



Tenancy Policy

Introduction

Irwell Valley Homes aim to provide customers with a home for as long as they need it, whilst ensuring we make the best use of our homes to create safe and sustainable communities.

Aims and Objectives

This policy is available to help our customers understand what type of tenancy they will be offered by us to support the above.

This policy covers:

1. Our policy on tenure type.
2. Types of tenancies and which customers these apply to.
3. Tenancy management.
4. Our use of starter tenancies.
5. Dealing with tenancy fraud.

This policy has been drafted in accordance with the requirements of the Regulatory Framework, produced by the Homes and Communities Agency (HCA), in particular with regard to the Tenancy Standard.

This policy applies to new social housing tenancies granted across our stock which includes general needs, supported and leasehold tenancies.

Policy

1. Our Policy on Tenure Type

The Regulatory Framework requires registered providers (RPs) like Irwell Valley to grant general needs customers either a periodic secure / assured tenancy or a fixed term tenancy which is normally for a minimum fixed term of 5 years in addition to any probationary period.

Irwell Valley believes that customers will invest in their communities if they feel that they have an opportunity of having a home they can commit to for as long as is appropriate to their needs. We want to provide sustainable tenancies and therefore our aim is to provide security of tenure.

The different types of tenancies that Irwell Valley will grant or arrange are set out in section 2.

2. Types of Tenancies and Which Customers These Apply to

(A customer's individual tenancy agreement/licence/lease will contain further information about customers' rights and responsibilities.)

Starter Tenancy

A starter tenancy is an assured shorthold tenancy for new customers, which is a probationary tenancy for a minimum period of 12 months.

New general needs and 50Plus customers will normally receive a starter tenancy, (see Section 4 on our use of starter tenancies). In some circumstances, these will also be issued for Supported Housing.

Transferring customers from a local authority or RP whose tenancy began after 1 April 2012 will also be given a starter tenancy.

Fixed Term Tenancies

Assured shorthold fixed term tenancies may be used in accordance with the HCA's Tenancy Standard. To make the best use of our homes and ensure homes are provided to those in need and to maximise our rental income, some homes in our housing stock will be identified as requiring a fixed term tenancy for a minimum of five years to be offered, following successful completion of a starter tenancy period. The use of fixed term tenancies where appropriate supports current Government policy to make sure that 'social housing' is provided to those in need. For our Private Rented homes, tenancies will be for 6 months and roll into periodic tenancies. Rent to Buy homes will have tenancies for 12 months, but will not roll into periodic tenancies, these will be reviewed annually.

Assured or Secure Tenancy

Both assured and secure tenancies provide a higher degree of security than an assured shorthold (or a starter) tenancy and we will have to give a specific reason for seeking possession (ground for possession). These may also be referred to as "lifetime" tenancies.

Irwell Valley does not issue secure tenancies.

Unless terminated or extended, a starter tenancy will convert to an assured tenancy 12 months after the anniversary of the start date.

Transferring secure or assured general needs and Independent Living customers, from a local authority or another RP whose tenancy began before 1 April 2012, will be given an assured tenancy straightaway, unless they choose to transfer to an exempt tenancy (as detailed in the Exempt Tenancy section).

An Irwell Valley customer, with a secure or assured tenancy, who moves to another Irwell Valley home, will always keep the same security of tenure they currently have unless they are moving to a home that is not offered with a 'social rent' e.g. an affordable rent or market rent tenancy.

An Irwell Valley customer who is moved to an alternative home during works or redevelopment will maintain all the conditions that applied to their tenancy prior to that move unless they choose to settle in a home that is not offered with a social rent. (Please refer to the Decant policy for further information).

In the case of successions, the successor will receive the same tenancy type as defined by the original tenancy which they are succeeding and appropriate legislation. If the successor is under the age of 18 the tenancy will be held in "trust" until the customer's 18th birthday. (Please refer to the specific tenancy agreement for further information on rights of succession, as well as the Succession Procedure, Assignment Procedure and the Housing Act Legislation)

Assured tenancy with preserved rights;

Where we have received stock transferred from a local authority the customers with secure tenancies will be signed up to this type of tenancy to allow them to keep the same level of security and rights.

