



Deceased Tenant Policy

Atrium Homes

Deceased Tenant Policy

Compliant with Scottish Housing Regulator's Regulatory Framework:	1.2, 1.3, 2.1, 2.2, 5.1, 5.3
Compliant with Tenant Participation Strategy:	N/A
Compliant with Equal Opportunities:	Yes
Compliant with Business Plan:	N/A
Date Approved:	August 2011, November 2018, May 2021
Date Reviewed:	May 2025
Staff consulted on changes:	N/A
Customers consulted on changes:	N/A
Date for Next Review:	May 2030 or earlier if required by changes in legislation or guidance, or if the Governing Body sees fit
Responsible Officer:	Director of Housing and Community Services

The Deceased Tenant Policy has a direct link to the following Atrium policies and procedures:

Individual Tenancy Agreements
Equality, Diversity and Inclusion Policy
Debt Management Policy
Complaints Policy

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1. Introduction

- 1.1. This Policy aims to address the requirements of the Scottish Government's Scottish Social Housing Charter.
- 1.2. The key legislation governing this policy is the Housing (Scotland) Act 2001, Housing (Scotland) Act 2014, Scotland Act 1998, National Assistance Act 1948 and the Data Protection Act 1998.
- 1.3 Atrium Homes will aim to ensure that the implementation of this policy is in accordance with Atrium Homes' Equality, Diversity and Inclusion Policy.

2. Policy Objectives

- 2.1. It is the aim of Atrium Homes to deal with cases of death in a sympathetic and professional manner. Whilst taking account of the bereaved family's loss, Atrium must also be aware of its business needs, and ensure the most effective use of stock and that rent loss is minimised.
- 2.2. The objective of this policy is to clarify Atrium's position and to give staff guidance when dealing with situations involving deceased tenants. This Policy is also for use as an operational document and therefore contains elements of a procedural nature.

3. Risk Management

- 3.1. By having a written detailed Deceased Tenant Policy Atrium 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.
- 3.2. The risk of not having this policy in place is an absence of the above, Atrium being open to mismanagement, bias, unfairness and inequality.

4. Tenancy End Date

- 4.1. When we receive notification of the death of a tenant, where no person qualifies to succeed to the tenancy, a period of up to 28 days will normally be allowed for the house to be cleared. Atrium recognises the difficulties and sensitivities associated with clearing the belongings of a deceased person, therefore the Housing and Community Services Manager has the discretion to extend this period.
- 4.2. In the event of the death of a tenant when there is no qualified person to succeed to the tenancy, the tenancy and financial liability ends on notification of the tenant's death.

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- 4.3. Rights to housing benefit and the housing costs element of Universal Credit normally end on the death of the tenant. Atrium has the discretion to claim the tenant's estate for any rent due up until the tenant's death if applicable.
- 4.4. If Atrium is unable to claim any arrears or rent accrued through the tenant's estate the Housing Officer will identify this amount for future write off. Reference should be made to the Debt Management Policy for the criteria for Write Off.
- 4.5. Where it has been agreed to extend the time to clear the property of all belongings there may be a charge equivalent to the monthly rent charge for the period, any monies received from relatives for this should be paid to a separate account and finance department notified.

5. Terminating the Tenancy/ Succession to Tenancy

- 5.1. If there is a qualified person(s), reference should be made to the Tenancy Policy – Persons claiming the right to succeed to a tenancy should inform Atrium in writing within 28 days of the tenant's death.
- 5.2. Any persons with no legal entitlement to the tenancy who fail to vacate the property and remove their belongings will lead to Atrium taking summary court action to recover the property and reclaim loss of rental income. In these circumstances the Housing Officer shall advise the Housing and Community Services Manager who will seek legal advice.

6. Next of Kin/ Closest Relative

- 6.1. In the vast majority of deaths, Atrium is 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 four weeks, however the Housing and Community Services Manager 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 Atrium to clear the property and dispose of any items therein.

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7. Where there is No Next of Kin or Relatives

- 7.1. If there is no next of kin the estate legally becomes ownership of the Government.
- 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. Section 50 National Assistance Act 1948.
- 7.5. East Ayrshire Councils' Environmental Health Department, Pollution Control Team, are responsible for dealing with these situations, Entry to the property will be required by the team for the purposes of obtaining paperwork etc. and they should be accompanied by a Housing Officer who will document anything removed from the property.
- 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 Local Fiscal can be contacted on 0300 020 3000. The Local Fiscal will investigate and liaise with both Atrium, 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 Atrium 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 Atrium 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 Officer. If there is no next of kin or relatives the Police will contact the Local Procurator Fiscal who will carry out their own investigations.

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9. Searching the Premises and Taking the Inventory

- 9.1. When the Police and Local Fiscal have concluded their investigations, the Housing or Investment Officer who takes 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. The officer should be accompanied by another member of staff.
- 9.2. Once the inventory has been completed and quantified it must be signed by both members of staff, thereafter the Void Management procedure should commence.

10. Policy Reporting

- 10.1. The Housing Officer will register all deaths and update Atrium's housing management system. The Housing and Community Services Manager will report these and all other termination reasons quarterly to the Housing and Community Services Sub-Committee.

11. Complaints Procedure

- 11.1. Any person who feels aggrieved by their treatment under this policy can ask for a copy of the Atrium's Complaints Policy.

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Appendix 1

MANDATE TO DISPOSE OF BELONGINGS

TENANT(S) NAME:

ADDRESS:

DATE OF DEATH:

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

.....

Signed:

Date:

Witness:

Date:

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Appendix 2

PROPERTY INVENTORY

TENANT(S) NAME:

ADDRESS:

DATE OF DEATH:

DATE ACCESS FORCED:

DETAILS OF FURNISHINGS/POSSESSIONS FOUND IN PROPERTY

(a) Room	(b) Detail (Condition) (Value)	<i>Approx. Value</i>
Living Room		
Kitchen		
Hall		
Bathroom		
Bedroom 1		

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APPROXIMATE VALUE OF GOODS:

OUTSTANDING RENT ARREARS:

APPROXIMATE VALUE FOR STORAGE:

RECOMMENDATION – STORE/DISPOSE (delete as required)

HOUSING OFFICER.....

DATE.....

HOUSING OFFICER.....

DATE.....

RECOMMENDATION AGREED

**DIRECTOR OF HOUSING AND COMMUNITY SERVICES/HOUSING AND COMMUNITY
SERVICES MANAGER**

DATE

DATE GOODS DISPOSED OF/RETURNED: