

Starter Tenancy Policy

Housing Management Policy 13

Keniston Housing Association

Introduction

This policy sets out how Keniston will ensure its compliance with legal and regulatory obligations and good practice 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 in breach of their tenancy. This includes anti-social behaviour, rent arrears and tenancy fraud. All new tenants, who have not immediately previously held a secure or assured tenancy, will be signed up to a starter tenancy for 12 months. If the starter tenancy has been conducted satisfactorily and the starter period has not been extended, at the end of the 12 months the tenancy will automatically convert to an assured tenancy.

During the Starter Tenancy period officers will closely monitor the tenancy to identify any breaches and will raise these with the tenant to warn of potential legal action or to extend or end the tenancy at the end of the period. We may either extend the starter period for up to a further 6 months, or we may decide to end the tenancy.

Whilst the Transfer Policy generally prohibits tenants from permanently moving home during their Starter Tenancy period, there may be exceptions. In these circumstances, a new Starter Tenancy will be granted.

Legal / Regulatory Framework

The Regulator for Social Housing Tenancy Standard states that registered providers may use starter tenancies. Starter tenancies are based on an initial assured shorthold tenancy potentially 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 (ASB).

Policy statement

Keniston aims 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 that 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 may end the tenancy and seek possession in cases of rent arrears where there has been no engagement, a refusal to make a repayment agreement, or the agreement has not been complied with and arrears are escalating.

Starter Tenancies do not apply to existing social housing tenants who have held an Assured or Secure tenancy immediately prior to being offered a tenancy with us; or

Successor tenants of existing Assured tenancies. Any applicant not able to prove their previous tenancy status will be issued with a starter tenancy.

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 tenants in the early stages of their tenancy and will signpost tenants to a more intensive package of guidance. We will carry out a proportionality assessment before any decision is taken to serve a Notice or issue court proceedings, taking into account actual or suspected protected characteristics the tenant or family members may have under the Equality Act that are related to any breach of tenancy.

The Housing Management Team Leader will authorise extending the tenancy or the conversion to an assured tenancy.

Rights of starter tenants

Starter tenants have fewer rights than an Assured tenancy. Starter tenants have the same access to all our services but do not have the following rights:

- Right to Mutual Exchange or transfer
- Right to Buy/ Acquire
- The right to assign the tenancy
- Succession rights for family members
- The right to take lodgers
- Rights to make alterations or improvements (other than superficial decorating)
- No right to claim compensation for home improvements

Ending a Tenancy

In view of the limited security granted to starter tenants it is essential that adequate protection for tenants is built into our procedures. 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. 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.

There are a number of interventions we can consider, depending on the severity of the breach. Where breaches are unlikely to be addressed by an intervention we may serve a 'Notice Requiring Possession' under Section 21 of the Housing Act 1988 at any time after 4 months of the tenancy have expired. After two months of the service of this notice, we may apply to the court for possession of the property. In these cases, possession will usually be granted if we have followed our Policy and Procedures.

The purpose of extending the starter tenancy is to give the starter tenant the opportunity to engage with appropriate services they need to sustain the tenancy, and, 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. Such 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 by the Association's Complaints and Resolutions Panel. The tenant can request an oral hearing.

If the appeal is not upheld, the eviction request will be made to the Chief Executive for 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:

- The 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, Diversity and Inclusion

Everyone at Keniston, our external partners and customers are required to:

- Treat people fairly, give equal access to jobs, homes, services and contracts without discrimination, harassment, bullying and prejudice, and meet diverse needs through reasonable adjustments whenever possible and appropriate.
- Not discriminate against any individuals or groups, not tolerate attitudes and behaviours that amount to or could result in discrimination and swiftly handle any reports of victimisation, bullying or harassment.
- Acknowledge and value the differences by recognising people's individual circumstances, unique aspirations and needs and responding appropriately.
- Comply with relevant legislation, statutory codes and guidance designed to promote equality of opportunity and eliminate discrimination, such as the Equality Act 2010, Housing and other Regulatory Standards, and the Housing Ombudsman's Complaints Handling Code.

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

This policy was agreed by **Management Team on 22 April 2024**

Next review date is April 2027