



**manningham**  
HOUSING ASSOCIATION

**STARTER TENANCY POLICY**



## STARTER TENANCY POLICY

### 1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider. MHA provides homes to approximately 1400 households predominantly in the Bradford and Keighley area. The Association provides general needs housing for rent and shared ownership.

This policy describes the circumstances in which MHA will use Assured Short-hold Tenancies as Starter Tenancies and how MHA will manage them.

Starter Tenancies are assured shorthold tenancies, granted under the terms of the Housing Act 1988, which last for a maximum of one year, or 18 months if extended. Starter Tenancies are designed to allow new tenants to demonstrate that they can maintain and manage a tenancy before being issued with an Assured Tenancy.

Starter Tenants have similar rights to assured tenants, however the tenancy can be brought to an end more easily if it is not conducted in a satisfactory manner.

This policy is consistent with the Regulator of Social Housing's Regulatory Framework's Consumer Standards which requires that:

- Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
- They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.
- Where registered providers use probationary tenancies, these shall be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review.

### 2. AIM

The aim of this policy is to make our homes and communities pleasant and secure places to live in and to ensure that new tenants are able to maintain their tenancy to the required standard. MHA acknowledges that anti-social behaviour (ASB) incidents caused by residents, their visitors, family or any other person can quickly blight communities and make life intolerable for many law-abiding residents. MHA have a zero-tolerance to ASB and we will use starter tenancies as one of the tools to tackle ASB and rent arrears.

Through starter tenancies we aim to create sustainable tenancies, thereby reducing tenancy turnover, and the overall cost of rent loss through empty properties. Legal action taken in order to end starter tenancies is relatively inexpensive because the Association does not normally need legal representation.



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We will use starter tenancies only for new tenants. The tenancy will be issued in the form of a Periodic Assured Short-hold tenancy that runs initially for a period of twelve months. At the end of the twelve months, providing that the tenancy has been conducted satisfactorily the tenants will be issued with an Assured Tenancy.

Our priority is to always ensure we are able to support tenants so that their probationary tenancies are converted to full periodic assured tenancies where the tenants are showing the appropriate behaviours expected of them and in line with their tenancy.

We will proactively monitor starter tenancies to build a better relationship with new tenants and identify early on any potential or actual breaches to the terms of the tenancy. Any such issues will be discussed with the tenant with a view to remedying the breach and preventing recurrence.

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

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 and providing assistance to engage with appropriate agencies for support.

If during the initial 12 month period 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 from the expiry date of the tenancy or end the tenancy. If the decision is taken to end the tenancy then the tenancy shall not convert to an Assured Tenancy. This shall be the position regardless of whether a formal notice has been served pursuant to Section 21 but the tenant will be informed in writing that the tenancy will not be converting to an Assured Tenancy. The tenant will have the opportunity to appeal against the decision to end the tenancy within fourteen working days. The officer who made the initial decision will not form part of the appeal panel to ensure an unprejudiced review of the case.

### 3. USING THE REGULATORY STANDARDS

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

- Services are shaped around our customers' needs
- Legal repossession is sought as a last resort
- Strategies are in place to tackle anti-social behaviour



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- 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 end a tenancy, providing early intervention to assist tenants to comply with their tenancy conditions.

### 4. SUPPORTING STARTER TENANCIES

Our Anti-social Behaviour policy details how we will support our tenants in maintaining their tenancy. However, with reference to this particular policy, the following additional steps and procedures will be followed:

- The Neighbourhood Officer will take the time to explain the starter tenancy to new tenants at sign up, providing information on the implications of signing a starter tenancy agreement and in ensuring that their rights, obligations and responsibilities are clearly understood. The new tenant will be asked at this stage to sign a declaration confirming that they have understood fully what has been explained to them.
- The Neighbourhood Officer will ensure that adequate information is given to the tenant during settling-in visits, recording and following up on any tenancy support requirements.
- The Neighbourhood Officer will monitor the starter tenancy throughout the starter period 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.
- For the avoidance of doubt, evidence of nuisance and/or anti-social behaviour and/or breach of the tenancy terms shall be legitimate grounds for terminating the Starter Tenancy by service of a Notice pursuant to Section 21 of the Housing Act 1988.
- Throughout the starter tenancy period, tenants will be offered advice and help with housing benefit claims and encouraged to access any local benefits maximisation service.
- We will focus on individual support and encourage starter tenants to use mainstream and specialist support services which can help them to maintain their tenancy. 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.



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- Before and during any housing problems, housing staff will visit starter tenants, and work with them to achieve mutually agreed expectations and milestones.
- Staff will be able to seek other resources, for instance, our Community Initiatives Grant and various tenancy incentives where these could help steer the starter tenancy towards a successful outcome.
- Neighbourhood Officers will be given guidance and support in order to ensure that all starter tenancies are managed effectively.

