



Starter Tenancy Policy

POLICY STATEMENT:

“As part of our wider strategy for improving our residents’ quality of life and making positive and valued contributions to Essex neighbourhoods, CHP uses starter tenancies. Starter tenancies are for the benefit of the CHP community; assisting us – and other partner agencies – in dealing with anti-social behaviour and crime.

New tenants are granted a tenancy that only becomes fully assured after satisfactory completion of a twelve, or eighteen, month initial period.”

Please contact us if you would like a copy of this document in large print, British Sign Language DVD, on CD or in another language:

আপনি যদি এই নথিটির একটি কপি বড় প্রিন্টে, ব্রিটিশ সাইন ল্যাঙ্গুয়েজ ডিভিডিভিতে বা অডিও (সিডি) ফরম্যাটে পেতে চান, অনুগ্রহ করে, আমাদের সাথে যোগাযোগ করুন। (Bengali)

Proszę się z nami skontaktować jeśli pragnęliby Państwo copię tego dokumentu dużym drukiem, na DVD w Brytyjskim Języku Migowym, w innym języku albo na płycie audio (CD). (Polish)

倘若您需要本檔 以大字體、英式手語 DVD、另外一種語言或音頻 (CD) 格式提供，請聯絡我們。(Cantonese)

Lütfen bu belgenin büyük baskılı hali, İngilizce DVD veya farklı dillerde ya da ses (CD) ortamı gibi talepleriniz olması durumunda bizimle irtibata geçin. (Turkish)

1. POLICY AIMS

- 1.1 To provide residents, staff and other stakeholders with information on the operation of the starter tenancies.
- 1.2 To achieve and demonstrate best practice and regulatory compliance.

2. STATUTORY, REGULATORY & CORPORATE RESPONSIBILITIES

Responsible Officer (as of 01/01/09):

Quality of Life Manager

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- 2.1 Introductory tenancies for use by Local authorities were introduced by the Housing Act 1996. In 1999, the Housing Corporation introduced a general waiver permitting discretionary use of starter tenancies by Registered Social Landlord's (RSL's).
- 2.2 CHP introduced starter tenancies in 2004 and in line with best practice, their implementation was discussed and agreed with the Housing Corporation, Chelmsford Borough Council, Essex Police and the Chelmsford Citizens Advice Bureau for use within the Chelmsford Borough area.
- 2.3 Reference the following legislation:
 - Housing Act 1996
 - Anti-Social Behaviour Act 2003
 - Housing Act 2004
- 2.4 CHP's 2003-08 Corporate Plan highlights the following key values in respect of residents' quality of life: *CHP is customer driven.*
- 2.5 As an RSL, CHP is bound by the Housing Corporation Code, which in relation to tenancies states:

3.5 Housing associations must provide good-quality housing services for residents and prospective residents:

3.5.2 by offering the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community;

3.5.3 with agreements that clearly set out residents' and landlords' rights and obligations;

3.5.6 by providing high standards of customer care.

3.5 c. Legal repossession of a property is sought as a last resort.

3.6 f. Lettings policies are demonstrably fair and effectively controlled.

3. POLICY DETAILS

The Key Principles

- 3.1 This policy applies to all new tenants moving into CHP accommodation.
- 3.2 CHP defines a starter tenancy as 'a type of tenancy offered to new tenants for a limited period of one year. After this period – and if the tenancy is deemed to have been conducted satisfactorily – it will become a full assured periodic tenancy. If, however, at the end of the 12 month probationary period, CHP believes the conduct of the tenancy

