

Tenancy Policy

Introduction

The Homes and Communities Agency (HCA) adopted its Regulatory Framework for Social Housing in April 2012, setting out a requirement for Registered Providers of Social Housing to publish policies which outline their approach to tenancy management.

The issues considered in creating this policy were contained in a report to Trent & Dove's Board on 10 June 2013 and are therefore not repeated here, in order to help meet the HCA's requirement for policies to be clear and accessible. The Board report of 10 June 2013 also explains how Trent & Dove has had regard to the Tenancy Strategies produced by East Staffordshire Borough Council and South Derbyshire District Council.

Objectives

The objectives of this policy are:

- To offer stability and security to our customers.
- To help create sustainable mixed communities.
- To encourage aspiration and provide suitable choices.
- To make best use of the housing stock.
- To provide a clear description of our approach.

Trent & Dove's Approach to Tenancy Management

Our approach to tenancy management is based on our mission statement of transforming homes, lives and neighbourhoods. Specifically under these headings we set out our aims to provide all customers with the opportunity to reach their full potential and feel part of their community and to encourage communities to thrive in neighbourhoods that are safe, clean, enjoyable places to be and where people are proud to live and work. We consider that fixed term tenancies work against these objectives and therefore they do not feature in our approach to tenancy management.

The central feature of our approach is ensuring that tenancies can be sustained, enabling tenants and their families to enjoy their home, and removing any negative impact that individuals may have on their home or neighbourhood. In a large majority of cases, tenants require no specific assistance in order to achieve this, but where help is required, we aim to provide it in the following ways:

- Advice and guidance on meeting the requirements of the tenancy including rent payment, maintaining the property, avoiding disturbance to neighbours.
- Individual support to assist with household management budgeting, either directly from our support teams or through partner agencies.
- Assistance through remote technology and visiting services to help people remain in their homes for as long as they wish.
- Enforcement of tenancy conditions where the actions of a tenant, their household or visitors is having a detrimental effect on the lives of neighbours or the wider community.

The avoidance of the need to seek possession is central to the above approach but it will be considered where no alternatives are available in order to protect the interests of the wider community.

Tackling Tenancy Fraud

Tenancy fraud generally occurs when an individual:

- Acquires or seeks to acquire a tenancy using false statements or documents; or
- Where the property is not occupied by the person to whom it was let as their sole or principal home, such as by sub-letting, abandonment or unlawful succession or assignment.

In the first instance, checks will be carried out at the stage of application and allocation which include requiring photographic identification, unless there is a valid reason that this cannot be made available.

In the case of existing tenants, a variety of routine checks already take place and a programme of tenancy assessment visits will be introduced on a targeted basis, addressing those cases where concerns have been raised or there has been no recent contact with the tenant.

Types of Tenancy

Probationary Tenancies

Probationary (or Starter) tenancies are intended to provide additional protection to housing providers and communities against tenants who do not conduct their tenancy in a satisfactory manner. They contain most of the same rights as a traditional Assured Tenancy, but there is a quicker route to gaining possession in the event of tenancy breaches, and with certain limitations, possession for the landlord is mandatory rather than being at the discretion of the Court.

Trent & Dove will issue probationary tenancies in the form of an Assured Shorthold Tenancy to everyone taking up a tenancy, except where the tenant is transferring from another tenancy with a social housing provider and this tenancy has been conducted satisfactorily.

The probationary tenancy will normally last for 12 months but may be extended by a further 6 months if there have been any breaches of its terms.

Probationary tenancies will be managed in accordance with our procedures covering tenancy management.

Fixed Term Tenancies

Trent & Dove does not support the use of fixed term tenancies. This policy will be reviewed periodically, but at the present time they will not be used.

Other Assured Shorthold Tenancies

Trent & Dove operates a small number of Assured Shorthold Tenancies for other reasons such as the HCA grant requirements for properties to be let on a Rent-to-Purchase basis. These have generally not been successful and providing HCA conditions can be met, properties will not be renewed on this basis when they become available for re-letting.

Assured (Lifetime) Tenancies

Assured Tenancies will be issued to new tenants transferring directly from another tenancy with a social housing provider where this has been conducted satisfactorily, or for other tenants on the successful completion of a probationary tenancy.

Advice and Guidance

Trent & Dove will actively assist tenants to consider the options available to them in terms of remaining in their existing tenancy or moving on to more suitable accommodation, should they so wish.

We will publish a written guide, setting out the issues that tenants may wish to consider and the options available to them. These options may include:

- A transfer within Trent & Dove's stock or that of another housing provider, including mutual exchange.
- Purchase of their existing home through the Right to Buy or Right to Acquire.
- Purchase or rent within the private market.

