

# Starter Tenancy Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	November 2020
Review date:	November 2021

1	Introduction
1.1	One Vision Housing (OVH) uses starter tenancies as a way of helping people develop tenancy management skills and also as an effective measure to deal with Anti-Social Behaviour (ASB) from its tenants and visitors to their properties.
1.2	This Policy outlines the provisions OVH has in place to use starter tenancies, as part of a wider strategy to reduce and control ASB associated with tenancies it issues and the options to demote assured (non-short-hold) and protected assured tenancies, if required.
1.3	<p>The above powers have been given to Registered Housing Providers under section 21 of the Housing Act 1988 as amended by the Housing Act 1996. This Policy ensures OVH complies with the requirements of the above Housing Acts and also takes into consideration:</p> <ul style="list-style-type: none"> <li>• The Human Rights Act 1998</li> <li>• The Data Protection Act 2018</li> <li>• General Data Protection Regulation 2018</li> <li>• The Anti-Social Behaviour Act 2003</li> </ul>
1.4	<p>The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England as outlined below:</p> <ul style="list-style-type: none"> <li>• Registered providers shall: <ul style="list-style-type: none"> <li>○ Work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes</li> </ul> </li> <li>• The Policy meets the following OVH corporate objectives: <ul style="list-style-type: none"> <li>○ To provide homes that people want to live in, in safe, secure and sustainable neighbourhoods</li> <li>○ To deliver value for money and excellent services that exceed the aspirations of our customers</li> <li>○ To make a positive impact in our communities and the wider society</li> </ul> </li> </ul>

<p><b>1.5</b></p> <p><b>1.5.1</b></p> <p><b>1.6</b></p> <p><b>1.6.1</b></p> <p><b>1.6.2</b></p> <p><b>1.6.3</b></p> <p><b>1.6.4</b></p>	<p><b>Access and Communication</b></p> <p>OVH is committed to ensuring that our services are accessible to everyone. OVH will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for the organisation or use its services.</p> <p><b>Equality, Diversity and Human Rights</b></p> <p>OVH is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out its duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation and Religion and/or Belief, Civil Partnership and Marriage, Pregnancy and Maternity.</p> <p>OVH also recognises that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.</p> <p>OVH will also ensure that all services and actions are delivered within the context of current Human Rights legislation. Staff and others with whom we work, will adhere to the central principles of the Human Rights Act (1998).</p> <p>This Policy should be read in conjunction with the following:</p> <ul style="list-style-type: none"> <li>• OVH Tenancy Transfer, Succession and Mutual Exchange Policy</li> <li>• Tenancy Policy</li> <li>• OVH Complaints, Appeals and Feedback Policy</li> </ul>
<p><b>2</b></p>	<p><b>Statement of Intent</b></p>
<p><b>2.1</b></p> <p><b>2.2</b></p> <p><b>2.3</b></p> <p><b>2.4</b></p>	<p>OVH will comply with all legal requirements in regard to the management of starter tenancies and the contractual obligations contained within tenancy agreements. This will also include the provisions to demote assured tenancies and protected assured tenancies or the extension of starter tenancies as required.</p> <p>OVH will inform all new tenants at the sign-up process of their rights and responsibilities and appropriate conduct that will be expected of them during the term of their tenancy. At the sign-up process, OVH will take photographs of all lead tenants to prevent possible tenancy fraud.</p> <p>All new tenants will be advised of the possible actions that may apply if they breach any of the tenancy conditions and the likely timescales that will apply.</p> <p>OVH will inform all tenants of any intended tenancy enforcement actions, where these are necessary, clearly outlining:</p> <ul style="list-style-type: none"> <li>• The course of action to be pursued</li> <li>• The possible consequences for the tenant(s)</li> <li>• The reasons why the actions are being pursued</li> <li>• Details of how to appeal any decisions</li> </ul>

