



Rent Management Policy

Current and Former Tenant Arrears

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1. Scope of Rent Management Policy

- 1.1 The Rent Management Policy sets out the framework for how Moray Council commits to delivering sustainable tenancies and preventing homelessness through the effective management of rent arrears.
- 1.2 The Council recognises that prevention, early intervention, support, and a holistic, person-centred approach are key to reducing arrears and sustaining tenancies while supporting financially vulnerable households.
- 1.3 The term 'rent arrears' applies to both rent and service charges. For the purposes of this policy, the management of rent arrears:
 - applies to property owned or managed by the Housing and Property Service that is subject to a Scottish Secure tenancy (including short secure tenancies);
 - will be against the 'tenant' meaning any sole and joint tenant(s) are jointly and severally liable; and
 - will cover both current and former tenant arrears.
- 1.4 Other leases (such as garage, garage sites and other occupancy / homeless leases) and any associated rental debt will follow different staged rent management processes as per the relevant lease. Where attempts to recover garages, garage sites, leases, occupancy agreements rent arrears fail, the Council will take action to terminate the lease and legally recover the garage or garage site, with assistance from Legal Services where necessary.
- 1.5 The Housing Service's Rent Management Policy, supplements the Rent Setting Policy, Temporary Accommodation Charging Policy and Housing Reserves Policy while supporting and complying with the [Moray Council's Financial Regulations](#) for the proper administration of the Council's financial affairs, which includes the Housing Revenue Account (HRA).
- 1.6 In exceptional circumstances, where support has been offered and / or exhausted by the Council's Money Advice Moray team and where the debt is uneconomical to pursue, inappropriate due to real financial hardship or there is no prospect of recovery, the Housing Service will consider either the use of the Tenancy Sustainment Fund to provide financial relief or for the debt to be written off in accordance with delegated authority to the Head of Housing & Property, in consultation with the Chief Financial Officer, and in line with the Council's Debt Management Policy.

2. Strategic Context

- 2.1 The Rent Management Policy will contribute to meeting the priorities set out in the Council's Local Housing Strategy, Strategic Housing Investment Plan (SHIP), HRA Business Plan and Housing Service Plan and the Council's Housing Reserves Policy as well as the Corporate Plan and priorities from the Moray 10 Year Local Outcome Improvement Plan. In particular, it will assist the Council to achieve Best Value in the use of its resources.
 - 2.2 Detailed operational procedures support the Policy to ensure effective, fair and
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consistent processes are involved.

3. Aim, principles and objectives of the Rent Management Policy

3.1 The Rent Management Policy aims to minimise rent loss in a sensitive but effective manner by ensuring the following principles underpin the Council's approach to rent recovery:

- Legality – A Rent Management Policy that reflects the legal and regulatory framework, to ensure full compliance with statutory pre-action requirements (PARs) in attempts to minimise the use of legal action, prevent, minimise or stabilise arrears while supporting tenants to sustain their tenancy by meeting their legal responsibility to pay rent;
- Consistency – The Council will apply the Rent Management Policy, supporting procedures and escalation process consistently to ensure equity;
- Openness – The Council's rent arrears management and escalation process is open, transparent and proportionate and will be supplemented by clear and explanatory information;
- Responsiveness – the Council will ensure that staff are trained and equipped to deal with arrears cases timely, holistically and confidently, specific to individual circumstances; and
- Local co-operation – the Council works cohesively with other relevant services such as its Money Advice Moray team to provide to provide individually tailored support for tenants in relation to managing their debts and finances, income maximisation and budgeting. This may also include access to other local agencies as appropriate, for tenants to receive equitable access to advice and support when identifying wider pressures or risks to their households.

