



POLICY DOCUMENT

Group Member: Progress Housing Group

Service Area: Housing Operations – Housing Management

Document Ref No: GRPOLHM22

Subject Title: Starter Tenancy Policy

Version: 5

Last Reviewed: 07/12/2021

Next Review Date: 07/12/2024

Document Owner: Head of Operations – Homes and Opportunities

Date of Board Approval: 07/12/2021

1. Introduction

- 1.1 This policy sets out the circumstances in which we will offer Starter Tenancies and how Progress Housing Group (the Group) will manage them.
- 1.2 A starter tenancy is an assured shorthold tenancy, granted under the terms of the Housing Act 1988, which lasts for a maximum of one year, or eighteen months if it is extended. Starter tenants have fewer rights than secure or assured tenants and the tenancy can be brought to an end more easily if it is not being conducted satisfactorily.
- 1.3 Providing new tenants with a starter tenancy provides a probationary period for them to demonstrate that they can manage their tenancy to a satisfactory standard before they become an assured tenant; and for the Group to identify and assist with meeting any support needs to help them manage their tenancy and so reduce tenancy failure.

2. Scope of the policy

- 2.1 This policy applies to all general needs and independent living stock where new tenants have been issued with the following tenancies:
 - Combined starter and non-shorthold tenancy.
 - Combined starter and affordable rent tenancy.
- 2.2 This policy does not apply to transferring tenants within the Group unless their provisional offer stated that this was the case due to specific reasons.
- 2.3 This policy does not apply to our interim properties as they will be signed on to a different tenancy agreement specifically for temporary accommodation however all interim properties will receive a new tenant visit and the associated support.

3. Responsibility

- 3.1 The policy is approved in line with the Group's governance arrangements.
- 3.2 It is the responsibility of the Head of Housing Operations (Homes and Opportunities) to implement this policy.
- 3.3 All staff members have a responsibility to follow the policy and procedures at all times.
- 3.4 The monitoring and action against tenants in breach will be managed by the relevant service area, for example in relation to anti-social behaviour or criminal damage by the Community Safety Officer and by the Income Collection Officer in relation to the chasing and collection of debt.
- 3.5 The Area Housing Officer or Independent Living Coordinator will be responsible for ensuring new tenants are informed about the policy upon sign up to the tenancy.

- 3.6 Area Housing Officers will conduct the visits for general needs properties and the Independent Living Coordinators for independent living properties.
- 3.7 The Head of Housing Operations (Homes and Opportunities) will produce a report once a year providing data about the sustainability of starter tenancies to Executive Board.

4. Policy

Aims & Objectives

- 4.1 The aim of the policy is to ensure that new tenants of the Group are able to maintain their tenancies to a satisfactory level in order to ensure tenancy sustainability.
- 4.2 It is our objective to proactively monitor new tenancies and implement early intervention where necessary to prevent tenancy failure.
- 4.3 In monitoring our starter tenancies the following outcomes are expected:
 - To encourage new tenants to refrain from nuisance and anti-social behaviour
 - To promote financial inclusion and support new tenants to keep a clear rent account
 - To identify any vulnerabilities or support needs at an early stage and provide or refer tenants for support
 - To tackle any cases of tenancy fraud, subletting or non-arrivals at as early stage as possible
 - To encourage a sense of pride in the tenant's home and build a positive relationship with the Group as their landlord through providing support and guidance, promoting in-house services and making referrals to external partners.

Legal Background

- 4.4 The Housing Act 1996 allowed housing associations to implement starter tenancies. Starter tenancies are effectively assured shorthold tenancies that can be ended by the Group on service of a Section 21(1) and (4) Notice Requiring Possession of a Property in England let on an ('Section 21 Notice') or service of a Section 8 Notice Seeking Possession
- 4.5 The tenancies referred to above will convert automatically to full assured or affordable tenancies after 12 months unless the following happen:
 - Proceedings for possession have begun against the tenant; or
 - We have served a Notice under Section 21 of the Housing Act 1988 that we require possession and we issue proceedings for

possession within two months of the expiry of the section 21 notice; or

- The tenancy has been brought to an end by the tenant.

4.6 The powers contained within the Housing Acts (1988 and 1996) mean that the organisation has the following tools available in addition to the usual service of a Notice of Seeking Possession. They include:

- The option to apply to the courts for accelerated possession proceedings to bring a starter tenancy to an end
- The option to extend starter tenancy periods
- The option to apply to demote an existing Assured (non shorthold) tenancy to a starter tenancy.