We will also advise of any practical assistance that may be available from Trent & Dove or any other source, such as incentives to down size.

In providing advice we will be sensitive to any vulnerability that may exist and ensure that no-one is pressurised into considering options that may not be in their long term interests.

Local Profile

As at January 2013, Trent & Dove's stock profile was as follows:

Housing Stock 07/01/2013	Bungalows			Houses				Flats			Total
	1	2	3	1	2	3	4+	1	2	3	
Burton	13	33	0	0	98	215	5	254	217	0	835
Hilton	0	6	0	0	8	11	0	0	10	0	35
Horninglow	28	32	0	0	66	318	13	165	243	27	892
Tutbury	186	104	0	0	79	229	7	75	60	1	741
Uttoxeter Rural	23	64	1	0	23	98	5	17	50	0	281
Uttoxeter Town	70	43	1	2	131	249	19	131	106	0	752
Winshill	11	6	0	0	116	336	26	200	112	11	818
Stapenhill	62	0	0	0	34	389	10	304	306	3	1108
Total	394	290	5	3	557	1848	85	1147	1106	45	5480

Housing Stock 31st October 2014	Bungalows			Houses				Flats			Total
	1	2	3	1	2	3	4+	1	2	3	
Burton	13	33	0	0	193	237	7	283	223	0	989
Hilton & Etwall	0	6	0	0	8	13	0	0	10	0	37
Horninglow	28	32	0	0	38	327	13	168	250	28	884
Tutbury	186	107	0	0	80	224	8	73	59	1	738
Uttoxeter Rural	23	66	1	0	22	96	5	17	50	0	280
Uttoxeter Town	70	43	1	2	129	249	19	131	106	0	750
Winshill	11	6	0	0	116	334	26	174	125	10	802
Stapenhill	62	0	0	0	51	381	10	313	304	3	1124
Swadlincote/Gresley and Woodville	0	0	0	0	30	4	0	27	0	0	61
Total	393	293	2	2	667	1865	88	1186	1127	42	5665

Typically, stock in all areas and property types becomes available at a rate of between 8% and 11% per annum.

As at January 2013, the East Staffordshire Housing Register contained the following applications.

	Band 1	Band 2	Band 3	Band 4	Total
1 bed	59 (3%)	110 ((6%)	240 (14%)	375 (21%)	784 (44%)
2 bed	39 (2%)	96 (6%)	147 (8%)	240 (13%)	522 (29%)
3 bed	18 (1%)	33 (2%)	131 (7%)	108 (6%)	290 (16%)
4 bed +	37 (2%)	67 (4%)	60 (3%)	39 (2%)	203 (11%)
Totals	153 (8%)	306 (18%)	578 (32%)	762 (42%)	1799

Rents

Trent & Dove tenancies will be let on either social or affordable rents, according to the following principles:

- All newly developed properties will be let on affordable rents, set at no more than 80% of the market rent for an equivalent property.
- Where there is no service charge payable, affordable rents will be charged on existing properties when they are re-let.
- Where service charges are payable, the property will be let at a social rent, set according to the Government's rent restructuring formula, and as agreed annually by the Board.
- Rent increases will be in accordance with regulations covering the respective regimes, and as agreed annually by the Board.

Succession Rights

Trent & Dove's current assured tenancy agreement grants the following rights of succession. These rights were established at the time of transfer from the Borough Council and have continued to be used for all new Assured Tenancies since that time.

RIGHTS OF SUCCESSION

6.4 *If you die whilst this tenancy is still in force (and it is only in your name and you are not a successor), the following people have a right to succeed to this tenancy.*

6.4.1 *Your spouse or civil partner or a person living with you as your husband or wife as long as they lived in your home as their only or main home at the time you died. Under section 17 Housing Act 1988, this right applies automatically.*

6.4.2 *Any surviving joint tenant(s) if they occupied your home as their only or main home at the time you died. This will apply even if you are already a successor.*

6.4.3 *If you have no surviving spouse or civil partner, a member of your family (as defined in Section 113 Housing Act 1965) may succeed as long as:*

- a. *They occupied your home as their only or main home; and*
- b. *They lived with you throughout the period 12 months ending with your death; and*
- c. *they notify us in writing of their claim to succeed within 3 months of your death (at our discretion we may allow a longer period).*

6.5 *If there is more than one member of your family who qualifies for the tenancy under Condition 6.4.3 they should decide among themselves who should get the tenancy. If they cannot agree, each may claim in which case we will decide whom the tenancy should pass to. Our decision will be final.*

6.6 *Under this agreement you are a successor if you:*

- *Were a joint tenant and have become a sole tenant; or*
- *Became the tenant under the will of, or inheritance laws, which applied to, a previous tenant; or*
- *Were granted this tenancy under a right of succession which we granted under any tenancy agreement containing provisions similar to Conditions 6.4 to 6.5 of this agreement; or*
- *Became the tenant under the right to exchange under Condition 6.3 and you were a successor under your previous tenancy; or*
- *Became the tenant as a result of a court order under Section 24 Matrimonial Clauses Act 1973 and the other party to the marriage was a successor.*

Equality Impact Assessment Checklist

This form must be completed for each new policy, or following a policy review prior to Board or committee sign off.