3.2 The specific objectives of the Rent Management Policy are:

- To balance minimising levels of rent arrears (including the number of tenants in arrears) with the aim of sustaining tenancies and preventing homelessness, while remaining sympathetic and supportive to individual needs and circumstances, with assisting to ensure the financial viability of the HRA and delivery of further investment;
 - To ensure, from the outset of their tenancy, that tenants are informed and aware of their legal responsibility under their tenancy agreement to pay their rent on time, in advance and any potential consequences of non-payment. This will include:
 - Providing all necessary rental information prior to the start of a tenancy, including their rental amount, the importance of making regular payments or claiming Universal Credit (if appropriate), and methods of payment;
 - Signposting and encouraging tenants to take up the Council's Money Advice Moray services for support with managing all debts, income maximization, claim form completion and budgeting;
 - To maintain effective two-way communication with tenants where possible, to support tenants to meet their statutory rental responsibilities;
 - To monitor rent arrear levels to help prevent rent arrears through early, supportive intervention and PARs, ensuring appropriate tailored support and guidance;
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- To ensure all legal requirements, including PAR conditions, have been met before taking any proportionate legal action; and
- That any proportionate legal rent management options, up to and including court action and / or eviction, are used as a last resort.

4. **Legislative framework and regulatory requirements**

4.1 The primary legislation governing the management of rent arrears is contained within:

- [Part XI of the Housing \(Scotland\) Act 1987](#)
- [Housing \(Scotland\) Act 2001, S.14](#) and [S.14A](#) – Introduced pre-action requirements as well as the Scottish Secure Tenancy (SST) and the Short Scottish Secure Tenancy (SSST) agreement which creates a legally binding contract with the tenant to pay rent. It is the responsibility of the Council to enforce the terms of the tenancy agreements to protect their interests.
- [Housing \(Scotland\) Act 2010, S.153](#) and [S.155](#) introduced PARs that landlords must satisfy in all rent arrears cases before serving a notice on a tenant

The secondary legislation the Council must follow to ensure it meets the PAR are:

- The PAR Order – Sets out PAR detail. [Scottish Secure Tenancies \(Proceedings for Possession\) \(Pre-Action Requirements\) Order 2012](#)
- The Confirmation Regulations - Sets out the way the Council must confirm to Court before raising repossession proceedings on rent arrear grounds, the PARs that have been complied with. [Scottish Secure Tenancies \(Proceedings for Possession\) \(Confirmation of Compliance with Pre-Action Requirements\) Regulations 2012](#)
- The Notice Regulations – Created the NOP for rent arrears cases. [Scottish Secure Tenancies \(Proceedings for Possession\) \(Form of Notice\) Regulations 2012](#)
- The Period Order – Set the maximum period a repossession order by the Court has effect. [Scottish Secure Tenancies \(Repossession Orders\) \(Maximum Period\) Order 2012](#)
- The Commencement Order - set 1 August 2012 as the date PARs and changes to repossession orders came into force. [Housing \(Scotland\) Act 2010 \(Commencement No.7 and Transitional Provision\) Order 2012](#)
- [Homelessness, etc. \(Scotland\) Act 2003](#) – prevention of homelessness duties

4.2 Other relevant legislation includes:

- [Adult Support and Protection Act 2007](#)
- [Children \(Scotland\) Act 1995](#) as amended [2020](#)
- [Children and Young People \(Scotland\) Act 2014](#)
- [Housing Benefit Regulations 2006](#)
- [Debt Arrangement and Attachment \(Scotland\) Act 2002](#)
- [Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981](#)
- [Civil Partnership \(Scotland\) Act 2020](#)

4.3 In line with Section 25 of the Housing (Scotland) Act 2001 and the Rent Setting Policy, the Council will always consult with tenants regarding any change to their rent, giving tenants 28 days' written notice of any rent increase.

4.4 Section 31 of the Housing (Scotland) Act 2010 introduced the [Scottish Social Housing Charter](#), setting rent collection and tenant support standards and outcomes that all

social landlords should aim to achieve when performing their housing activities:

Outcome 2 – Communication - manage their business so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

Outcome 11 – Tenancy Sustainment - ensure that tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided by the Council directly as well as other organisations. This includes tenants at risk of falling into rent arrears.

