

Starter Tenancies Policy

Background

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs, sheltered and supported housing for rent and shared ownership. MHA provides housing for people in need in a way that leads to sustainable and balanced communities where people want to live, work and play.

Our mission is to empower communities to be successful and vibrant. We focus on quality, making a difference and fairness in the way we provide housing services in the communities we serve.

This policy describes how MHA will use Assured Shorthold Tenancies as starter tenancies across our whole stock in order to promote pro-social behaviour. Starter tenancies are probationary tenancies but they give similar rights to those of Assured tenants.

We have taken account of the following legislation and publications:

- Section 21 of the Housing Act 1988
- Chapter 1 of Part 5 of the Housing Act 1996
- Section 179 of the Housing Act 2004
- The Introductory Tenancies (Review of Decisions to Extend a Trial Period) England Regulations 2006
- The Housing Corporation's Circular 02/07 - Tenancy Management: Eligibility and Evictions
- The Housing Corporation's Regulatory Code (3.5.2. – 3.5.4)
- The Audit Commission's KLOE 6

We are aware that the new regulator of tenant services is the Tenant Services Authority (TSA). The TSA will in due time publish their own standards to replace Housing Corporation standards.

The Housing Corporation Regulatory Code (3.5.2) states that housing associations must provide good quality housing services for residents and prospective residents by offering the most secure form of tenure compatible with the purpose of the housing and sustainability of the community.

This allows registered providers to adopt a probationary scheme for new assured tenants as a tool to tackle anti-social behaviour, either in a defined geographical area or across their whole stock. These probationary tenancies are called starter tenancies.

Use of Starter Tenancies

We aim to make our homes and communities pleasant and secure places to live in. Anti-social behaviour incidents caused by residents, their visitors, family or any other person can blight communities easily and make life intolerable for many law-abiding residents. We will use starter tenancies as one of the tools to tackle ASB and rent arrears.

Through starter tenancies we aim to reduce tenancy turnover, thereby reducing the cost of void loss. Legal action taken in order to evict starter tenancies is relatively inexpensive because the Association does not need legal representation. Although staff time is costly

Manningham Housing Association
Starter Tenancies Policy
DRAFT

during the starter tenancy period we believe that the intensive management and support provided saves Housing Officer time in the longer term.

We will use starter tenancies only for new assured tenants. This will be a periodic assured shorthold tenancy that runs initially for a period of twelve months. At the end of the twelve months, providing that the terms of the tenancy agreement have been adhered to, the tenancy becomes an Assured Tenancy. However possession action will be taken against tenants who fail to remedy any tenancy breaches that have been drawn to their attention.

We will regularly monitor starter tenancies, including a quarterly meeting with tenants, where applicable, to discuss any tenancy issues that may lead to the termination of the tenancy.

Where there is evidence that the conditions of the tenancy agreement have been continuously broken the Association will seek to terminate the tenancy by giving a two months' written notice under Section 21 of the Housing Act 1988. Where the tenant fails to leave the property, the Association may then pursue possession under the accelerated possession procedure.

Tenants on a starter tenancy will broadly have the same rights as those on an assured tenancy in areas such as:

- Right to repair
- Right to succession
- Right to be consulted

However, they will not have the:

- Right to take in lodgers
- Right to improve or claim compensation for improvements
- Right to exchange
- Right to acquire

During the period of the starter tenancy, the Association will provide guidance and support for vulnerable tenants to improve the chances of a successful outcome. This will include signposting to appropriate agencies for housing-related support, assistance with accessing such support, and opportunities to engage with relevant service providers so that they can sustain their tenancy.

If after 12 months it is felt that the starter tenancy cannot be converted to a full assured tenancy, the Association may decide to extend the starter tenancy for a further 6 months. At every extension, the tenant will have the opportunity to appeal against the decision within fourteen working days. The person who made the initial decision will not be on the Appeal panel to ensure a fresh look at the case and that eviction is used only as a last resort.

Using the Regulatory Code

In accordance with the Regulatory Code, we will ensure that during the period of starter tenancies:

Manningham Housing Association
Starter Tenancies Policy
DRAFT

- Services are shaped around our customers' needs
- Legal repossession is sought as a last resort
- Strategies are in place to tackle anti-social behaviour
- Vulnerable and marginalised tenants are provided with appropriate responsive housing services
- Support and care arrangements (including liaison with other agencies) are in place where appropriate
- Applicants are excluded from consideration for housing only when their unacceptable behaviour is serious enough to make them unsuitable to be a tenant and only in circumstances that the Association will not be found to be unlawfully discriminating.

In other words, during the lifetime of the tenancy we will act to support and sustain rather than terminate a tenancy, providing early intervention to assist tenants to comply with their tenancy conditions.

Supporting Starter Tenancies

Our Anti-social Behaviour policy and Supporting (General Needs) Tenants policy document how we will support our tenants in maintaining their tenancy.

We will take the time to explain the starter tenancy to new tenants at sign up, providing as much information as possible to the new tenant on the implications of signing a starter tenancy agreement and in ensuring that their rights, obligations and responsibilities are clearly understood.

The starter tenancy will be monitored throughout the starter period with a programme of visits so that problems can be addressed as soon as they arise.

In order that starter tenants are not discriminated against, procedures for dealing with nuisance and anti-social behaviour will be the same as for assured tenants, with the exception of the legal process for ending the tenancy.

At tenancy sign up, tenants will be offered advice and help with housing benefit claims and encouraged to access any local benefits maximisation service. We will seek to identify at tenancy sign up the support needs of our tenants.

In compliance with S14 (2) of the Anti Social Behaviour Act 2003 we will ensure we obtain a court order before demoting an assured tenancy, if this is necessary.

In working with the Family Intervention Support unit, we will ensure that vital early intervention is offered at the earliest opportunity to vulnerable tenants, especially in key areas such as dealing with anti-social children and disruptive family life-styles, promoting strategies that minimise worklessness, and help with resolving Housing Benefit queries.

We will focus on individual support and signposting to more wide ranging services. Tenants will be encouraged to take up support packages with relevant support providers. It will be made clear to tenants that it is their responsibility to access relevant support as part of the process of converting their starter tenancy into full assured tenancy.

Manningham Housing Association
Starter Tenancies Policy
DRAFT

Housing staff will visit starter tenancies, as may be applicable, working with them to achieve mutually agreed expectations and milestones. Appropriate training in customer care will be given to housing staff to ensure they can deliver this service within the organisation. Staff will be able to call upon other resources, for instance, our community initiatives grant and various tenancy incentives where these could help steer the starter tenancy towards a successful outcome.

All customer-facing staff will be trained to provide a high standard of customer service. Housing Officers will be given guidance and support in order to ensure that all starter tenancies are managed efficiently and effectively. Additionally Housing Law Updates will be arranged for staff on a regular basis.

Housing staff will be required to provide regular evidence of:

- Levels of ASB as a % of stock in their management
- Number of starter tenancies granted
- Number of tenancy conversions
- Number of starter tenancy extensions
- Number of tenancy failures
- Number of appeals
- Households accessing support services
- Numbers of evictions and reasons

Monitoring and Review

We will monitor and review this policy in conjunction with residents to ensure its effectiveness and relevance to the Association's stated aims and objectives.

The Director of Housing has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in resident involvement directly. The policy will be reviewed annually by the Director of Housing.