

Starter Tenancies Policy

Author/s	Head of Housing Management
Ratified by forum & date	Operations Committee July 2021
Implementation date	July 2021
Review date	July 2024



Introduction

CHS homes (CHS) uses starter tenancies to help to manage risk in letting homes to people. A starter tenancy gives a new tenant limited rights for 12 months. Within this period CHS can take enforcement action more quickly than usual, including eviction. This reduces the risk of new tenancies failing as it encourages people to meet their tenancy conditions. Starter tenancies also allow CHS to agree to house people who pose a higher risk of breaking their tenancy conditions. Starter tenancies are used in CHS's **general needs** homes only.

The use of starter tenancies is linked to our wider strategies for housing management and anti-social behaviour, and is one of a number of tools to be used. It is also part of balanced approach where enforcement is balanced with the need for support, prevention and rehabilitation. Enforcement action, in particular eviction, is used as a last resort once other strategies have been tested.

1.0 What is a Starter Tenancy

A starter tenancy is an Assured tenancy that:

- For its first 12 months (or up to 18 months if extended) is an assured shorthold tenancy, then;
- At the end of the starter period becomes an ordinary Assured tenancy unless CHS has already taken steps to take possession of the property.

An Assured Shorthold tenancy is a type of Assured tenancy with limited security of tenure. It has an additional mandatory ground for possession (the 'shorthold ground') available under section 21 of the Housing Act 1988. This ground cannot be used to take possession in the first 6 months of the tenancy. However the other grounds for possession that apply to Assured tenancies (e.g. for rent arrears, anti-social behaviour) are available during the starter period.

If an Assured Shorthold tenancy is ended properly, the court must make an immediate possession order. The court does not have to be satisfied that it is reasonable to make a possession order and the court cannot suspend the possession order. The court can postpone the date for possession by up to 6 weeks where 'exceptional hardship' would be caused.

The following rights normally granted to CHS' Assured tenants are also suspended during the starter period :

- the right to acquire
- the right to take in lodgers
- the right to sub-let
- the right to exchange

2.0 Use of Starter Tenancies

CHS uses starter tenancies specifically to help us manage breaches of tenancy (including anti-social behaviour or harassment) and to support sustainable communities. CHS would not use the s.21 shorthold ground to evict a starter tenant for rent arrears alone. CHS would treat rent arrears during a starter tenancy in the same way as a full Assured tenancy, working with the customer to help them manage their finances and to avoid having to take legal action. Where court action is needed CHS aims to obtain a suspended possession order rather than outright possession by making an agreement with the customer to reduce their rent arrears.

Starter tenancies are used for all new tenants in general needs housing except :

- existing tenants of CHS who transfer to a new home with CHS
- existing Assured or Secure tenants who carry out a mutual exchange by deed of assignment into one of CHS's homes

New customers are advised when they are first visited in the application process and also when they sign up for a new tenancy that they will be granted a starter tenancy and what this means for them. Housing Officers will explain how the starter tenancy differs from a permanent tenancy and the reasons for using them, and also the reasons for not making a starter tenancy permanent. The Housing Officer will also explain what contact will be made with the customer during the starter tenancy period and what will happen at the end of the starter period. The CHS Tenancy Handbook explains in full the differences between the tenancy types.

3.0 Monitoring and Supporting the Tenancy

In order to help people make a success of their tenancies, CHS will maintain regular contact with new tenants. This a two-way process – to make sure we are fulfilling our part of the agreement and vice versa. New customers are expected to agree to this follow-up and Housing Officers will be flexible about offering convenient dates and times to visit, if a visit is necessary. New customers are also contacted by the Money Matters team to assess any support required with moving in costs (which may lead to assistance from the Cambridgeshire Local Assistance Scheme) and other money management advice.

One month after the beginning of a starter tenancy the Housing officer will review how well the tenancy is settling (i.e. rent payments, any issues with neighbours, and follow-up repairs). They will either contact the customer by phone or carry out a home visit by appointment. A phone call may identify issues that require a visit to be arranged. **Any issues or concerns highlighted during the first month will require a visit rather than a phone call.** A visit will be carried out rather than a phone call if the customer did not meet their Housing Officer during the lettings process. The call/visit has several purposes:

- A tenancy 'healthcheck' covering rent / benefit issues, any problems settling in, any support needs, any follow-up needed to help the customer and any other matters such as repairs, maintenance, opportunities for customer involvement, any other local issues including suffering from ASB, local community contacts etc.
- To explore and discuss any early issues around anti-social behaviour or the general conduct of the tenancy arising from the behaviour of the tenant

This first call/visit is recorded on the housing management system (QL) and any follow up action confirmed in writing to the customer. A follow-up letter may include a request for the customer to sign an agreement to comply with certain conditions discussed during the visit.

