

## Starter Tenancy Policy

**Date written:** January 2013

**Date(s) reviewed:** March 2016; June 2018; June 2021

**Purpose:** This policy sets out Bernicia's approach to the use and management of Starter tenancies. Starter tenancies enable early interventions to be made in order to uphold the conditions of tenancy and protect neighbourhoods from anti-social behaviour

**Scope:** This policy applies to new tenants of the Bernicia Group except where:

- The tenant is already an assured or secure tenant, this may be a tenant transferring within our own stock or of another registered provider or council.
- The property to be let or re-let is designated as extra care accommodation.

**Definitions:** A Starter Tenancy is an Assured Shorthold Tenancy.

A Starter Tenancy does not include the right to:

- Take in lodgers.
- Make improvements to the property.
- Exchange properties with another tenant.

**Associated documents:**

Assured Shorthold Tenancy Agreement  
Tenancy Policy  
Equal Opportunity Policy  
Eviction Policy  
Anti-Social Behaviour Policy  
Rent Arrears Recovery Policy  
Hate Crime and Harassment Policy

**Date for review:** June 2024

**Responsibility:** Head of Housing

## Policy

### 1. Introduction

- 1.1 A Starter Tenancy is issued to new tenants, with certain exceptions at the start of their tenancy. It is, essentially, an Assured Shorthold Tenancy that offers limited security of tenure to individuals for a period of 12 months. Thereafter, assuming the tenancy has been conducted in a satisfactory manner, the tenancy will automatically convert to an Assured (Non Shorthold) Tenancy.
- 1.2 This type of tenancy is intended to help ensure that new tenants conduct themselves satisfactorily as a Bernicia Group tenant and offers Bernicia the opportunity to secure mandatory possession, at court, if circumstances require it. Starter tenancies are primarily used as an aid to combat anti-social behaviour, persistent non-payment of rent or other serious tenancy breaches on the part of new tenants.
- 1.3 In view of the extensive powers to end starter tenancies, without the intervention or protection of the court system, it is considered essential that adequate protection for tenants is built into our operating procedures for dealing with such tenancies.
- 1.4 Whilst we have the power to bring a starter tenancy to an end and obtain possession via the court system, merely by following the appropriate procedure, it is the clear intention that such powers will only be used as a last resort. Every effort will be made to sustain tenancies and to use the real threat of repossession to concentrate the minds of our most challenging tenants in changing their attitude or behaviour and to comply with the terms of their tenancy agreement.

### 2. Policy statements

- 2.1 Starter tenancies which are Assured Shorthold tenancies are granted by the Bernicia Group to new tenants except where:
  - The tenant is already an assured or secure tenant; this may be a tenant transferring within our own stock or for another registered provider or council.
  - The property to be let or re-let is designated as extra care accommodation.
- 2.2 At the end of the twelve month starter tenancy period, providing the terms of the agreement have been adhered to, a conversion notice will be served and the tenancy will become an Assured (Non Shorthold) Tenancy.
- 2.3 We believe that taking time to explain the terms of a Starter Tenancy to new tenants is essential to their success. We will provide information to the new tenant on the implications of signing a Starter Tenancy agreement and ensure that their rights, obligations and responsibilities are clearly understood.

- 2.4 A Starter Tenancy will be monitored throughout the first 12 months with a programme of agreed settling in visits depending on the support needed by the tenant to successfully manage their home and tenancy.
- 2.5 We will use the same operating policies and procedures for residents who have a Starter Tenancy, as for all other tenants who have a full Assured Tenancy, however, additional interventions may be put in place as identified following a pre-tenancy assessment of need. The clear purpose of this is to ensure that all tenants are treated fairly and equally. These policies and procedures include but are not restricted to:
- Policy and procedure for rent collection.
  - Policy and procedure for dealing with cases of anti-social behaviour.
  - Policy and procedure for dealing with hate crime and harassment.
- 2.6 We will review Starter Tenancies three months before the starter period expires either as a desktop review or a home visit before the tenancy is converted to a full Assured Tenancy.
- 2.7 We will make every effort to assist starter tenants make a success of their tenancy, through the settling in visiting process and ongoing support where needed.
- 2.8 We will communicate promptly and clearly with starter tenants when a breach of tenancy arises in order to prevent future occurrences.
- 2.9 We will ensure that all cases of vulnerability are identified and support is provided.
- 2.10 Where a starter tenant has accrued rent arrears or there is an ongoing management or anti-social behaviour case, consideration will be given to extend the Assured Shorthold Tenancy for a period not exceeding six months to allow possession proceedings to be considered to bring the tenancy to an end.
- 2.11 Where Bernicia is forced to seek possession of a property due to rent arrears, it will normally rely on Grounds 10 and 11 in Schedule 2 of the Housing Act 1988, as amended by the Housing Act 1996, however the Ground 8, 'mandatory possession ground' may also be utilised as Bernicia's Rent Arrears Recovery Policy and Eviction Policy provide for the use of both mandatory and discretionary grounds for possession.
- 2.12 The use of mandatory grounds is to be used in exceptional circumstances following a proportionality assessment and with the authorisation of the appropriate Head of Service and the Director of Housing Services.