Outcome 13 – Value for Money - manage all aspects of their business so tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay. It includes managing arrears and resources effectively, controlling costs, getting value out of contracts, giving better value for money by increasing the quality of services with minimum extra cost to tenants, monitoring and reviewing how landlords give value for money.

Outcomes 14 and 15 – Rents and Service Charges - reflect the Council’s legal duty to consult tenants about rent / service charge setting to ensure:

- a balance between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them; and
- tenants get clear information on how rent and other money is spent, including details of any individual expenditure above agreed threshold.

5. Equalities, rights and socio-economic requirements

- 5.1 Moray Council will comply with the Equality Act 2010, Human Rights Act 1998, Fairer Scotland Duty (socio-economic inequality) and the United Nations Convention on the Rights of the Child (UNCRC) by:
- Making reasonable adjustments for disabled tenants
 - Understanding and addressing barriers faced by marginalised groups
 - Assessing arrears cases through a non-discriminatory, inclusive lens
 - Monitoring arrears actions to avoid disproportionate impacts on protected groups
 - Considering the impact of debt on children, care leavers, and those experiencing domestic abuse or trauma.
- 5.2 The Council is committed to preventing discrimination and promoting equality of opportunity for every person. In accordance with the [Equality Act 2010](#), the Council seeks to ensure that the Rent Management Policy does not discriminate between individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- 5.3 Outcome 1 of the Scottish Social Housing Charter on Equalities ensures social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services. In delivering the Rent Management Policy, full consideration will be given to the Council’s Public Sector Equality Duty (PSED). This requires public authorities to eliminate discrimination, harassment and victimisation, advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic and those who

do not.

5.4 The Housing Service commits to:

- communicating with tenants and service users in clear and concise plain language to help with the understanding of important information;
- developing and providing information and advice in alternative formats where necessary; and
- providing interpretation and translation services free of charge, where required to assist tenant(s) with rent payments or recovery.

6. Confidentiality and data protection

6.1 The Council will treat all tenants with courtesy, sensitivity and complete confidence and ensure that any information given to it as part of the rent management process will be used in accordance with the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018. Relevant privacy notices will advise applicants how personal information may be collected, used, stored, shared and securely disposed of and the legal basis for doing so and what their Data Subject Rights are.

7. Tenants' Responsibilities

7.1 Section 1.5 of the Scottish secure or short Scottish secure tenancy agreement places a legal responsibility on the tenant(s) to pay rent weekly in advance on or before the first day of each rental period. Where two or more tenants have signed the tenancy agreement, they are jointly and severally liable for the rent payment. This means that each person is fully responsible for the payment of rent and any arrears for the duration of the tenancy. Where a joint tenant legally ends their interest in the tenancy, they will no longer be held liable for any arrears accrued after their interest has ended.

7.2 Details of rental amount(s) due under the legal tenancy agreement along with payment frequency, payment methods and the management process are clearly communicated to tenants from the outset of their housing offer to ensure they are fully informed of their responsibilities (as detailed further in Section 9 below).

7.3 Tenants have a responsibility to notify the Council of any change in their circumstances that may affect their ability to pay their rent.

8. Rent Arrears Recovery

8.1 The rent management process is based on a preventative approach from the outset, and seeks to maximise tenant(s)' entitlements to benefits while securing regular payments, considering individual circumstances, vulnerabilities, any delays in benefit payments etc.

8.2 Supporting operational procedures for rent management include a full escalation process of arrears actions at appropriate stages, up to and including repossession for rent arrears as a last resort. The staged approach ensures that every rent account is regularly monitored with necessary checks made at each relevant stage of the management process.

8.3 Emphasis will be placed on regular contact by the Area Housing Officer at every stage, particularly the early stages, to prevent any increasing arrears balances. During this contact, staff will encourage tenants in arrears to seek independent advice and information from appropriate organisations to ensure they are receiving all their entitlements and maximizing their income where possible.