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- has been unsatisfactory, the tenancy may be extended for a probationary period of 6 months, or terminated’.
- 3.3 Nominees from Chelmsford Borough Council and other external agencies will be advised that CHP operate a starter tenancy for all new lettings. Further information will be given at offer and sign up in accordance with CHP’s Allocations and Lettings Policy.
- 3.4 CHP will monitor starter tenants through visits at the end of 1 month and at 9 months.
- 3.5 The purpose of the initial visit is to review the conduct of the tenancy and agree measures to address any breaches identified.
- 3.6 During the starter period any reported breaches of tenancy will be dealt with in accordance with CHP’s other operational policies and action taken to end the tenancy where appropriate. The list below gives some examples of the circumstances in which CHP may seek to end a Starter Tenancy. This list is not exhaustive and each case will be viewed individually in reaching any decision to terminate the tenancy:
- Noise, including loud music, musical instruments, loud television;
 - Using abusive or insulting words or behaviour on grounds of religion, disability, age, sexual orientation, appearance or mental or physical capacity;
 - Using or threatening to use violence;
 - Criminal activity, including using or selling drugs, prostitution, theft, burglary or receiving stolen goods;
 - Damage, including vandalism and graffiti;
 - Offensive drunkenness, trespassing, dumping rubbish;
 - Allowing pets to cause nuisance by fouling, and/or being allowed to stray.
- 3.7 The decision whether to convert the starter tenancy to a full assured periodic tenancy will be made following assessment of the conduct of the tenancy after the initial 9 month period.
- 3.8 All those starter tenancies conducted in a satisfactory manner will be converted to a full assured periodic tenancy at the end of 12 months by way of a written notice sent through the post.
- 3.9 Where there is evidence of unresolved breach of tenancy after the initial period, or access has been refused, action will be taken to end the tenancy.
- 3.10 All breaches of tenancy will be fully investigated. If the complaints are not found to be justified no further action will be taken, but if CHP are satisfied that serious and/or persistent breaches of tenancy have occurred, and where warnings have not remedied the problems, CHP will serve a Section 21 Notice to end the tenancy. This Notice will be accompanied by guidance notes with details of the appeals process and an Appeal Application form.

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Right of Appeal

- 3.11 Where action has been taken to end a starter tenancy by the service of a Section 21 Notice the starter tenant has a right of appeal to an Appeals Panel made up of Board Directors.
- 3.12 If the starter tenant wishes to exercise their right to appeal they are required to put a request in writing to the Chief Executive within 14 days of the service of the Section 21 Notice.
- 3.13 Providing the appeal request is received within the appropriate timescale an appeal hearing will be arranged within 4 weeks of its receipt allowing the starter tenant at least 5 working days notice. The starter tenant will be advised how the hearing will be heard, the date of the hearing, and where it is to be heard.
- 3.14 A decision will be reached and the tenant informed of the decision within one week of the hearing together with details of what will happen next.
- 3.15 If the appeal was unsuccessful, the tenant will be advised that possession will be sought through the County Court if they do not leave voluntarily at the end of the tenancy.
- 3.16 If the appeal was successful the tenancy will be converted to a full assured periodic tenancy at the end of the starter period unless further breaches occur which require action to end the tenancy.

Vulnerable people, ethnic minorities and the appeals process

- 3.17 If a starter tenancy must be terminated, vulnerable starter tenants will be provided with information about what is happening and their right to appeal in a format that can be readily understood. This information will contain details of an independent advice and advocacy service that can represent them at an appeal. The information will also be communicated to their care worker, social worker, housing support worker, relatives or carer where appropriate. Vulnerable starter tenants will be encouraged to seek representation at an appeal.
- 3.18 Similarly, starter tenants from ethnic minority groups will also be provided with information about their right to appeal in a format that can be readily understood. CHP will offer the services of an interpreter or seek a representative from that particular ethnic community, to explain what is happening where appropriate. CHP will provide information about the availability of ethnic minority support and advice groups that could assist the starter tenant in their appeal.
- 3.19 Contractual obligations are contained within the Starter Tenancy agreement which has received accreditation by the Plain Language Commission.

4. POLICY CONSULTATION, PROMOTION & EVALUATION

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- 4.1 Appropriate procedural guidance and training will be developed and provided to staff to ensure compliance with, and delivery of, CHP's starter tenancy initiative.
- 4.2 The following performance monitoring information will be recorded:
- Number of starter tenancies created;
 - Number of Section 21 Notices served and reason for service, i.e. anti social behaviour, arrears, untidy garden, condition of property, lack of access;
 - Number of review visits carried out (first and second reviews);
 - Number of appeals received
 - Number of appeals upheld and reason by category (as above);
 - Number of appeals rejected;
 - Court orders for possession – numbers obtained and refused;
 - Eviction warrants – numbers obtained and refused;
 - Number of evictions carried out;
 - Number of terminated tenancies where tenant left following the Section 21 Notice;
 - Levels of turnover and abandonment.
- 4.3 A summary of performance against the above indicators will be made to the Executive Management Team, the Operations Committee and the Tenant's Forum on a 6 monthly basis.

5. LINKS

- CHP Allocations & Lettings Policy
- CHP Anti-Social Behaviour Policy
- CHP Anti-Harassment Policy

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