



Bristol City Council Housing and Landlord Services

Former Tenant Arrears and Write-off Policy

Version 3

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Author: Policy and Practice

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History of most recent policy changes

Date	Page	Change	Origin of change (e.g. legislation)
April 2021	None	v1 New Policy	New Policy
August 22	Appendices	v2 Updated Link to Delegation Authority Table	Link to Corporate Policies
August 22	All document	v3 Whole policy review debt write-off	Publication of Corporate debt policy - Agreed by head of Housing

		delegations updated to meet corporate doc.	Management and Estates.
June 25	All document		New Template Include updates to corporate debt management policy published February 2025. New finance delegations

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1. Purpose

FTA is rent or other charge that is owed by a former resident or licensee either at the point they leave the property or can be accrued after they have left but before the tenancy or licence has been legally ended.

This policy will outline Bristol City Council’s (BCC) approach in recovering Former Tenant Arrears (FTAs) and our responsibility to write-off FTA in accordance with Government policy, legislation and our own procedures.

Rental income is the main source of funding for a range of services provided by BCC to residents including, but not limited to essential services such as day-to-day repairs, investment in homes and managing tenancies. Some FTA will be unrecoverable, and it will not be economical to continue to pursue.

We emphasise the need for prompt action in pursuing FTA so we can maximise recovery.

We are committed to delivering services in a person-centred way. We are flexible in our approach and consider each person’s whole circumstances when making arrangements for repayment of FTAs and when considering debts for write-off.

2. Aims and objectives

This policy will outline our commitment to recover outstanding arrears of rent or other charges of former residents.

Provide a clear framework for officers of their responsibilities for identifying bad debt and ensuring that it is written off as appropriate.

Legal action to recover FTA is a last resort and this policy promotes prompt action to contact former residents and licensees.

3. Roles and Responsibilities and Authority

The Director of Housing and Landlord Services and the Head of Housing Management and Estates are responsible for the implementation of this policy.

All officers involved in debt recovery activities have responsibility for delivering this policy.

See Appendix A for table of roles and responsibilities.

4. Scope

The policy applies to former residents who had a BCC Secure, Demoted or Introductory tenancy and covers all other charges raised by Housing Management and Estates including, garage rent, and service charges.

The policy also applies to persons who have been in use and occupation of a BCC residential property and people who have held a BCC licence in temporary accommodation.

This policy does not apply to current residents with rent arrears. For current residents or a person who takes a new tenancy with BCC, but also has FTA, will be managed under the Rental Income and Arrears Recovery Policy.

5. The Policy

5.1 Legal Context and Consumer Standards

Section 2.6 of BCC Tenancy Agreement states that the resident ‘must pay or make and keep to an arrangement to re-pay all debts relating to any former tenancy that you have had with us.’ Go to [Bristol City Council’s Your Tenancy Agreement](#).

BCC will pursue former tenant arrears ensuring that we follow the [Pre-Action Protocol for Possession Claims by Social Landlords](#), which is a set of guidelines that encourages early communication and resolution before court action.

In pursuit of former tenant arrears, BCC will comply with the Limitations Act 1980. This sets out that BCC has six years from the date the arrears became due, to take legal action. After six years, the debt is ‘statute-barred’ and cannot be enforced through the courts.

The Consumer Standards, Tenancy Standard applies. This requires registered providers to manage tenancies responsibly, which includes having fair and effective policies for rent collection and arrears recovery. The principles of fairness, consistency, and support extend to how former tenant debts are pursued and are set out in this policy.

The Transparency, Influence and Accountability Standard, sets the expectation that landlords should be open about their policies and decisions. This policy describes BCCs approach to recovering former tenant arrears or writing off debt where appropriate.

5.2 Tenants’ Rights

The resident is only liable for arrears accrued during their tenancy.

BCC will attempt to come to arrangements for repayment for the former resident if needed.

The resident can apply for the Debt Respite Scheme, also known as Breathing Space. This gives the resident some legal protections from their creditors, which means that during a specified period BCC would not actively collect former tenant arrears.

5.3 Former Tenant Arrears Recovery

If the resident or licensee has left the property without giving notice or has abandoned the property, arrears will continue to accrue until such time as the tenancy or licence is formally terminated.