A further call or visit is made by appointment nine months after the start of the tenancy which the customer is also expected to attend. This forms part of the formal tenancy review. The purpose of the call/visit is to give the customer a clear indication of what will happen at the end of the starter period, and to carry out a general tenancy 'healthcheck'. Points covered will include:

- How the tenancy has been conducted to date
- How any problems or issues have been resolved
- How the rent account has been managed to date
- How well the customer feels CHS has provided services

- Any outstanding or new repairs / tenancy issues
- What will happen next – either the tenancy will convert to an assured tenancy provided no new problems arise, or CHS intends to extend the starter period and the reasons for doing so, or that CHS intends to end the tenancy.

CHS will send a letter after the call/visit to report on any follow-up action and to confirm whether the tenancy is likely to be made permanent at the end of the starter period.

If CHS intends to end the tenancy due to anti-social behaviour or harassment by the tenant, this nine-month contact will not be the first indication for the tenant that they may be required to leave. When complaints are first received of anti-social behaviour CHS will have responded according to its policy and procedure, which includes contact with the starter tenant to discuss and address the complaints.

4.0 Supporting People

CHS recognises that some people need support to help them to manage their tenancy. CHS works pro-actively with other agencies to make sure that all necessary support is provided and that a person with support needs has every chance to sustain their tenancy. As in all cases, possession action either during or after the starter tenancy is only taken when all other alternatives have been tested and when it is necessary to protect other people. Examples of other alternatives include money advice, working with floating support providers and other agencies e.g. the police and local authorities. CHS also has its own tenancy support worker where such provision is otherwise unavailable, who may provide either short or longer term support to help sustain the tenancy.

CHS has separate policies and procedures on housing management, anti-social behaviour and harassment which include the duty to be complainant centred, and supporting people who are suffering the effects of anti-social behaviour or harassment. These requirements will be fully considered in deciding whether to end the starter tenancy of a person with care / support needs. If such action is taken CHS will work with other agencies to advise and help someone with support needs to find alternative accommodation wherever possible.

5.0 Making the Tenancy Permanent

Once the decision has been made for the tenancy to convert to Assured status CHS will write to the customer to confirm that they have a full Assured tenancy and the date this applies from. The letter explains the additional rights that the full Assured tenancy provides. If there have been no issues by the time of the nine month visit the customer is advised at this visit that they will have a full Assured tenancy at the end of the starter period so long as no new issues arise. There is no need to grant a new tenancy agreement as the conversion from 'Starter' to Assured status is included in the original agreement.

6.0 Extending the Starter Period

CHS may extend the starter tenancy by up to 6 months, during which the tenancy remains Assured Shorthold. An extension may be appropriate in a number of situations, for example:

- Where there have been incidents of anti-social behaviour and although these are not considered serious enough to justify ending the tenancy, further time is needed to give the starter tenant a chance to show they can conduct the tenancy properly
- Where an Acceptable Behaviour Contract or other undertaking has been agreed and the starter tenant needs to show they can adhere to it
- Where a support package is in place and there is a multi-agency agreement to extend the starter tenancy

- Where during the first 12 months of the tenancy there has been a succession to the tenancy or the tenancy has been assigned and CHS wants to monitor the conduct of the new tenant
- Where the tenant has appealed service of a Notice Requiring Possession and there is a risk that the appeal procedure will not be concluded before the end of the 12 month starter period

Where a starter tenancy is extended this will always be confirmed in writing giving the reasons for extending. The tenant will also be offered the opportunity to request a review of the decision by the Head of Housing Management.

7.0 Ending a Starter Tenancy

Where CHS concludes that a starter tenancy should not be allowed to default to an Assured tenancy the Housing Manager will obtain authorisation from the Head of Housing Management before serving a Notice Requiring Possession under section 21 of the Housing Act 1988. This Notice must be for a minimum of two calendar months. The Notice will be accompanied by a letter setting out the reasons for ending the tenancy and how to appeal against the decision. The Notice may not be served during the first four months of the tenancy. However if it is clear at the nine month visit that CHS intends to end the tenancy then the Notice Requiring Possession should be served as soon as possible after this visit to allow time for the Notice to expire before taking possession action. If there is a serious breach of tenancy conditions at an earlier stage in the tenancy and the tenant takes no steps to improve their conduct then CHS may decide to serve the Notice Requiring Possession some time before the nine month visit is due, although not within four months of the start of the tenancy. If the starter tenant does not give possession at the end of the notice period, CHS will need to take legal proceedings to enforce the notice, which must begin within four months of the date the s.21 notice was served.

8.0 Equality & Diversity

CHS is committed to equality for all. CHS will make sure that all actions carried out and decisions made in relation to starter tenancies are fair and respectful of diversity. Starter tenants will not be treated differently from Assured tenants other than in the differences between their tenure status. Where CHS is aware of any disability in the starter tenant's household it will complete a disability impact assessment before serving a s.21 notice, to assess whether serving the notice is a proportionate action and that CHS has taken all reasonable steps to accommodate the disability.