2.5	<p>In all cases where OVH is considering tenancy enforcement action, an assessment will be made of:</p> <ul style="list-style-type: none"> <li>• The tenant’s individual circumstances and the need for any additional tenancy support if they are deemed to be vulnerable for any reason</li> <li>• Their capacity to understand the actions being pursued against them including mental health assessment (where necessary via relevant professional practitioner)</li> </ul>
2.6	<p>As part of the measures, OVH has mechanisms in place to reduce and control anti-social behaviour (ASB) from its tenants and visitors to their properties. OVH may use the powers made available to Registered Providers (under section 21 and Schedule 2 of the Housing Act 1988).</p>
2.7	<p>OVH may use the powers contained within the Housing Acts (1988 &amp; 1996) relating to the management of ASB as follows:</p> <ul style="list-style-type: none"> <li>• The option to apply to the courts for accelerated proceedings to bring starter tenancies to an end</li> <li>• The option to extend starter tenancy periods, and</li> <li>• The option to demote assured (non-short-hold) or protected assured (non-short-hold) tenancies (For further details please see OVH Anti-Social Behaviour, Domestic Abuse and Harassment Policy)</li> </ul>
2.8	<p>Where rent arrears occur, OVH may use the powers that exist under Section 21 of the Housing Act 1988 (the short-hold ground) in circumstances to regain possession of the property. OVH will always in the first instance seek to work with tenants to reach agreement to pay before pursuing legal action (and will comply with the pre-action protocol for rent arrears before commencing legal action).</p>
2.9	<p>Where OVH is forced to seek possession of a property due to rent arrears, it will rely on <b>Grounds 10</b> and <b>11</b> in Schedule 2 of the Housing Act 1988, as amended by the Housing Act 1996</p>
2.10	<p>OVH may utilise <b>Ground 8</b>, a ‘mandatory possession ground’ or the ‘Fast-track’ proceedings, if permissible, depending on the type and date of issue of the tenancy agreement that is in place. For further details on grounds for possession, please refer to the Rent Payment and Arrears Recovery Policy.</p>
2.11	<p>OVH will monitor the conduct of starter tenancies via a series of structured visits in the first 12 months of the tenancy or at any other time if concerns are raised or in response to incidents.</p>
2.12	<p>Where OVH takes actions to bring starter tenancies to an end, a review process will exist allowing tenants the option to make personal representation. The review process will also be an option available where OVH seek to demote assured tenancies.</p>
2.13	<p>OVH will review the operational effectiveness of starter tenancies as a tool to reduce and control ASB on an annual basis and will undertake a strategic review of the Policy every three years.</p>