9. Prevention and Early Intervention

9.1 The Council will promote a positive payment culture by providing rental information at every opportunity at property viewings / offer stage, sign-ups, settling in visits, through the Tenants' Handbook and Council website and regular Tenants' Voice newsletter articles to remind tenants of their rental responsibilities. Establishing a good two-way channel of open communication between the tenant and the Area Housing Officer at this early stage is vital to rent management.

Prevention

9.2 The Council will ensure preventative measures and practices are embedded into every new tenant offer, tenancy sign-up and settling in visit stages, with the aim of avoiding any initial debt. This will include a commitment to:

- ensuring that every responsible tenant is informed of all the rental costs, payment responsibilities, frequency and methods associated with their tenancy, along with details of rent management process and support that is available should they need it, through the provision of clear concise information in plain language from the outset of the tenancy offer, and further reinforced at the tenancy sign-up;
- advising new tenant(s) of any eligibility they may have for welfare benefits and / or income maximization, Universal Credit (through direct and/or managed payments) or Housing Benefit;
- encouraging tenant(s) to set up managed payments for any UC housing cost payments (where the housing cost is paid directly to the Council);
- considering tenants' personal and household circumstances, using a Risk Assessment Plan (RAP) to help shape appropriate responses to help them pay their rent, comply with legislative requirements and provide targeted support for those impacted by UC delays, benefit sanctions, cost of living crisis, mental health or literacy challenges;
- contacting all new tenants within six weeks of the start of their tenancy, or earlier if there are any vulnerabilities/concerns;
- encouraging affordable and sustainable repayment plans;
- encouraging and reassuring the tenant to:
 - contact the Council at the earliest opportunity should they experience a change in their circumstances or face difficulties paying their rent; and / or
 - set up an affordable and sustainable repayment plan for any arrears.
- providing all rent management and arrears correspondence in plain language, including details on the availability of advice and any relevant signposting.

Early Intervention

9.3 The Housing Services Manager will ensure early intervention through the weekly monitoring of all rent accounts to identify any arrears figure or increase as they arise, in an attempt to avoid any increase or become unmanageable. Once arrears have

been identified, prompt action will be taken as follows:

- contact tenants using a variety of methods and clear communication, detailing the current rent account balance and what action they need to take reminding them of various payment methods along with appropriate contact details for assistance;
- actively explore any change in circumstances, current / new issues or support needs that may affect their ability to pay their rent and signpost accordingly if necessary;
- where suitable, work with the tenant to encourage an affordable and sustainable repayment plan for any rent outstanding, based on a personalised financial assessment;
- keep comprehensive records of all action taken and all contact with the tenant(s) and household members;
- review any appropriate support assessment of their needs and circumstances to inform the delivery of support if required;
- early referral to Money Advice Moray for support with debts, income maximisation and budgeting to ensure early intervention which is key to managing debt effectively; and
- check progress of agreed specific outcomes with tenants at regular intervals to ensure rent arrears are minimised.

10. Signposting

10.1 The Council will consider relevant signposting opportunities, where appropriate, to help and assist the tenant(s) and / or household members receive the required advice and support. These may include:

- Money Advice Moray, Moray Council;
- Dept of Work and Pensions (DWP);
- Moray Citizens Advice Bureau; and / or Shelter;
- Housing Options, Homelessness and Housing Support Teams;
- Advocacy Services – Advocacy in Moray, Circles Network;
- Access Care Team – Adult Services, Children Services for vulnerability or protection issues; and
- Any other appropriate agency.

11. Pre-Action Requirements (PARs)

11.1 Before seeking eviction for rent arrears under a SST/SSST, the Council will comply with, record and document the legally required pre-action requirements for audit purposes. These include:

- Providing clear information on arrears, tenancy terms, and rent due
 - Making reasonable efforts to assist the tenant, including:
 - Arranging repayment agreements
 - Advising on housing benefit or Universal Credit
 - Referral to the Council's Money Advice Moray team and / or other support agencies
 - Making reasonable efforts to agree a plan with the tenant
 - Considering any welfare reform or personal circumstances impacting the tenant
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- Not initiating possession proceedings where:
 - An application for Housing Benefit or Universal Credit housing cost element has been made
 - It is likely to be successful and paid directly to the Council
- Considering the best interests of children and household vulnerabilities.