Affordable Rent Tenancies,

In agreement with the HCA some of our newly purchased homes are let on these tenancies. Customers will be given either an assured tenancy or a fixed term assured shorthold tenancy for these particular homes.

Intermediate Market Rent Tenancy

These tenancies are granted in respect of specific homes which were developed for shared ownership or purchased for re-development and are presently owned by Irwell Valley. Irwell Valley may in due course decide to sell these homes. Upon decision to sell these homes, customers living in these homes will generally be offered 'first refusal' to buy the home they live in. Until the sale of these homes takes place they will continue to be let on assured shorthold tenancies.

Market Rent Tenancy

Tenancies for market rent are let on an assured shorthold tenancy.

Rent to Buy Tenancy

Tenancies for market rent are let on an assured shorthold tenancy.

Licence

A licence gives a person permission to occupy a bedroom and to have shared use of communal facilities. A licensee is not a tenant. Licences are generally issued in supported accommodation which is provided at supported housing schemes (scheme) where support services are provided along with the accommodation. The licence, depending on the particular scheme may be issued by Irwell Valley or on our behalf by a partner agent.

If a licence is granted, the customer as licensee will have fewer rights than those of an assured or secure customer due to the ability to terminate a licence on short notice. The terms of a licence will vary depending on the aims and objectives of the scheme where it is being used.

Tenancies/ Use of Licences in Supported Housing

Supported housing customers may be offered one of a range of different tenancies or a licence associated with their accommodation and the services offered alongside their accommodation.

In some cases the purpose of the scheme is to provide services to enable the customers to move on to more independent living, in which case a licence or an assured shorthold tenancy will be issued. Some schemes provide permanent accommodation and support, in which case a starter tenancy or assured tenancy may be offered.

Each supported housing scheme will have its own information on the type of tenancy/ licence offered to customers and why this is appropriate to the particular service. The scheme may be managed by a third party, in which case Irwell Valley's partner agent will act on behalf of Irwell Valley.

Where a scheme is run by a partner agent of Irwell Valley, the tenure being offered will depend on the scheme and the customer's particular needs. Customers should refer to the partner agent's individual scheme procedures for tenancy/ licence information.

In very exceptional circumstances we may use alternative tenure arrangements as directed by one of our local authority partners to help them discharge their homelessness duties.

Exempt Tenancies

Some tenancies are exempt from converting to an assured tenancy after a specified period of time. The following tenancy types do not qualify to become assured tenancies:

- Affordable Tenancies offered with an Assured Shorthold Fixed Term Tenancy;
- Starter Tenancies offered prior to issuing an Assured Shorthold Fixed Term Tenancy;
- Assured Shorthold Fixed Term Tenancies;
- Intermediate Market Rented Tenancies;
- Market Rent Tenancies;
- Supported Tenancies;
- Other arrangements e.g. Lease or Licence.

3. Tenancy Management

Irwell Valley helps its customers to maintain their tenancies in order to create sustainable neighbourhoods and communities. Eviction is seen as a last resort, taken only when any other action would be inappropriate or all efforts to tackle breaches of the tenancy agreement/licence/lease have been exhausted.

The key objectives of our tenancy management policies are:

- To comply with all relevant regulatory guidance and the law;
- To ensure that guidelines are in place for the proper authorisation of eviction by Irwell Valley staff;
- To reward positive behaviour;
- To retain eviction as the last resort with Irwell Valley pursuing alternative interventions at an early stage;
- To treat customers in a fair and non-discriminatory way, in accordance with our Equality and Diversity Framework;

- To be consistent with other Irwell Valley policies such as dealing with vulnerable households (see Safeguarding Policy).

IVH carries out initial visits with customers one month into a tenancy and carries out a conversion visit with customers 9 months into an introductory tenancy. During a tenancy, IVH Neighbourhood Officers carry out tenancy review visits with customers every 3 years.

4. Our Use of Starter Tenancies

A starter tenancy is a weekly assured shorthold tenancy. The starter tenancy, unless terminated or extended, will convert to an assured tenancy after 12 months or a fixed term tenancy may be issued.