3	Policy
3.1	<p data-bbox="256 197 628 230"><b>Monitoring Starter Tenancies</b></p> <p data-bbox="108 275 177 309"><b>3.1.1</b></p> <p data-bbox="256 275 1437 461">All new social housing tenancies that OVH issue will be an assured short-hold tenancy or starter tenancy. The starter tenancy would normally last for a period of twelve months and provided there are no serious breaches of tenancy agreement during this period, they will convert into an assured (non-short-hold) tenancy on the anniversary of the tenancy commencement date.</p> <p data-bbox="108 506 177 539"><b>3.1.2</b></p> <p data-bbox="256 506 1453 694">In order to assess the satisfactory conduct of the tenancy, OVH will carry out scheduled visits in the first 12 months from the tenancy commencement date. In situations where home visits are not possible, an assessment may be made through telephone calls, emails and the use of media such as photographs or videos to evidence how the tenancy is being maintained.</p> <p data-bbox="108 739 177 772"><b>3.1.3</b></p> <p data-bbox="256 739 815 772">At the visits an assessment will be made of:</p> <ul data-bbox="304 817 1390 1055" style="list-style-type: none"> <li>• Any rent arrears</li> <li>• The general condition of the property</li> <li>• Any breaches of tenancy, including reports of ASB</li> <li>• Individual circumstances and if there are any support needs or enhanced service requirements that are not currently being met</li> <li>• Any safeguarding concerns raised or noted</li> </ul> <p data-bbox="108 1099 177 1133"><b>3.1.4</b></p> <p data-bbox="256 1099 1437 1171">In addition to these scheduled visits, OVH may carry out ad-hoc home visits in pursuance of rent arrears, in response to incidents or at the tenants' request.</p> <p data-bbox="108 1216 177 1249"><b>3.1.5</b></p> <p data-bbox="256 1216 1437 1328">OVH will use the information gathered at the scheduled visits and any other information in relation to the conduct of the tenancy when considering whether to allow starter tenancies to convert into an assured (non-short-hold) tenancy or for any tenancy enforcement action.</p> <p data-bbox="108 1373 177 1406"><b>3.1.6</b></p> <p data-bbox="256 1373 1453 1444">At the final scheduled visit (usually at 9 months), the OVH staff member attending will inform the tenant(s) of OVH's intentions to:</p> <ul data-bbox="304 1489 1469 1760" style="list-style-type: none"> <li>• Convert the tenancy at the 12 month anniversary to an assured (non-short-hold) tenancy – (provided there are no tenancy breaches in the remaining 3 months)</li> <li>• Extend the starter tenancy for an additional 3 months period (to take effect on the 12 month anniversary) and the reasons why this course of action is being pursued</li> <li>• Start actions to bring the tenancy to an end (see below) – clearly outlining the reasons why this course of action is being pursued unless action has already been started after 6 months of the commencement of tenancy.</li> </ul> <p data-bbox="108 1805 177 1839"><b>3.2</b></p> <p data-bbox="256 1805 639 1839"><b>Terminating Starter Tenancies</b></p> <p data-bbox="108 1883 177 1917"><b>3.2.1</b></p> <p data-bbox="256 1883 1453 1955">In line with its objective to promote sustainable communities, OVH will only consider seeking possession of properties as a last resort.</p> <p data-bbox="108 2000 177 2033"><b>3.2.2</b></p> <p data-bbox="256 2000 1406 2072">In line with the provisions of the Housing Act 1988, as amended by the Housing Act 1996, OVH may commence possession proceedings within the first six months of the starter</p>

tenancy, however, the date for gaining possession by the court will not be until the tenancy is at least six months old.

**3.2.3** If it is necessary to bring a starter tenancy to an end during the first six months, OVH may use the discretionary grounds for possession outlined in the Housing Act 1988 as amended by the Housing Act 1996.

**3.2.4** In severe cases of nuisance or ASB, OVH will also use other legal remedies to prevent harm being caused to persons or damage to properties including injunctions.

**3.2.5** In the case of tenancy enforcement action for rent arrears, OVH may use the discretionary grounds at any point during the term of the tenancy (including for assured short-hold tenancies and assured tenancies)

**3.2.6** If OVH seek to terminate a starter tenancy for rent arrears, nuisance or ASB a Section 21 Notice requiring possession will be served.

**3.2.7** OVH will only issue a section 21 notice after at least 4 months from the start of the original tenancy. The notice will expire after 6 months if OVH does not issue court proceedings. The Section 21 notice will give a minimum of two months' notice before court action can commence.

**3.2.8** The Section 21 notice will be accompanied with a letter that explains:

- Why the notice is being served (outlining the specific breaches of tenancy)
- How the tenant may take up the option to review the decision (including the option to make representation at a review panel) and the deadline for submitting a review request – (see Section 3.5 for further details)

### **3.3 Extending Starter Tenancies**

**3.3.1** OVH reserves the right to extend starter tenancies for a period of 3 months from the normal date that the tenancy would convert to an assured non short-hold tenancy. At this time the extension will be reviewed and can be extended for a further 3 months if required (usually up to a maximum of 6 months in total from the end of the starter period).

**3.3.2** OVH will inform tenants of any decision to extend starter tenancies in writing and where possible by personal visit outlining the reasons behind the decision.