- 2.13 Where there are ongoing tenancy breaches, appropriate legal action will be taken:
- A Notice can be served in accordance with Section 21 of the Housing Act 1988 as amended by the Housing Act 1996 with a minimum of two months' notice period.
  - A Court Hearing can be applied for six months after the commencement of tenancy.
- 2.14 A starter tenant may seek a review of the decision to terminate their tenancy. Such a request must be made within 14 days of the Notice being served and must be submitted in writing.
- 2.15 The review of the decision will be conducted by the appropriate Head of Service.
- 2.16 The review of the decision must take into consideration:
- The proportionality of the action against the starter tenant ie possession action is proportionate to the breach of tenancy.
  - The action against the starter tenant is consistent with Assured tenants for the same breach.
- 2.17 Reviews will generally be on the basis of written representation but may be heard in person depending on the circumstances of the case.

### **3. Responsibility for implementation**

- 3.1 It is the responsibility of the Head of Housing (North or South) or the Head of Retirement Housing to ensure that this policy is carried out efficiently with the support of the Service Managers, Team Leaders and Housing Officers.

### **4. Actioning the policy**

- 4.1 This policy will be actioned each time a new tenancy is created unless:
- The tenant is already an assured or secure tenant.
  - The property to be re-let is designated as extra care accommodation.

## 5. Monitoring the policy

- 5.1 All Starter Tenancies will be managed in line with new tenant support arrangements. Tenancy failure and evictions will be reported as key performance indicators.

## 6. Resources

- 6.1 There are no resource implications as a consequence of this policy.

## 7. Equality and Diversity

- 7.1 An equality and diversity impact assessment has been undertaken on this policy. In carrying out our services, we are committed to:
- Treating all customers and employees positively regardless of any personal characteristics including gender, age, ethnicity, disability, sexuality, gender reassignment or religion.
  - Taking seriously all complaints and investigating and responding accordingly.
  - Using plain language and providing information in other languages, large print, audio and Braille on request.

**Uncontrolled if printed – This may not be the latest version of the policy**

**All policies must be printed from connect only – please make sure it is the latest version**

# Policy Planning Document (PPD)

**ALL sections must be completed with a review or any creation of a new, policy. For anything that doesn't apply, please state N/A. Anything left blank will be returned to you.**

1. Policy Title*	Starter Tenancy Policy
2. Staff/Departments that must be tested*	None
3. Staff/Departments for mandatory read*	All operational staff, Housing Services
4. Supporting <b>documents, procedures &amp; process maps</b> *	Assured Shorthold Tenancy Agreement
5. Associated <b>Policies</b> *	Tenancy Policy Equal Opportunity Policy Eviction Policy Anti-Social Behaviour Policy Rent Arrears Recovery Policy Hate Crime and Harassment Policy
6. Completed E&D Submitted:*	Yes
7. Reason for review (scheduled/non-scheduled)*	Scheduled
8. Minor or Significant change?*	Minor
9. Details of Changes (if any)*	Main changes relate job roles and clarification that a proportionality assessment will be completed before service of a mandatory notice.
10. What good practice and ext. learning sources have been used?*	Researched and compared a number of similar policies from other housing providers
11. Who has been consulted?*	Managers, HoS and Directors, Housing Services
12. Does this Policy need to go to Board for approval?*	No
13. If any significant change, who has approved this?*	N/A
14. Have all legal implications been considered in the policy?*	Yes
15. Does this policy meet regulatory requirements?*	Yes
16. How is the impact of this policy measured?*	Effect will be measured by recording and monitoring the impact of the implementation of this policy. This policy has a Value for Money element as it will contribute to the effective management of tenancies. All customers will have access to this policy as and when required
17. How will training be offered to support these changes?*	N/A
18. How will the distribution of knowledge be tested?*	Through Connect
19. Any other information	N/A
<b>Please confirm details below</b>	
Policy Holder	Head of Housing
Next Review Date	Jine 2024

## Policy Risk and Compliance Assessment

*“Policies are documents devised to advise individuals as to a set of behaviours required on a specific topic. Within an organisation they provide a “voice” to the organisation and ensure consistency as well as providing a mechanism for performance management and monitoring.”*

As part of reviewing or developing a new policy it is important you complete one of these Policy Risk & Compliance Assessments to tell us a little more about what you are planning so we can support you and your teams appropriately.

