITY
4.1	This Policy ensures specific household needs, particularly in relation to disability, are taken into account when deciding the appropriate action for managing unauthorised occupation.
5.0	TRAINING AND DISSEMINATION
5.1.	Colleagues responsible for managing unauthorised occupation will receive training on the Policy and all associated procedures and guidance notes.
6.0	MONITOR AND REVIEW
6.1	This Policy will be monitored by the Director of Housing. It is reviewed every three years by the Policy Group and approved by Group Executive.
7.0	ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES
7.1	Documents, policies and procedures associated with this Policy are: <ul style="list-style-type: none"> • whg tenancy agreements • whg Succession Policy and procedure • whg Allocations Policy and procedure • whg Lodgers, Subletting and Tenancy Fraud Policy and procedure

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Consultation	Community Housing; Income and Allocation; Community Safety; Health and Wellbeing; DPO; Governance; H&S
Approved by	Policy Group and Group Executive
Review Date	January 2025
Corporate Plan aim	<ul style="list-style-type: none">• Deliver high-quality homes and services
Equality Assessment	None undertaken
Key changes made	Separation of actions for squatters and left in occupation