**3.3.4** OVH will consider extending a starter tenancy where:

- There has been low level ASB or a minor tenancy breach and OVH will give the tenant(s) the opportunity to remedy the breach and prove they can conduct the tenancy satisfactorily
- Where a tenant has requested a review of the serving of a notice requiring possession and the review is unlikely to be heard before the 12 month anniversary of the starter tenancy
- Where there has been a succession of the tenancy during the starter period (see OVH Tenancy Transfer, Mutual Exchange and Succession Policy for further details)

## **3.4 Demoting Assured tenancies**

**3.4.1** OVH reserves the right to apply to the County Courts for a demotion order of assured tenancies and protected assured tenancies under the powers that exist in Part 2 of the Anti-Social Behaviour (ASB) Act 2003 and ASB and Policing Act 2014.

**3.4.2** The courts will not make a demotion order unless it is satisfied:

- (a) That the tenant or a person residing in or visiting the dwelling-house has engaged or has threatened to engage in conduct to which 153A or 153B of the Housing Act 1996 (anti-social behaviour or use of premises for unlawful purposes) applies, and
- (b) That is reasonable to make the order

**3.4.3** Section 153A of the Housing Act 1996 applies to:

- Conduct which is:
  - Capable of causing nuisance or annoyance to any person and
  - Directly or indirectly relates to or affects the housing management functions of the landlord

**3.4.4** OVH will only consider demoting assured tenancies as an alternative to applying for outright possession orders, where it is appropriate to send a strong warning to tenants but it is believed there is an opportunity for the behaviour causing the tenancy breach to be amended and positive steps are being taken to bring this about.

**3.4.5** Where OVH intends to apply for a demotion order a notice will be served on the tenant(s). The notice will:

- (a) Give the particulars of the conduct in respect of which the order is sought;
- (b) State that the proceedings will not begin before the date specified in the notice (giving a minimum of two weeks' notice);
- (c) State that if OVH chooses to commence proceedings it will begin within 12 months of the date of service of the notice

**3.4.6** Where a demotion order is granted the assured tenancy will end and it will be replaced with a demoted assured short-hold tenancy. In these circumstances, there will be a loss of rights for the tenant as they will lose the preserved right to buy, right to acquire (as appropriate) and the right to mutually exchange or transfer (during the period of demotion).

**3.4.7** The above rights will be reinstated if OVH chooses to convert the demoted assured short-hold tenancy back to an assured tenancy (provided the tenancy breach is remedied), although preserved right to buy discount will not apply to any period of demotion.

**3.4.8** OVH will review the conduct of demoted assured short-hold tenancies at 3 monthly intervals and may apply for possession by serving a section 21 notice at any time (see section 3.2 for details).

**3.4.9** Where OVH initiates possession proceedings on a demoted assured short-hold tenancy, the courts may extend the 12 month period if:

	<ul style="list-style-type: none"> <li>• OVH withdraw a notice of proceedings served within the demoted assured short-hold tenancy period</li> <li>• Six months passes without possession proceedings being issued or</li> <li>• If the proceedings are issued within 6 months until the proceedings are finally determined</li> </ul>
3.4.10	If OVH is satisfied, that during the demoted assured short-hold tenancy period, a tenant has sufficiently and permanently altered their behaviour the tenancy will be converted back to an assured tenancy.
3.4.11	Tenants) may request a review OVH’s decision to demote assured tenancies via the review process (see Section 3.5 for details).
3.5	<b>OVH Review process</b>
3.5.1	OVH will operate a review process for any decision to terminate, extend starter tenancies, or terminate demoted assured short-hold tenancies.
3.5.2	The review process will exist where tenants disagree with OVH’s course of action and not issues of how they are treated during the process, which will be dealt with by OVH’s Complaints process (see OVH Complaints, Appeals and Feedback Policy for details).
3.5.3	Where OVH serve a notice requiring possession of a starter tenancy, serve a notice requiring possession of a demoted assured short-hold tenancy or extend the starter tenancy, the tenant(s) will be informed of their options to have the decision reviewed by an appeals panel.
3.5.4	If tenants want to pursue the option to review the decision they must inform OVH within 14 days of either the notice being served or of receipt of a letter advising the starter tenancy is being extended.
3.5.5	If a review is requested, OVH will provide the tenant(s) with a summary of the information to be considered by the review panel. OVH will notify the customer of the results before the date the possession proceedings begin as specified in the notice or letter seeking possession.
3.5.6	If the appeal is against the decision to extend a starter tenancy, OVH will inform the customer of the outcome of the review before the 12 month anniversary of the starter tenancy.
3.5.7	Tenants may make representation by way of written submission or choose to attend panel hearings in person, where they may be accompanied by a person of their choice (including legal representation).
3.5.8	The OVH review panel will assess if the legal procedures and notice periods have been adhered to in serving of notices and letters sent to tenant(s) advising of actions to be taken. An assessment will also be made of the proportionality and reasonableness of the actions taken (with reference to relevant case law). For more information about the review process, please refer to the OVH Complaints, Appeals and Feedback Policy.
<b>4</b>	<b>Implementation</b>
4.1	All OVH staff have responsibility for implementing the Starter Tenancy Policy in regard to the information and signposting they provide to OVH customers.