Every policy must fulfil the policy of promoting equality which is encompassed within the core values of **Trent & Dove**.

We have a duty to assess the impact of our policies on all employees and members of the community who access our services, to monitor the operation of our policies and to take reasonable steps to make available the results of its monitoring.

Trent & Dove has a statutory obligation under the General Duty of the Disability Discrimination Act 2005 which aligns to the legislation within the Race Relations Amendment Act 2001. The obligation places a proactive duty on public bodies to take positive action to promote disability equality. Whilst Housing Associations are not listed in the regulations, the Housing Corporation is subject to the duty and has passed onto Housing Associations, the essence of the duty and it forms part of the regulatory code. The areas of equality are listed below and the impact which every policy may have, must be considered.

Department	Housing Services	Section	Tenancy Services	
Name of Assessor	David Jones	Position	Director of Housing Services	
Title of the Policy Assessed	Tenancy Policy			
Date of Assessment	May 2013	Is this a New or Existing Policy?		New

1. Describe the aims, objectives and purpose of the policy.	To set out the organisation's approach to tenancy management.
2. Are there any associated objectives of the policy? Explain	To offer stability and security to our customers. To help create sustainable mixed communities. To encourage aspiration and provide suitable choices. To make best use of the housing stock. To provide a clear description of our approach.
3. Who is intended to benefit from the policy and in what way?	All current and future tenants, plus the wider communities in which our properties are located by establishing an approach to creating tenancies that achieves the above objectives.
4. What outcomes are wanted from this policy?	As stated above.
5. What factors/forces could contribute/detract from the outcomes?	The adoption of an alternative policy that introduced fixed term tenancies would not achieve the desired objectives and outcomes. The policy does include a risk that the objective of achieving best use of the housing stock will not be fully achieved, but it is considered that other objectives outweigh this and it can be largely achieved through other measures.
6. Who are the main stakeholders in relation to the policy?	Current and future tenants; applicants on the housing register; all residents in areas where we have housing stock; local authorities.
7. Who implements the policy and who is responsible for the policy?	Housing Services Team, with responsibility resting with the Director of Housing Services.

Are there concerns that the policy could have a differential impact upon:	Yes	No	Explanation	What existing evidence, either presumed or otherwise do you have for this?
8. Gender		✓	No identifiable differences in the impact of the policy on these grounds.	
9. Disability		✓	As above	
10. Race		✓	As above	
11. Age		✓	As above	
12. Religious Belief		✓	As above	
13. Sexual Orientation		✓	As above	
14. Could the differential impact identified in 8 – 13 suggest there could be an adverse impact in this policy?		N/A	Please explain	
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?		N/A	Please explain for each equality heading on a separate piece of paper and attach / or e-mail with this form.	

 GO	<p>No adverse Impact for any group and does promote equal opportunities.</p>	<p>Implement Policy</p>	<ul style="list-style-type: none"> • No differential impact in equality. • Any differential inconsequential. • Lawful and desirable in meeting T & D duty under RRAA. 	✓
 CAUTION	<p>Caution Consider further as policy may produce differential impact.</p>	<p>Some evidence of differential impact, further consultation required. Implement mitigation activities to amend policy.</p>	<ul style="list-style-type: none"> • Identify alternative measures that achieves the same goal without differential impact. • Identify ways to mitigate unlawful or undesirable impact. • Identify additional measures that further equality opportunities. 	
 STOP	<p>Stop! Policy is likely to have an adverse impact on a particular group.</p>	<p>Consider whether policy is legal (take advice). Evidence strongly suggests the potential for differential adverse impact or unwitting disadvantage in terms of equality.</p>	<p>Policy must proceed to a full Equality Impact Assessment (EIA). – resubmit with results and amendments.</p> <p>Or</p> <p>Withdraw policy.</p>	

	Date	Recommendations / Key Activities	Lead Officer	Timeframe
Policy screening undertaken by (Lead):	May 2013		David Jones	
List others involved:				
Director:	May 2013		David Jones	