

Hm. 13 Starter Tenancy Policy

Introduction

This policy sets out how Keniston will ensure its compliance with legal and regulatory obligations in relation to starter tenancies.

Keniston recognises it is important to provide clear guidance to tenants on all areas of tenancy management, and take swift action when tenants are responsible for anti-social behaviour (ASB). Other breaches of tenancy will be dealt with in the same way as the Association would for assured tenants.

All new tenants will be signed to a starter tenancy for 12 months. If the starter tenancy has been conducted satisfactorily, at the end of the 12 months the tenancy will automatically convert to an assured tenancy. If we have concerns about the conduct of the tenancy, we may either extend the starter period for up to a further 6 months, or we may decide to end the tenancy. Tenants who move to one of our properties through mutual exchange cannot be given a starter tenancy but will take on the existing tenancy of their exchange partner. All existing tenants retain the security of tenure enjoyed under their original tenancy before exchange.

Legal / Regulatory Framework

Introductory tenancies were introduced in 1997 under part V of the Housing Act 1996 but were only available to local authorities. The Homes and Communities Agency standard states that registered providers can now use starter tenancies. Starter tenancies are based on an initial assured shorthold tenancy being converted into an assured non-shorthold tenancy on the successful completion of a probationary period.

The Anti-Social Behaviour Act 2003 gives us a responsibility to implement policies that are aimed at preventing incidents of anti-social behaviour.

Policy statement

It is the policy of Keniston to achieve sustainable tenancies and stable and balanced communities by tackling ASB. We will work with local authorities and other partners to meet housing needs and to ensure appropriate allocations and support.

Starter tenancies are used as part of a comprehensive strategy for dealing with nuisance and ASB. We will use starter tenancies alongside other tools and remedies available to us. This is so that we can let tenancies which are sustainable in the long term, encourage people to behave responsibly and in a manner that is acceptable to the rest of the community, and contribute to stable communities.

In addition to this, Keniston will seek possession in cases of rent arrears where there has been no engagement.

We have a wide range of tenants and some of these will be vulnerable in some way. This policy and our procedure recognise this and we will deal sympathetically with individuals in such circumstances. Staff will support

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tenants in the early stages of their tenancy be able to signpost tenants to a more intensive package of guidance.

Ending a Tenancy

In view of the extensive powers to end starter tenancies without the intervention or protection of the court system, it is essential that adequate protection for tenants is built into our procedures for dealing with such tenancies. We will have a series of checks to ensure that every tenant has the opportunity to correct any breaches of the tenancy agreement.

We will follow our anti-social behaviour policy in the same way as an assured tenant and the same amount of evidence is expected as if we were taking legal action against an assured tenant. This will include a thorough investigation, and if the tenancy condition is seriously and consistently broken then we will seek to extend it or terminate it.

The purpose of extending the starter tenancy is to give the starter tenant the opportunity to engage with services, if they haven't done so already, to remedy the behaviour. We will make any decision to extend or end a starter tenancy fairly, reasonably and proportionately. Any decisions will be based on clear evidence that the tenancy condition has been breached and that the tenant is unable to sustain their tenancy in an acceptable manner.

Whilst we have the power to bring a starter tenant to an end and obtain possession via the court system, it is our clear intention that such powers will only be used as a last resort.

Right to Appeal

A tenant will be kept informed of our decision to extend or end their tenancy and has the right to appeal the decision. The tenant must do this in writing within 14 days of receiving the notice from us. This is the first stage of the appeals process and will be considered at with the Association's Complaints and Resolutions panel.

If the appeal is not upheld, the eviction request will be made to the Board for their approval.

Monitoring

We will closely monitor all starter tenancies so that we can evaluate the effectiveness of starter tenancies to tackle ASB, ensure fairness and highlight whether any changes to policy or procedure are needed. We will consider:

- Number of starter tenancies granted
- The number of incidents of ASB reported against starter tenants, as a %
- The number of Notices served against starter tenants
- Number of conversions to assured tenancies
- Number of extensions, failures, appeals and reasons
- Geographical spread of starter tenancies

Equality and Diversity

Keniston will not discriminate on the grounds of gender, race, colour, ethnic or national origin, religion or belief, sexual orientation, marital status, age, disability

We will not treat starter tenants less favourable than assured or secure tenants. We will ensure that this policy is applied fairly and consistently to all our tenants.

Responsibility

The Housing Services Director has overall responsibility for compliance with this policy. All front line staff has responsibility for implementing this policy on a day to day basis.

Review

This policy was agreed by committee on 11/12/14 and will be subject to a 3 yearly review or earlier where there is a material change to applicable regulatory guidance or legislation.