4.2	<p>OVH Neighbourhood Services Officers, Independent Living Officers and Community Safety Officers, acting as Case Managers will have responsibility for general tenancy management, including:</p> <ul style="list-style-type: none"> <li>• Sign-up procedures</li> <li>• Structured tenancy visits (for starter tenancies)</li> <li>• Ad-hoc visits in response to reported incidents or at the tenant(s) request</li> <li>• Serving of notices requiring possession (and delivery of associated information)</li> <li>• Arranging assessments of individual circumstances and capacity to understand tenancy enforcement actions</li> <li>• Preparing cases for appeals panels</li> <li>• Investigating reports of tenancy related ASB</li> </ul>	
4.3	<p>The Neighbourhood Services Manager will have responsibility for reviewing the operational effectiveness of starter tenancies on an annual basis.</p>	
4.4	<p>The Operational Director (Housing Services) in conjunction with the Neighbourhood Services Managers and Independent Living Manager will carry out a three yearly strategic review of the operation of starter tenancies as an effective tool for managing ASB.</p>	
<b>5</b>	<b>Performance</b>	
5.1	<p>OVH have a target to ensure all starter tenancies receive monitoring visits in the first 12 months. This performance indicator will be monitored and reported to customers on a quarterly basis if selected as a 'key performance' indicator by customer representatives within the formal OVH involvement structure.</p>	
<b>6</b>	<b>Consultation</b>	
6.1	<p>The Tenants Policy Review Group has been consulted regarding the development of this Policy on 25/09/2019. Staff have also been consulted about the Starter Tenancy Policy.</p>	
<b>7</b>	<b>Review</b>	
7.1	<p>The Policy will be reviewed on an annual basis (from the date of Executive Management Team-EMT approval) with input from the Tenant Policy Review Group or more frequently as required by the introduction of new legislation, changes in regulatory standards or as a result of system audits.</p>	
<b>8</b>	<b>Equality Impact Assessment</b>	
8.1	<p>Was a full Equality Impact Assessment (EIA) required?</p>	<p>No</p>
8.2	<p>When was EIA conducted and by who?</p>	<p>When was the EIA conducted and by Who? The EIA Relevance test conducted in November 2012 is still relevant and does not require updating.</p>
8.3	<p>Results of EIA</p>	<p>Results of EIA: The EIA did not indicate any diverse or differential impacts for any group of people with protected characteristics.</p>

9			Scheme of Delegation		
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	EMT			
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director- Housing Services			
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director- Housing Services			

10						Amendment Log					
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Date of revision:		Reason for revision:		Consultation record:		Record of amendments:	
18 September 2018		In line with the review schedule		See Section 6		The Policy makes reference to the Data Protection Act 2018 and GDPR.	
8 <sup>th</sup> October 2019		In line with the review schedule		See Section 6		There are no significant changes to the Policy in this review.	
17 <sup>th</sup> November 2020		In line with the review schedule		See Section 6		Change at 3.1.2 – Inclusion that in situations where home visits are not possible, OVH may carry out starter tenancy assessments through other means i.e. photographs, emails, videos etc.	