11.2 A pre-action requirement checklist is embedded into the rent management process to ensure and evidence that all legal requirements have been met before progression to any form of legal action. The Council will only consider legal action to recover rent arrears or repossession where all previous and documented management actions have proven ineffective.

12. Welfare Reform and Universal Credit (UC)

12.1 Tenants affected by UK Government welfare restrictions, such as the Benefits Cap (which limits the amount of housing benefit / UC received if the total household income from benefits reaches a specific set limit) have certain mitigations available to them:

Scottish Government's Two Child Limit Payment (from 2 March 2026) - Tenants can apply for this payment which supports low-income Scottish families by reducing the impact and offsetting the UK Two-child Universal Credit Limit.

Under-Occupancy Charge - Tenants can apply for Discretionary Housing Payment (DHP) to help cover the reduction in the amount of housing benefit / UC they receive for spare rooms (14% for one spare bedroom and 25% for two or more spare bedrooms). The Money Advice Moray team will help identify specific needs for DHPs as part of income maximisation support provided.

12.2 It is a tenant's responsibility to pay any shortfall that results from any changes to their benefit entitlements, to avoid any arrears. The Council, in pursuing the payment of any shortfall, will:

- seek to ensure that tenants understand their ongoing responsibilities to meet changes to their benefit entitlement;
- be mindful of the current individual circumstances; and
- not consider legal action where the tenant is waiting for a benefit application, decision or payment which may pay or reduce the arrears.

12.3 Where the Council is satisfied that tenants who are subject to a reduction in benefit through any restrictions are doing all they reasonably can to avoid falling into arrears, the Council will use all legitimate means to collect rent arrears while profiling to identify, target and support vulnerable tenants or those at risk of escalating arrears.

13. Enforcement Action

13.1 When arrears fail to stabilise or reduce and / or the tenant(s) are not engaging with Housing staff, enforcement action will begin. This may include initial stages of raising legal proceedings against the tenancy. A letter informing the tenant that if the rent payment and any arrears payments are not made on a regular basis, that a Notice of Proceedings for Recovery of Possession (NOP) will be served and that legal action may be taken.

13.2 The focus will continue to focus on engagement, communication and support with regular reminders of their legal responsibilities to pay rent and involving household members where relevant and appropriate.

14. Repayment Agreements

14.1 Where tenant(s) cannot clear the arrears in a single payment, the Council will discuss and agree (where possible) an affordable written re-payment agreement to manage and reduce any arrears in realistic and sustainable instalments over a specific period of time. The repayment agreement will be based on the tenant(s) ability to pay and include the level of current arrears, the repayment amount, frequency, dates and method of payment.

14.2 Repayments agreements will be monitored regularly. Where broken, contact will be made with the tenant to re-assess any additional circumstances and arrange to adjust the existing agreement where appropriate or arrange a new agreement. Where repayment agreements repeatedly break down, resulting in arrears not reducing, the Council will have no option but to progress to further legal action under the escalation process.

15. Legal Action

15.1 The decision to progress with legal action will always remain the final resort in the Council's rent management process when all other engagement and attempts to recover rent have been exhausted. Legal action may include a payment decree (court action for the rent arrears payment) or ejection decree (court action to recover possession of the property). In all cases, the Council will seek management of expenses. Expenses may be awarded where the arrears have been repaid.

15.2 Before serving any valid legal Notice of Proceedings (NOP) for Recovery of Possession, the Council will make reasonable inquiries to establish, so far as is reasonably practical, whether there are any qualifying occupiers in the house. A qualifying occupier is a person who occupies the house as their only or principal home and is:

- a member of the tenant's family aged at least 16; or
- someone to whom the tenant has, with the landlord's consent, assigned, sublet or otherwise given up possession of the house, or part of it; or
- someone who is a lodger and the landlord has given consent.