If it is not possible to contact the resident, BCC will take action to bring the tenancy to an end which may be based on abandonment and an implied surrender or may involve pursuing possession of the property through the court system to end the tenancy and prevent further arrears accruing on the rent account.

Where a tenancy has ended and there are rental income charges unpaid on the account BCC will pursue recovery of the that debt in full, until payment is cleared or agreed for write off. However, BCC may agree to let the former tenant pay in instalments over time or accept a partial payment and write off the rest if it is considered unrecoverable. Each case will be assessed on its individual circumstances. BCC will keep track of these cases and can re-open a debt for recovery should circumstances change in the future.

If a resident or licensee dies BCC will contact the next of kin to inform them of the debt, assess the case and decide if it is reasonable to recover arrears from their estate.

In some cases, BCC will employ an outside agent to recover the debt on our behalf.

5.4 Write-off

Where debt is found to be unrecoverable for any reason, it will be considered for write off.

If a debt is written off, it is removed from our current accounting systems, but a record is kept. The debt can be recovered should circumstances allow at a later date.

[BCC's Corporate Debt Policy](#) section 6.5 states that "Where a debt remains unpaid and is deemed to be irrecoverable or uneconomic to recover, or where there are extenuating circumstances, the debt will be written off in part or in full."

Any debt written off is a cost to taxpayers and the council will attempt all appropriate recovery methods before taking this action.

Where new information comes to light later, or when circumstances have changed the Council may seek recovery of a debt that was previously written off." (See Appendix C for Debt Write Off Delegations.)

We will comply with our legal obligations and follow any Debt Relief and Bankruptcy Orders or Individual Voluntary Arrangements as instructed, following our procedures.

When writing off a debt we will make sure that:

- recovery procedures have been followed
- the decision-making process is recorded, and proper consideration is given to the facts before a former resident or licensee is advised that a debt or part of a debt will not be pursued
- the write off submission is authorised by an officer of the appropriate level
- there are sampling processes so that the cases where debt is written off are audited for accuracy and compliance

5.5 Equality and Diversity

We will act fairly and sensitively towards the diverse needs of individuals and communities, and we will take positive action to reduce discrimination and harassment.

The policy clearly sets out the council's responsibility to inform tenants of any debt attached to their former tenancy and to ensure that we are respectful in appropriate communication methods and supportive in making arrangements for repayments that are appropriate for the individual.

An Equalities Impact Assessment was completed for this policy and has been reviewed and agreed by the Equalities and Diversity Team.

6. Quality Assurance

6.1 Publishing

This policy will be published on the BCC Website and communicated to relevant operational teams via policy briefings and other appropriate communications.

6.2 Review

This policy will be reviewed in five years or sooner if there is a change to legal or regulatory requirements, in accordance with our procedures.

6.3 Monitoring and Reporting Requirements

Service delivery and performance is measured against the Housing and Landlord Services Performance Framework.

In relation to this Policy the Income Management team will:

- monitor former tenant write-off requests
- report on former tenant write-off monthly

BCC monitor satisfaction, using data and insight from, as a minimum reporting in relation to complaints.

Further Rental Income Teams have the following responsibilities:

- all write offs must be reported at least 6 monthly to the Strategy and Resources Policy Committee

- twice annually the amounts written off will be reported to Audit Committee
- at the end of each financial year, each Executive Director will be required to supply the Finance Operations Manager with lists of outstanding debts to be brought into account in the Final Accounts of the year

Appendices

Appendix A: Roles and Responsibilities

Job or Team Name	Description of responsibilities
Income Recovery Officer	<ul style="list-style-type: none"> • Identifying Former Tenant Arrears • Contact Former Tenants • Assess circumstances with the former tenant • Negotiate repayment Arrangements • Refer cases to Team Leader/ Service Manager for decision re: write off or other approvals for agreed payment plans • Maintain accurate records of all contact, agreements, and actions taken • Monitor repayment progress and follow up on missed payments • Reassess cases periodically, especially if new information arises • Negotiate full and final settlement for aged debts where a percentage can be paid and the rest written off
Team Manager	<ul style="list-style-type: none"> • Monitor performance against recovery targets and ensure continuous improvement • Supervise and support Income Recovery Officers in managing FTA cases • Provide guidance on complex or sensitive cases, including those involving vulnerability or legal action

