

Tenancy Policy

1.0 SCOPE

Purpose

- 1.1. This document sets out whg's policy towards issuing tenancies for rented whg properties, and for managing starter tenancies in general needs properties.

Legal and regulatory framework

- 1.2. The Housing Act 1988 describes assured and assured shorthold tenancies, and the circumstances in which landlords may take possession of a property let on an assured or assured shorthold tenancy.
- 1.3. The Localism Act 2011 allows registered providers of social housing to grant general needs fixed-term tenancies. It also protects those who were social tenants at the point in which it came into force (1 April 2012) from losing their security of tenure.
- 1.4. The Regulator of Social Housing's Tenancy Standard sets out the requirements of the Localism Act, the type of tenancies whg can offer and the required security of those tenancies. It also describes how starter tenancies may operate, as an initial period of twelve months, which may be extended to eighteen months on notice.

2.0 POLICY STATEMENT

Tenancy Types

- 2.1. whg will offer tenancies 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. The appropriate tenancies depending on circumstances are set out in Appendix 1.
- 2.2. The rights and responsibilities of each tenancy type are set out in full within each tenancy agreement. Nothing within this policy alters the terms of the individual tenancy agreements.
- 2.3. New tenancies will be offered in the circumstances set out in Appendix 2.

- 2.4. Where a customer disagrees with the type of tenancy offered by whg, they may request a review of the decision in line with whg's Complaints Policy.

Starter Tenancies

- 2.5. Customers with a starter tenancy will be supported throughout the length of the starter tenancy with regular tenancy visits. Visits will assess tenancy sustainability and will provide guidance and signposting for any customers struggling to sustain their tenancy. The frequency of visits will be determined by the risks associated with the tenancy, but all customers on a starter tenancy will receive a welcome visit and a visit at nine months.
- 2.6. Any customer in significant or persistent breach of their starter tenancy at the point of their nine-month visit, or in the period up to the anniversary of tenancy start, may have their starter tenancy extended by an additional six months. We will write to confirm this extension and the process to review the decision. These customers will be visited again at sixteen months after tenancy start date.
- 2.7. Any customer who is still in breach of their starter tenancy at the point of the sixteen-month visit will have their tenancy assessed. The assessment will determine whether whg issues a Notice Seeking Possession under Section 21 of the Housing Act 1988.
- 2.8. Any customer who is issued with a Notice Seeking Possession under Section 21 will be advised of the implications of this notice and the process to review the decision. They will be assisted in seeking alternative accommodation through housing options guidance.
- 2.9. Customers in breach of their starter tenancy may be issued with a Notice Seeking Possession under Section 21 at any point after an initial four-month period from tenancy start date, where the nature of the breach requires such action. Nothing within this policy precludes whg from issuing such a notice, or taking any other legal action including issuing a Notice of Seeking Possession under Section 8 of the Housing Act 1988.
- 2.10. A starter tenancy will convert to an assured tenancy 12 months after the tenancy start date unless:
- whg has issued a Notice under either Section 8 or Section 21 of the Housing Act 1988 (subject to 2.12 below), and/or
 - whg has written to the customer to advise the starter tenancy period has been extended.
- 2.11. An extended starter tenancy will convert to an assured tenancy 18 months after the tenancy start date unless whg has issued a Notice under either Section 8 or Section 21 of the Housing Act 1988 (subject to 2.12 below).

2.12. Where whg has served a Notice under Section 8 or Section 21 of the Housing Act 1988 on a starter tenancy, the tenancy will remain a starter tenancy until the later of:

- The end of the starter or extended starter tenancy period; or
- Two months after the date in which possession proceedings could be issued under the Notice, where no proceedings have been issued; or
- The day after proceedings issued following the Notice are determined, if no possession order is made; or
- The date the tenancy is ended by a Court order for possession following the Notice.

3.0 PERFORMANCE MEASURES

3.1. Monthly assurance checks are carried out within Tenancy Services to inspect whether tenancies have been issued in line with the Tenancy Policy. Additional quarterly reviews are conducted by Governance to provide second-line assurance of compliance. Quarterly tenancy sustainability reviews are carried out to ensure sustainability visits are effective in helping customers manage their tenancies.

