

Policy Name	Imprisoned Tenants
Policy No.	033

1. Introduction

- 1.1. This policy relates to any tenants who may be remanded in custody or given a custodial sentence by the Courts and consequently forced to vacate their home.

2. Aims

- 2.1. The Guernsey Housing Association (GHA) endeavours to make the best use of limited housing stock and will terminate tenancies that remain unoccupied for a lengthy period.

3. Definition

- 3.1. A long-term prison stay is classed as a custodial sentence issued for a period greater than 2 consecutive months, not taking into account sentence reduction relating to good behaviour.

4. Notification that a tenant has been remanded in custody or has been sentenced to prison

- 4.1. Once GHA is made aware, either by a tenant/family member/friend/media etc, that a tenant is in prison, GHA will confirm the situation with the tenant's Probation Officer and wherever possible liaise directly with the tenant.
- 4.2. If GHA is aware that a tenant is due to appear in Court and it is a possibility that they may receive a custodial sentence, GHA's Housing Officer will make contact with the tenant to discuss their options prior to the Court date. (see Appendix A Prison Policy Information)
- 4.3. GHA's Housing Officer will explain and discuss with the tenant their options, including the tenant surrendering their tenancy to GHA if they believe they are going to be given a custodial prison sentence for a period longer than 2 months.

5. Procedure if tenant is serving a prison sentence

- 5.1. If the custodial sentence or time served remanded in prison is less than a period of 2 consecutive months, the tenancy may continue providing the rent is paid regularly and in full, and the tenancy continues to be conducted satisfactorily.
- 5.2. If the rent is not paid the arrears policy will be applied (Employment and Social Security will not pay benefits to tenants whilst they are in prison except pension).
- 5.3. If a sole tenant (no other member of the household being granted permission to occupy) serves a custodial sentence or be remanded in custody for more than 2 consecutive months, (not taking into account sentence reduction relating to good behaviour) as a result leaving a property vacant, GHA will reclaim possession of the property due to abandonment by the tenant.

- 5.4. Where a property remains occupied, GHA where possible will allow another occupant of the property to take over the tenancy. For example, there may be either a partner or other household members, including non-dependent children still living at the property. If that member should meet the criteria for social housing and are appropriately housed in the correct sized accommodation already, then GHA will allow the remaining occupant to take over the tenancy and remain at the property.

Date Approved: October 2023

Date for review: October 2025

Appendix A Prison Policy Information (Information provided to GHA Housing Officer from the Tenant who is due to appear in Court)

Name of tenant:

- 1. What are you being charged with? _____
- 2. When are you next due in Court? _____
- 3. How are you pleading? _____
- 4. Who is your Probation Officer? _____
- 5. Who is your Advocate (Name and Practice)? _____
- 6. Are you working with any other agencies? _____
- 7. What is the anticipated outcome? _____
- 8. Do you have any previous convictions? _____
- 9. Whom can GHA liaise with (next of kin) if you receive a custodial sentence?
Name / Mobile Number / Email Address _____

I am obliged to advise you of Guernsey Housing Association's (GHA) Prison Policy (enclosed,) in case you were to receive a custodial sentence, and how this would affect your tenancy;

"If the sentence or time served in prison is less than a period of 2 consecutive months the tenancy may continue, providing the rent is paid regularly and in full, and the tenancy continues to be conducted satisfactorily. If the rent is not paid, the GHA Rent Arrears Policy will be applied.

I (name)..... give consent to the Guernsey Housing Association to liaise with the following people or agencies in relation to how my current situation and pending sentence will affect my current tenancy with GHA:

- Probation _____ Signed _____
- Advocate _____ Signed _____
- Next of Kin _____ Signed _____
- Employment and Social Security (including benefits + Housing) Signed _____
- Other Agencies _____ Signed _____

Signed by tenant _____ **Date** _____

Signed by Housing Officer _____ **Date** _____