4.7 The powers also mean that if a Section 21 Notice has been served correctly and the process followed, a judge must grant mandatory possession to the housing association.

Managing Starter Tenancies

5. Monitoring starter tenancies to assist sustainability

the Group will:

- 5.1 Give all new tenants a starter (assured shorthold) tenancy for a period of twelve months, unless they are moving directly from an existing secure or assured tenancy and are not subject to conditions referred to in section 2.2 above
- 5.2 Carry out a new tenancy visit to all starter tenants within the first six weeks of the tenancy to ensure the tenant has moved into the tenancy, and to address any early issues or concerns for the tenant or the Group.
- 5.3 Review the conduct of the tenancy by the six month period which may, at the Group's discretion, include a home visit with the purpose of assessing if the tenancy has been conducted satisfactorily.
- 5.4 Review management information relating to the conduct of the tenancy prior to making contact with the tenant, in order to identify the most effective means of contact and potential issues that will need discussing to provide the best chance of a successful conversion to an assured tenancy. This review will include any failure to gain access for pre-arranged tenancy visits delivered as part of this policy.
- 5.5 Automatically convert a starter tenancy to an assured tenancy where it has been conducted satisfactorily during the probationary period and no action has been taken to end or extend it in accordance with the tenancy agreement.

6. Providing support and assistance

The Group will:

- 6.1 Proactively work to identify tenants who may be at risk of not sustaining their tenancy at or before sign-up.
- 6.2 Proactively work to identify tenants in need of support during every contact with the tenant during the probationary period, and in particular at the new tenancy visit and any additional tenancy visits.
- 6.3 Offer tailored support and advice to tenants who need it, from internal and/or external support services, to help them with sustaining their tenancy and successfully converting to an assured tenancy.
- 6.4 Provide advice about financial inclusion and money matters to tenants at sign-up, giving starter tenants the opportunity to request support with a money issue from the beginning of their tenancy and throughout the probationary period, to help them meet their obligations for paying rent.

7. Tackling anti-social behaviour

8. The Group will: Ensure that starter tenants are made aware of the importance that the Group places on the tenancy agreement and rent payments, and the consequences of any breaches of the agreement which could result in legal action being taken against them.
 - 8.1 Utilise early intervention and prevention methods to tackle any tenancy issues in line with the Group Anti-Social Behaviour, Income Collection and other tenancy policies and procedures.
 - 8.2 Utilise the starter tenancy monitoring visits as a means of ensuring that issues faced by the new tenant in relation to paying rent, anti-social behaviour or other tenancy matters are reported and dealt with in line with the relevant policies and procedures.
 - 8.3 Use the powers available to end the tenancy for persistent and/or serious breaches of the tenancy conditions where all other relevant options to resolve the matter have been explored and the action taken to end the tenancy is deemed to be a proportionate means of achieving a legitimate aim based on the particular facts of the individual case.

9. Building a positive landlord and tenant relationship

The Group will:

- 9.1 Provide all starter tenants with information about their rights and responsibilities whilst they are a starter tenant, making clear the differences between starter tenancies and assured tenancies.
- 9.2 Identify any communication or access needs that new tenants may have, or any necessary account warnings and record these on the housing management system in order to ensure that all services provided to the tenant by the Group recognise them.

- 9.3 Promote the new tenant visits as an opportunity for tenants to ask for advice or information about their home, tenancy or neighbourhood.
- 9.4 Promote involvement opportunities and internal services to starter tenants when making contact with them, and making referrals where appropriate.

10. Extending or ending a starter tenancy

The Group will:

- 10.1 Extend a starter tenancy for a further and final six months if there is a breach of tenancy and action is not being taken to end the tenancy. This may include; anti-social behaviour, rent arrears or tenancy management issues where the issue(s) was not serious enough to start possession proceedings or there were extenuating circumstances which prevented taking court action, and more time is required to enable the tenant to resolve the issues. Each case will turn on its own particular facts.
- 10.2 Extend a starter tenancy for up to a further six months, where more time is needed to investigate an allegation or suspicion of a breach of tenancy.
- 10.3 Extend a starter tenancy for up to a further six months where the tenant has appealed the serving of a notice of proceedings for possession and the appeal is unlikely to be heard before the twelve month anniversary of the starter tenancy.
- 10.4 Inform the tenant of the decision to extend the Starter Tenancy in writing to outline the reasons of the decision and to advise what is expected during the extension period, and advise them of their right to appeal.
- 10.5 Serve a section 21 notice to end a starter tenancy where there are ongoing or significant breaches of the tenancy agreement and it is proportionate to do so, such as failure to pay rent and consistent poor payment patterns leading to rent arrears with no evidence of engaging with officers to agree a repayment plan; persistent and/or serious breach(es) of the tenancy agreement due to anti-social behaviour from the tenants, occupants or visitors to the tenant's home; any other consistent breach of the tenancy agreement such as failure to allow access for essential works or tenant damage to the property. Any covering letter should set out the reasons for service of the Notice and advise the tenant of their right to appeal.
- 10.6 Only use powers to end a starter tenancy when all other options to resolve the matter have been explored and the action is a proportionate means of achieving a legitimate aim. Each case will turn on its own particular facts. A decision to start action to end the tenancy will be taken in line with the Income Management, Anti-Social Behaviour or other relevant tenancy policies, and will not begin at an earlier stage than it would for any other tenure type. The majority of

tenancies will convert to assured tenancies after twelve months after conducting their tenancies satisfactorily.

- 10.7 Give tenants the right to appeal a decision to end or extend a starter tenancy, and withdraw the notice served if the appeal is successful.
- 10.8 After expiry of the notice, if a decision is made to end the tenancy we will apply to the court for possession. In these cases, possession is mandatory as long as our policy and procedure has been followed.

11. Appeal Process

- 11.1 The Group will operate an appeals process for any decision to terminate or extend a starter tenancy.
- 11.2 If a tenant would like to appeal they must request an appeal hearing within fourteen days from the date the notice was served on them or the original decision will stand.
- 11.3 A report will be provided to the tenant prior to the appeal, detailing the issues that have led to the recommendation and all actions that have been taken to resolve or attempt to resolve the particular problems(s), including any copies of documents relevant to the case.
- 11.4 The appeal will be heard by a manager who has not been involved with the case or the decision to serve a notice.
- 11.5 The tenant will be provided with the documents that will be made available to the appeal manager.
- 11.6 If the tenant wants the appeal to be dealt without a hearing, the appeal manager will review the case within 5 working days and the tenant will be informed of the decision within a further 7 working days.
- 11.7 If the tenant has requested an appeal meeting the tenants will be invited to the appeal meeting either in person or on a virtual platform and they may be accompanied by a person of their choice for example:
 - A Support Worker or advocate
 - A solicitor or legal representation
 - A family member or friend.
- 11.8 They tenant may also wish to submit written support.
- 11.9 The reviewing manager will also invite staff involved with the case to submit written evidence or to attend and explain what has led to the service of a notice or extension of starter tenancy period.
- 11.10 The manager may adjourn the meeting if they need to seek advice, clarification or further information before they are able to make a decision.
- 11.11 The reviewing manager will assess whether the legal process and procedures have been followed as part of their decision making

process as well as the proportionality and reasonableness of actions taken.

12. Abbreviations

- The Group– Progress Housing Group

13. Definitions

- Anti-social behaviour – behaviour which causes nuisance, annoyance, alarm or distress to neighbours or other visitors to the area.
- Starter tenancy - a form of probationary tenancy offered to tenants who have not held a tenancy with the Group immediately before signing the tenancy.

14. References

Housing Act 1988 & 1996

15. Data Protection

14.1 This policy has been written in compliance with the principles and requirements of the current data protection legislation, please refer to the Group GDPR Data Protection Policy for more information.

16. Implementation

16.1 Training

Will be required by the following staff:

- Staff allocating tenancies and signing up tenants.
- Staff managing tenancies, including new tenancy visits, tenancy and arrears management.

15.2 Linked documents

- Group Income Collection Policy
- Place Management Strategy
- Group Anti-Social Behaviour Policy
- Group Allocations Policy

17. Consultation

17.1 This policy was presented to the Housing Forum on 30 November 2021

18. Review

18.1 This policy will be reviewed as and when required but as a minimum of every three years.

19. Equality Impact Assessment

19.1 An EIA has been completed and is in place for this policy (refer to Allocations (starter tenancy) and Under-occupancy EIA).