3.2. There are no key performance indicators associated with this policy.

4.0 EQUALITY AND DIVERSITY

4.1 Effectiveness of tenancy sustainability is monitored quarterly: this incorporates specific equality monitoring to ensure customers' needs are understood and responded to.

5.0 TRAINING AND DISSEMINATION

5.1. All colleagues with responsibility for granting tenancies will receive training on tenancy types and the circumstances in which tenancies will be offered.

5.2. All relevant colleagues who do not directly grant tenancies will receive a briefing on the types of tenancies offered by whg. Further explanatory information will be available to all colleagues on whoogle.

6.0 MONITOR AND REVIEW

6.1 This Policy will be monitored by the Director of Housing and reviewed every three years by the Policy Group and approved by whg Board.

7.0 ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES

7.1 Documents, policies and procedures associated with this policy are:

- whg tenancy agreements
- Black Country Tenancy Strategy
- whg Allocations Policy
- whg Market Rent Allocations Policy
- whg Tenancy Procedures

APPENDIX 1

Tenancies Issued (By Customer)

Customer	Rent	Tenancy Offered
Continuous non-whg tenant of social housing since before 1 April 2012	Social - <i>General needs</i>	Assured
	Affordable - <i>General needs</i>	Assured - Affordable
	Market	Market Rent Assured Shorthold Tenancy (AST)
Existing whg tenant	Social - <i>General needs</i>	Assured
	Affordable - <i>General needs</i>	Assured – Affordable
	Market	Market Rent AST
Existing whg tenant with preserved Right to Buy	Social - <i>General needs</i>	Assured – Protected
	Affordable - <i>General needs</i>	Assured – Protected
	Market	Market Rent AST
New whg tenant	Social - <i>General needs</i>	Starter
	Affordable - <i>General needs</i>	Starter – Affordable
	Market	Market Rent AST
Rent to Buy tenant	Any	Rent to Buy fixed term
Young Persons Scheme (YP) / Dispersed Temporary Accommodation (DTA)	Any	YP/DTA AST
Housing First tenant	Any	Housing First AST
<p>whg may, in exceptional circumstances, offer a tenancy outside of these criteria where, following assessment, it is deemed that the customer reasonably requires a different tenancy due to reasons of age, disability, illness, due to household composition or for any other material reason.</p>		

APPENDIX 2

Tenancies Issued (By Circumstance)

Circumstance	Tenancy offered
New customer allocated a rented whg property through Allocations Policy	New tenancy
New or existing customer moving into a different whg property through Mutual Exchange Policy	Assignment of existing tenancy
Existing customer transferring to another whg property through Allocations Policy	New tenancy
Existing customer transferring permanently to another whg property following decant due to works or redevelopment	New tenancy on same (or more secure) terms
Existing customer on a fixed term tenancy due to expire, where whg is granting a further tenancy	New tenancy
Existing customer changing name or occupants on existing tenancy	Maintain existing tenancy
Existing customer whose tenancy has ended but where whg has agreed at their discretion to allow customer to remain as a tenant in the property	New tenancy
Existing customer who formerly had a joint tenancy but has had assignment agreed for a sole tenancy	Assignment of existing tenancy
Existing customer who formerly held a joint tenancy but is now a sole tenant following Survivorship	Maintain existing tenancy
New customer who was previously an occupant of a whg property, who is being assigned the tenancy	Assignment of existing tenancy
New customer who was previously an occupant of a whg property, who has now succeeded to the tenancy	Maintain existing tenancy
New customer who was previously an occupant of a whg property, who has not succeeded to the tenancy but has been granted a tenancy at whg's discretion	New tenancy
Existing customer who would like to make their partner/spouse a joint tenant	New tenancy

Document author	Anna Paterson, Tenancy Services Manager
Document owner	Gary Brookes, Director of Housing
Legal advice	Richard Dewsbery: advice supports discontinuing use of fixed term tenancies
Consultation	Pip Hughes; Ann Parkes
Approved by	whg Board March 2021
Review Date	March 2024
Corporate Plan aim	<ul style="list-style-type: none"> • Aim 1: Deliver high quality homes and services for our customers
Equality Assessment	Completed January 2021
Key changes made	<ul style="list-style-type: none"> • Change from issuing fixed term tenancies as standard to issuing assured tenancies as standard • Amalgamation of Starter Tenancy and Tenancy policies • Amendments to terms used, form of policy and appendices to clarify complex points