All qualifying occupiers will be notified of the rent arrears where it is the basis for potential legal proceedings.

15.3 The Council will serve the tenant and all qualifying occupiers with a NOP at least 28 days before court proceedings commence.

15.4 Tenants and qualifying occupiers will be kept informed and involved in all stages of any legal action. Where appropriate, the Council will ensure the tenant(s) and any qualifying occupiers are referred or signposted to relevant support agencies for advice or to assist with representation at court hearings.

15.5 The court may order an open decree for repayment of arrears, which the Council can

enforce for full payment of the debt, or it may order an instalment decree which outlines a schedule for smaller, manageable repayment.

- 15.6 Where a tenant has made an application for a Debt Payment Programme (DPP) under the Debt Arrangement Scheme (DAS) the Council will continue to raise court proceedings but will not start enforcement work for arrears payment.
- 15.7 Where an eviction decree has been granted on the grounds of rent arrears, in line with the Housing (Scotland) Act 2001 and Moray Council's Eviction Policy and procedure, the decree will not terminate the tenancy at the date on which it becomes effective. The tenancy will only be terminated when the Council recovers possession. The Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012, sets a maximum period of six months for which an arrears eviction decree is effective. Decisions in relation to the decree will be made within the six-month period.

16. Former Tenant Arrears (Tenancy, Garages and Garage Sites)

- 16.1 The Council will initiate former tenant rent arrears management through a similar staged, escalation process, starting when the tenancy is terminated and the status changes to "former tenant" with arrears debt for the tenancy just ended. The Council will encourage payment of the outstanding debt at the tenancy termination stage, via an affordable and sustainable repayment agreement where required, and will advise of the implications non-payment may have. Supporting operational procedures for former tenant arrears management ensures that each case is regularly monitored and appropriate action taken. Legal action to recover the former arrears will be taken in cases where appropriate.
- 16.2 Where former tenant arrears management has failed, or the former tenant cannot be located, the debt will be referred to the Council's approved Debt Collection Agency.
- 16.3 Any action for former arrears in respect of a deceased tenant will be limited to sensitive contact with the next of kin or executor for payment from any estate.

17. Review and Complaints Process

- 17.1 Any tenant who disputes the amount of rent payment, arrears or repayment plan should in the first instance contact their Area Housing Officer for an explanation. If the tenant is not satisfied with the explanation received, they can ask for an appointment with their Area Housing Manager who will review the case.
- 17.2 Any tenant who is not satisfied with the way Housing staff have dealt with any aspect of their rent arrears case should contact the Housing Services Manager in the first instance who will investigate and respond within 14 days.
- 17.3 Where the tenant is still not satisfied with the way the Housing Service has dealt with their case, the Council also has a corporate [Complaints Policy](#). Explanatory information is available on the Council website.

18. Performance Monitoring

18.1 Performance monitoring is a key factor in rent arrears management. The Council, as a social landlord, has a statutory duty to complete the Annual Return on the Scottish Social Housing Charter (ARC) to the Scottish Housing Regulator (SHR). The relevant performance indicators below provide key information on the annual performance in relation to the amount of current and former tenant rent collected, amount of rent arrears and the value of arrears written off:

- Indicator 26 - Rent collected as a percentage of total rent due.
- Indicator 27 – Gross rent arrears (all tenants) as at 31 March each year as a percentage of rent due for the reporting year.
- Contextual Indicator 7 – Amount and percentage of former tenant arrears written off at the year end.

18.2 Performance will also be reported annually to:

- the Council’s Housing & Community Safety Committee, in line with the Council’s Corporate Performance Management Framework (using both statutory and local performance indicators); and
- the Scottish Housing Network to allow national benchmarking against comparator local authorities.

18.3 The Housing Service will carry out continuous weekly and monthly monitoring of rent accounts in terms of total current and former rent arrears per area and per arrears band.

19. Review of the Rent Management Policy

19.1 The Council will review the Rent Management Policy in 2029 or earlier if required by changes to legislation or guidance.