Please answer the following questions as honestly and openly as you are able.

This assessment is not to prevent you doing anything, but to centrally offer you the best advice and support in developing and reviewing your policies whilst minimising risk from the outset.

All policies will require this document prior to being hosted on Connect and the review being logged as complete.

Policy Risk & Compliance Assessment	
<b>Name and Job Title</b>	Steven Adey Head of Housing
<b>Department</b>	Housing Services
<b>Title</b> of new policy / policy to be reviewed	Starter Tenancy Policy
<b>Brief</b> description of the policy, its purpose, and the areas of the business it covers	This policy sets out Bernicia’s approach to the use and management of Starter tenancies. Starter tenancies enable early interventions to be made in order to uphold the conditions of tenancy and protect neighbourhoods from anti-social behaviour. This policy covers General Needs and Retirement Housing.

<b>Policy Title: Starter Tenancy Policy</b>		
<b>Date: 25 June 2021</b>	<b>Name: Steven Adey</b>	
	<b>Yes</b>	<b>No</b>
<b>1. Equality and Diversity, Will the policy be likely to impact or involve...</b>		
Any individual specifically because of one of their protected characteristics?		No
The collection or processing of information relating to the protected characteristics?	Yes	
An event or initiative only open to certain people or groups of people?		No
The processing of any information relating to a persons protected characteristics?	Yes	
The monitoring of a service take up, by protected characteristics?		No
<b>2. Data Protection, Does the policy relate to / involve...</b>		
Collecting data (electronically, with a form or face to face)?	Yes	
Using, sharing or sending data?	Yes	
Taking photos?		No
Sending any information outside of Bernicia?		No
Asking for any information about children?		No
Any sensitive information (sexuality, ethnicity, race, religion etc.)?	Yes	
Technology that will automatically makes decisions or evaluates data?		No
Any systematic monitoring – such as CCTV or tracking?		No
The large scale processing of data? (there is no definition of large scale, so please use of your discretion in line with Bernicia's business)	Yes	
Using electronic communications (text, email)?	Yes	
<b>3. Money Laundering</b>		
Will you be collecting any cash as part of the activity covered in the policy?		No
<b>4. Health and Safety, Will the policy involve...</b>		
Any predominantly offsite activity?	Yes	
Undertaking an activity with members of the public?	Yes	
Using any PPE?		No
Vehicles (or their use) as a key component?		No
Vulnerable adults, young people or children?	Yes	
Bernicia staff be working on their own or out of hours?	Yes	



# Equality and Diversity Impact Assessment

**Policy Name:** Starter Tenancy Policy

**Date:** Reviewed June 2021

**Names of those undertaking the assessment:** Head of Housing (North)

**Question 1:** Please delete as appropriate.

**Are there concerns that this policy or practice could have a positive or negative impact on any of the following?**

Race	Gender	Age	Sexual Orientation	Disability	Religion	Gender Reassignment	Other
N	N	N	N	N	N	N	N

**Question 2:** Please complete all fields, detailing any supporting knowledge you have for your assertions. Please note, the term N/A should not be used, and all field should be completed.

**Please describe the positive and negative impacts for each group as identified above, and what supporting knowledge you have for identifying these impacts:**

Race	Impact	The policy is considered to have a neutral impact.
	Support knowledge	The policy does not differentiate on the basis of race.
Gender	Impact	The policy is considered to have a neutral impact.
	Support knowledge	The policy does not differentiate on the basis of gender.
Age	Impact	The policy is considered to have a neutral impact.
	Support knowledge	The policy does not differentiate on the basis of age.
Sexual Orientation	Impact	The policy is considered to have a neutral impact.

	<b>Support knowledge</b>	The policy does not differentiate on the basis of sexual orientation.
<b>Disability</b>	<b>Impact</b>	The policy is considered to have a neutral impact as it recognises individual needs.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of disability.
<b>Religion</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of religion.
<b>Gender Reassignment</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of gender reassignment.
<b>Other</b>	<b>Impact</b>	N/A
	<b>Support knowledge</b>	N/A