For the duration of the starter tenancy period, the starter tenancy will remain a weekly assured shorthold tenancy. During that time we can arrange for the termination of the tenancy, in the event of any significant tenancy breaches.

The purpose of a starter tenancy is to enable Irwell Valley to assess whether the new customer can sustain a long term tenancy. We do this to protect our customers from potential anti-social behaviour problems; protect our homes and to help new customers understand the responsibility they take on when they sign up to a tenancy with us.

If there are still concerns about how a customer is managing their tenancy towards the end of the starter period of twelve months, we may extend the starter tenancy for a maximum period of six months.

When managing starter tenancies we will work closely with our customers to make sure that they have every opportunity to demonstrate that they can conduct their tenancy properly.

During the starter tenancy period, colleagues will monitor tenancy conduct closely with a particular emphasis upon satisfactory rent payment and consideration towards neighbours and the neighbourhood.

Scheduled visits will take place as a minimum between four and six weeks after the start of the tenancy and then at nine months. If there are concerns about the conduct of the tenancy more regular visits will be scheduled with the customer. The dates of these visits will be agreed with the customer. Records of the visits will be kept on system for monitoring and reporting purposes.

The nine month review will evaluate the overall conduct and success of the tenancy. This is so that if there have been recent or current reports of anti-social behaviour or other significant breaches of tenancy such as (but not exclusively) no access for gas servicing, this can be discussed with the customer. It will be made clear that, if the breach of tenancy is not remedied immediately, we will not convert the tenancy and we may either end the tenancy or decide to extend the starter period.

Subject to satisfactory behaviour by the customer, a conversion notice to convert the tenancy to an assured tenancy will be issued by Irwell Valley, or an assured shorthold fixed term tenancy will be offered upon successful completion of the starter tenancy period.

If the customer has committed significant breaches of tenancy during the period of the starter tenancy we may decide not to convert the tenancy to an assured tenancy or decide not to offer

an assured shorthold fixed term tenancy and end the starter tenancy. In this circumstance we will give customers the opportunity to request a review of the Notice Requiring Possession of their home to examine if this has been served correctly.

Significant breaches of tenancy include (but are not limited to):

1. Serious and/or persistent breaches of tenancy conditions.
2. Serious or persistent anti-social behaviour.
3. Using the home for illegal and immoral purposes.
4. Letting the home fall into disrepair through neglect or damage caused to the home.
5. Subletting the home.
6. Abandoning the home.
7. Not using the home as the customer's main home.

If we decide to terminate the starter tenancy we will serve a section 21 notice requiring possession and we will tell the customer why the notice has been served. The notice must give a minimum of 2 months notice after which we can apply to court for a possession order. The notice will give the landlord mandatory / automatic possession at the end of an assured shorthold tenancy. Landlords do not have to prove a reason for seeking possession.

Before we decide to terminate a starter tenancy, we will also take into account any vulnerability of the customer and the household by reason of age, disability or illness, and households with children.

Customers will be given information about how they can request a review to consider the extension or termination of their starter tenancy at the time the notice is served. Customers have 14 days from the date of serving of the notice requiring possession to notify Irwell Valley that they would like a review to take place. Following the review we will aim to inform the customer of the outcome within five working days of the review meeting.

The review panel will consist of a Head of Service from another department and a member of the Executive Team. The panel members will have had no prior involvement in the serving of the notice.

5. The Review of Fixed Term Tenancies

Where we grant an assured shorthold fixed term tenancy, we will grant these for a period of five years in addition to any starter tenancy period.

We will undertake a review to decide whether a new fixed term tenancy should be granted no later than six months before the end of an assured shorthold fixed term tenancy. Housing options will be discussed and advice provided particularly where a new tenancy is not to be granted. Customers who are offered a new five year fixed term tenancy will be subject to a rent re-valuation based on the current Government Rent Guidance in accordance with our Rent Policy and the HCA's Rent Standard.