9.0 Monitoring and Review

Starter tenancies need to be monitored to make sure they achieve their aims of reducing anti-social behaviour. As a part of its monitoring of Anti-Social Behaviour cases CHS will monitor:

- the number of starter tenancies ended
- the number of starter tenancies extended
- the number of appeals and their outcomes
- the number of starter tenancy evictions carried out or tenancies ended / abandoned by the tenant after receipt of a s.21 Notice

The Policy as a whole will be reviewed every three years and any proposed changes will be considered by the Customer Committee and the Operations Committee.

Starter Tenancy Appeals procedure

(N.B. This procedure will also apply where a tenant has been served with a Notice of Seeking Possession (NoSP) because they under-occupy their home by two or more bedrooms and have refused an offer of suitable alternative accommodation. In such cases the tenant would need to request a Review of the decision within 28 days of receiving the NoSP.)

10.0 Information

Starter tenants will be notified of their right to appeal at the same time they are served with a Notice Requiring Possession (NRP). This will be included in the letter attached to the NRP together with a copy of this Policy. The letter will also inform the starter tenant that if they need help or advice about the notice and what to do next, they should go to a Citizens Advice Bureau, housing advice centre, law centre or solicitor.

11.0 Making an appeal

A starter tenant must notify CHS in writing if they want to appeal within 14 days of the date of service of the NRP. If they fail to comply with this time limit their right of appeal will be lost. The starter tenant can choose to have the appeal dealt with at a hearing or on the basis of written submissions.

12.0 Timetable for Appeal

CHS will liaise with the appellant to try to offer convenient dates and times for the appeal if they wish to attend. CHS will offer no more than 3 dates for the appeal, all at least one week ahead and not all in the same week. The Appeal Panel must meet within 20 working days of the request unless the appellant agrees otherwise. In this case, unless there are very exceptional circumstances, the Panel must meet within 30 working days of the request.

If a suitable date cannot be agreed within these guidelines, the Appeal Panel may meet and decide the case without the appellant being present.

If the appellant wants to make a written case for the Appeal, this must be no more than 5 A4 pages (or the equivalent by e-mail) and must reach CHS no less than 3 working days before the Panel meeting. CHS's written case must also be no more than 5 A4 pages. The written cases will be circulated to the Appeal Panel, the appellant and CHS's lead Director no less than 2 working days before the Panel meeting.

CHS will pay reasonable travel and childcare expenses for the appellant and their supporter/advocate. This does not include fees charged by a professional advocate/solicitor.

13.0 The Appeal Panel

The Appeal Panel will consist of three members of CHS's Board including one Board member who is a tenant; or two members of the Board plus a member of the Customer Complaints Panel. The Panel will be chaired by a Board member and attended by a Director/Chief Executive of CHS who will act as an adviser to the Panel. At a hearing the tenant can be accompanied or represented by a person of their choice.

The Appeal Panel will consider :

- Whether the starter tenant was in breach of the tenancy agreement
- Whether any breach was sufficiently serious/persistent to justify ending the tenancy

- Whether the Notice Requiring Possession has been served appropriately taking into account any attempts to support the tenant in addressing the issues leading to the Notice being served.
- Where the Appeal is against a Notice of Seeking Possession due to under-occupation, whether the action complies with CHS's Lettings Policy.

In appropriate cases the Appeal Panel may recommend that the starter period is extended, if this has not already happened previously. It is not possible to extend the period more than once.

A senior officer of CHS will present CHS's case for ending the starter tenancy and will have provided a written case summary to the panel and the starter tenant at least 5 working days in advance of the hearing. The Housing Officer may attend where this would assist the Panel to clarify details. CHS will protect the identity of people who have made complaints about the starter tenant's conduct if they wish to remain anonymous.

The meeting will be minuted by an Executive Assistant. Tape recording of the hearing is not allowed.

The Panel Chair will have been agreed in advance. At the start of the hearing, the Chair will establish the grounds of appeal from the appellant.

The appellant and/or their advocate will have a maximum of 20 minutes to present their case. CHS will then have a maximum of 20 minutes to present their case. The Panel will then have up to 30 minutes to ask questions of both parties. At the end, the appellant/advocate and then CHS will have 5 minutes each to conclude their cases.

The Panel will confirm their decision to the lead Director the following working day, unless further information or clarification is required from the officers involved. In reaching their decision they may take advice from the Chief Executive. The lead Director will put the Appeal Panel decision in writing to the appellant within 5 working days of the hearing. If the appeal has been refused the appellant is advised at the same time that they may seek re-housing / legal advice from other agencies, and is provided with written information on sources of help and options for future housing.

The Panel Chair (or another Panel member in their absence) will agree and sign the minutes of the hearing within 20 working days of the meeting.