	<ul style="list-style-type: none"> • Ensure officers are trained and up to date with relevant policies and procedures • Review cases recommended for legal action or write-off • Authorise or escalate decisions in line with delegated authority levels (e.g. Appendix C of the policy) • Conduct regular audits and sampling of FTA cases and write-offs • Produce reports on FTA recovery performance, trends, and risks • Liaise with legal services, external debt recovery agencies, and other departments (e.g. Housing Options, Revenues) • Make applications to enforce money judgements, using Money Claims Online
Housing Officer	<ul style="list-style-type: none"> • Provide the Income Recovery Team with relevant case history, including: <ul style="list-style-type: none"> • Vulnerabilities or support needs • Abandonment or eviction details • Any known financial difficulties • Assist in tracing former tenants if they re-engage with housing services • Liaise with Income Recovery Officers if a former tenant reapplies for housing or presents as homeless
Service Manager	<ul style="list-style-type: none"> • Assist in decisions to offer tenancy to applicants with significant rent arrears
Head of Service or Director	<ul style="list-style-type: none"> • Agree write off figures in accordance with the schedule of delegation

Appendix B: Legal and Policy Context

External

- Landlord and Tenant (Covenants) Act 1995
- Pre-Court Action Protocol for Debt Claims, Ministry of Justice

- Housing Act 1996(IT's)
- Protection from Eviction Act 1977
- Limitation Act 1980
- Equalities Act 2010

Internal

- BCC Tenancy Agreement
- Rental Income and Arrears Management Policy
- Tenancy Changes Policy

Appendix C: Delegations

The Corporate Debt Management Policy states that debt that is considered unrecoverable can be written off in line with the Finance Scheme of Delegation.

Discretionary: Individual or case write off amount, set at Directorate Level in conjunction with S151 Officer. The full table can be found in the Finance Scheme of Delegations. Relevant write off amounts and officer level set out below.

Up to £500: Team Leader (Grade 10 and above)

Over £500 and up to £5,000: Team Manager (Grade 12 and above)

Up to £10,000: Head of Service or Budget Holder (or delegated person)

Over £100,000 and up to £1,000,000: Director, Section 151 Officer, and Chair of the Strategy and Resources Committee

£1,000,000 and over: Executive Directors, in conjunction with Section 151 Officer, and Strategy and Resources Committee

Appendix C - Glossary of Terms

Resident

Refers to both resident and tenant throughout the policy.

Statute Barred

Under the Limitations Act 1980, some debts are time-barred. Courts will not consider a debt claim if action is started more than 6 years after the debt arose or was last acknowledged or paid.

Rental Income

Includes rent paid under tenancy agreements, payments for use in occupation, rent under licence for temporary accommodation, defect charges, and arrears from missed payments.

Debt Recovery Orders

Freeze debt repayments and interest for 12 months. If financial circumstances remain unchanged, included debts are written off after this period.

Bankruptcy Orders

Legal status typically lasting one year. Non-essential assets and excess income are used to repay creditors. Most debts are cancelled at the end of the bankruptcy.

Bad Debt

A debt that cannot be recovered.

Estates Services

Includes services addressing tenancy breaches, anti-social behaviour, caretaking, estate management, income management, and support for older people.

Home Choice Bristol (HCB)

The choice-based lettings system for social housing in Bristol. Applicants use it to register and bid for properties.

Income Management Team

Responsible for monitoring and collecting rent payments and arrears, contacting tenants, providing debt advice, and initiating possession proceedings.

Notice of Possession Proceedings

Written notice for introductory council tenants about the council's intent to pursue possession proceedings.

Notice of Seeking Possession

Written notice for secure council tenants about the council's intent to pursue possession proceedings.

Pre-Action Protocol for Possession Claims by Social Landlords

Ministry of Justice protocol that social landlords must follow before starting possession proceedings for rent arrears.

Notice to Quit

A legal notice to formally end a tenancy or licence.