The assumption will be that at the end of a fixed term tenancy, another fixed term tenancy will be issued. The criteria for determining if a new fixed term tenancy will be issued are as follows:

- There have been no breaches of tenancy e.g. anti-social behaviour and the home has been maintained in a good condition throughout the tenancy.
- There are no rent and/ or service charge arrears.
- The home is still suitable for the household needs. This will consider whether there has been a change to the size of the family (e.g. children have left home etc.) or that disabled adaptations within the home are no longer required.
- The combined household income level does not exceed the stated maximum level set by Irwell Valley with regard to income thresholds for higher earning customers.

In addition to the criteria above, Irwell Valley may exercise discretion when deciding whether or not to re-issue a fixed term tenancy. We will always ensure that the reasons for not renewing the fixed term tenancy are clearly outlined to the customer.

It may also be appropriate to offer a new fixed term tenancy in an alternative home more suitable to the needs of the household.

All customers who Irwell Valley decides not to re-issue a fixed term tenancy to will be able to appeal this decision with the Lettings and Income Manager. If the customer is still unhappy with our decision customers can raise this issue through our complaints process.

Irwell Valley will offer reasonable advice and assistance to help customers to find alternative accommodation where a new fixed term tenancy is not offered.

At all times when reviewing fixed term tenancies, the needs of vulnerable customers (e.g. households with children and households with a member/ members with an illness or disability) will be taken into consideration. We will also work within the principles of our Equality and Diversity Framework when deciding whether or not to renew a fixed term tenancy.

6. Dealing with Tenancy Fraud

We are committed to preventing and tackling tenancy fraud to make sure we make the best use of our homes. We work closely with local authorities, the Police and other RPs and agencies to tackle tenancy fraud and free up homes for those in need.

Tenancy fraud is the misuse of a social housing tenancy and can include, obtaining a home by deception (e.g. people claiming to be homeless when they already own a home), or continuing to claim to be living at a home when they have moved out and unlawfully sublet it to somebody else. Certain types of tenancy fraud are now unlawful. As well as losing their tenancy a customer could face prosecution under the Prevention of Social Housing Fraud Act 2013 if they commit tenancy fraud.

We will take steps to make sure that any home we let continues to be occupied by the lawful customer for the duration of their tenancy whilst allowing customers to access mobility schemes to allow them to move if the location of their home is no longer suitable.

To combat tenancy fraud we:

- Work with our partner authorities to tackle tenancy fraud;
- Commission tenancy verification checks across our homes;

- Subscribe to a data intelligence service;
- Investigate all suspected tenancy fraud reported to us;
- Carry out tenancy audits to make sure that our homes are still occupied by the legal customer;
- Carry out identification verification with new customers to make sure they are who they say they are as part of our allocation's procedure;
- Advertise our commitment to tackling tenancy fraud to our customers;
- Offer a freephone, independent, whistleblowing hotline for third parties (including customers) to report tenancy fraud.

Further information can be found in our Tenancy fraud policy.

Performance Reporting

This Policy will be reviewed every three years or as and when required to take into account changes in regulation; legislation; current Irwell Valley strategy and good practice.

Tenancy visits and conversion visits will be overseen by Housing Manager who will work with Housing Officers to monitor that these are being carried out.

We also monitor the success of our work to investigate and tackle tenancy fraud within our homes by reporting this annually through the Fraud Register to Audit Committee and by reporting any attempted or actual tenancy fraud to the HCA on an annual basis.

Roles and Responsibilities

The Chief Operating Officer is responsible for the overall effective implementation of this policy.

The Head of Customer and Communities, Communities Managers and Community Coordinators are also involved in implementing and delivering on this policy.

Associated Documents and Good Practice

Irwell Valley's Conditions of Tenancy Document
 Licences / Leases
 Equality and Diversity Framework
 Residents Guide / Leaseholders Guide
 Safeguarding Policy
 Succession Procedure
 Assignment Procedure
 Tenancy Fraud Policy
 Decant Policy.
 Neighbourhood Management Policy and ASB Procedures
 Income Management Policy and Procedure

Allocations & Empty Homes Policy and
Procedure Rent Policy
Leasehold Policy
Assured Shorthold Tenancy / Starter Tenancy Appeals Procedure
Regulatory Framework effective from April 2015 and subsequent
updates.

Associated Legislation:
Localism Act 2011
Housing Act 1988 and amendments
Prevention of Social Housing Fraud Act
2013

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