

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.

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