### 5. MANAGEMENT DURING THE 12 MONTH STARTER PERIOD

#### Home visits

A minimum of two routine visits should be carried out within the first nine months of a starter tenancy. However additional visits may take place to discuss any specific problems which may arise (such as rent arrears or complaints of anti-social behaviour).

The routine visits should be scheduled as follows:

**Visit 1** - This will usually occur in the first 4-6 weeks unless it is not possible to do so (the standard settling in visit form should be used) to cover issues such as:

- Problems with claiming Benefits
- Outstanding repairs
- Problems with paying rent
- Condition of property
- Neighbourhood issues and ASB

**Visit 2** - This will usually occur in the first 6 to 9 months unless it is not possible to do so, to cover issues such as:

- How customer has settled into area
- Any problems or disputes with neighbours
- Any outstanding problems with Benefits
- Any arrears problems – including a review of any payment agreements
- Condition of premises
- Review of any previous problems encountered
- Advice to customer on what will happen next

The visits along with any other relevant information provided to the Association should provide the basis on which to determine whether the tenancy should be converted to an Assured Tenancy. The conduct of all areas of the tenancy should be reviewed during the visits to ascertain whether the customer has any support needs.

The results of all visits and interviews are recorded on a Starter Tenancy Record form. After the Neighbourhood Officer completes the nine month review the starter tenancy reports are jointly reviewed by the Neighbourhood Officer and Neighbourhood Team Leader before a final decision is taken on whether the tenancy is to continue. This does



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not prevent a decision being made earlier than this, at MHA's discretion, to end or extend a Starter Tenancy. An appeals process is provided when a tenant disagrees with a decision to seek to end the tenancy.

If the customer does not agree to MHA colleagues visiting and/or does not respond to attempts to contact them, they should be reminded that home visits are part of our management of starter tenancies.

### Visit 3 - Converting a starter tenancy

Provided that the starter tenancy has been conducted satisfactorily, it will automatically convert to a full assured tenancy on the anniversary of the tenancy commencement date. However, the tenant should be asked to sign a new assured tenancy agreement, with a copy kept on their house file. This will contain their additional rights as an assured tenant and will avoid any confusion should there be any need for future legal action.

## 6. APPEALS PROCESS

Where the tenant disagrees with a decision to seek to end the tenancy they will have a right to appeal. The appeal must be made within 14 days which will be considered by a panel consisting of the Director of Operations and at least 1 member of the Manningham Customer panel.

Where a decision is made to extend a starter tenancy period for a further 6 months at the end of the tenancy, tenants do not have the right to appeal this decision.

## 7. CONFIDENTIALITY AND DATA PROTECTION

We will always treat any sensitive or personal information given to us as confidential in accordance with the Data Protection Act 1998 and the UK General Data Protection Regulations (GDPR) 2018, in line with MHA's General Data Protection Regulations Policy. We will only pass this information onto third parties such as statutory organisations if:

- We are required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders.
- There is an information/data sharing protocol, contract or confidentiality agreement in place.
- The person who gave us the information is happy for us to share the information.

Our employees will always respect confidentiality and will not share any information given in confidence unless justified by the assessed risk to the vulnerable person or required by law.

Confidentiality will be discussed with the customer where there are safeguarding concerns or alerts and an explanation will be given that this information may need to be shared with other people in order for the situation to be resolved.



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Where Safeguarding concerns are identified while dealing with Domestic Abuse then staff should refer to the Safeguarding – Children and Vulnerable Adults Policy and act in accordance with guidance set out in the policy.

### 8. EQUALITY AND DIVERSITY

As Bradford's only Black and Minority Ethnic (BAME) housing association, MHA is actively committed to promoting and embedding a culture of equality, diversity and inclusion. MHA is an organization which values differences and enables individuals to be their authentic selves.

Our aims are for the organization to be a leading voice for BAME communities, to be truly representative of all sections of society and communities we service, and for each member of our staff, residents, and other stakeholders to feel respected and valued.

### 9. 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 Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in tenancy management. The policy will be reviewed every three years by the Director of Operations unless legislative or regulatory changes require an earlier review.

<b>Policy Name</b>	Starter Tenancy Policy
<b>Ref No.</b>	EX03
<b>Date of Customer Panel Consultation</b>	
<b>Equality Impact Assessment Completed</b>	Yes
<b>Date Approved by the Executive Team</b>	February 2023
<b>Next Review date</b>	February 2026
<b>Lead Officer</b>	Deputy Chief Executive/Director of Operations



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