

Runnymede Borough Council

Tenancy Policy & Procedure 2015- 2017

Tenancy Policy 2015-17

This document is Runnymede Borough Council's (RBC) Tenancy Policy for the period 2015-17. It replaces our first Tenancy Policy in May 2012.

Under this Policy Runnymede will offer the following fixed term tenancies (flexible tenancies)

- 10 year flexible tenancies, introduced under the 2012 Tenancy Strategy, for households with children under 16 years of age to encourage sustainable communities
- 5 year flexible tenancies for households with adult children over 16 in order to review household composition and tenant finances when adult children reach 21 years of age at the end of the 5 year period.
- 2 year flexible tenancies for single tenants under 25 years of age as often younger people without basic skills for sustaining tenancies fail in their tenancy which can result in eviction. 2 year flexible tenancies allow for a review of those sustainment skills and issues with an opportunity for more appropriate housing options. It is also considered that it will enhance the partnership working with SCC Children Services for Looked After Children who have moved to independent living but where a statutory duty remains for Children Services to assist that young person in tenancy sustainment until 21 years of age and in some cases 25 years of age.
- 2 year flexible tenancies for those tenants with evidenced histories in the last 5 years of anti-social behaviour (ASB) within the household but where the anti social behaviour has not been to such an extent as to exclude from the allocation of social housing through the current allocations policy. It is considered this will encourage improved behaviour through a shorter tenancy term but if necessary will work alongside possession proceedings if appropriate.

The regulatory requirement is that tenancies offered should be 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 Tenancy Policy sets out the steps that the Council should take to inform and support tenants who are offered fixed term tenancies.

1 Allocation Scheme & Housing Need

Runnymede operates a choice based lettings scheme for RBC HomeSeekers and Transfer applicants. The details of how this scheme operates is set out in the current Allocations Scheme document and is available on the Council's website www.RBC-homes.org.uk.

2 RBC Tenancies

- 2.1 The Localism Act has created a new type of tenancy called a flexible tenancy. Runnymede no longer has to let a tenancy for life, but can let it on a fixed term which is set according to the criteria as set out in the Council's Tenancy Strategy 2015-17 .
- 2.2 The Council welcomes the additional local flexibility of fixed term tenancies as they provide an opportunity to address issues such as under-occupation, anti social behaviour, older people's changing needs and younger people's tenancy sustainment issues. The flexibility will encourage the best use of RBC housing stock in the Borough. We now make use of a minimum term for a flexible tenancy for a period of 2 years to address the needs and issues of specific groups of tenants. We will also make use of 5 and 10 year flexible tenancies' for households with children.

3 Criteria

- Tenants under 25 years of age – 2 year flexible tenancy
- Tenants with children under 16 years of age – 10 year flexible tenancy
- Tenants with children over 16 years of age – 5 year flexible tenancy
- Tenants with evidenced histories of anti social behaviour within the household in the last 5 years. – 2 year flexible tenancy (includes where mental health issues are a contributory factor)
- Tenants with evidenced support needs that are long term including those requiring adaptations -10 year flexible tenancy
- All other tenant groups- 10 year flexible tenancy

4 Supporting Tenants

The council will seek to encourage its tenants to take control of their lives by providing support when it is needed and will encourage tenants to prepare for independence once their situation has changed. We will work closely with RBC tenants who are under occupying to find alternative accommodation to meet their housing need and we will look to prioritise overcrowded tenants to move to

larger properties that become available through downsizing. This will be in accordance with criteria set out in the current allocations scheme.

- 4.1 The Localism Act sets a minimum of two years for fixed term tenancies. The government anticipates that 5 years will be the norm with 2 years being offered in exceptional circumstances. This may apply if, for example, a household has had rent arrears or antisocial behaviour.

5 Reviews of Fixed term tenure

- 5.1 A full review of a tenant's personal and financial circumstances will be undertaken six months prior to the end of the tenancy period, respecting that if the tenancy involves a vulnerable person there needs to be a sensitivity to the timing of the review and regard to the impact it may have on the tenant. Runnymede will work with advocates and professionals to ensure we are mindful of our PSED issues and the consideration of such in respect to ending or extending tenure length or the issue of another fixed term tenancy.

6 Prior to commencement of a Fixed Term Tenancy and Introductory Tenancies

- 6.1 All new tenants will initially be granted an Introductory Tenancy for the first 12 months of their tenancy, this type of tenancy gives the tenant the opportunity to show that they can manage their tenancy and be an exemplary tenant. During this 12 month period we will undertake a minimum of two new tenant visits, one at approximately 8 weeks and the second at approximately 9 months; if we identify issues with the sustainability of the tenancy we are likely to undertake more than 2 visits.
- 6.2 If the tenancy is not being sustained sufficiently within the initial 12 month period we can extend the Introductory Tenancy by a further 6 months in order for the tenant to demonstrate an improvement in their adherence to the conditions of tenancy.
- 6.3 If the tenant has conducted their Introductory Tenancy in a satisfactory way the tenancy will be a Flexible Tenancy, with a fixed term length as described in the offer letter issued to them prior to the commencement of tenancy.
- 6.4 If the tenant fails to conduct their Introductory Tenancy satisfactorily even after a period of extension then a Notice of Proceedings for Possession will be served.
- 6.5 Prior to the grant of an Introductory Tenancy we will provide the tenant with timely information and advice services to help people understand their housing options which should include, where appropriate, opportunities to move within and outside the social and affordable rent sectors e.g., into market rent or home ownership (including low cost).

7 During tenancy-What an RBC Tenant can Expect

- Tenancy support, for example help with financial planning and money management advice
- Referral to external support agencies where required
- Periodic reviews to monitor any change in circumstances
- Sustainment visits

8 Prior to end of the Fixed Term period-what an RBC Tenant can Expect

- A clear and transparent review process which is understood by the tenant. We will ensure that the tenant has information regards the review process at the time of tenancy sign up.
- To make tenants aware that advice agencies may be able to support tenants in the tenancy review process. Towards the end of the Fixed Term Tenancy, there are a number of courses of action which RBC can take. These need to be fully explained to the tenant:
 - To re-issue a new Fixed Term Tenancy; or
 - For the tenant to remain in the property but on new terms; or
 - To assist the tenant to find alternative (and more suitable) accommodation; or
 - Not offer any other form of tenancy

9 Where a tenancy will not be Re issued:

9.1 There are a number of situations where it would not be generally appropriate to re-issue a further Fixed Term Tenancy. These include where:

- The property is adapted and no-one residing at the property requires the adaptations
- The property is under-occupied
- The financial circumstances of the tenant have changed to such an extent that other housing options would be more appropriate (such as the financial threshold as set out in the allocations scheme, £50k for couples and £30k for singles but this also needs to be considered in line with affordability assessments)
- Breaches of tenancy or tenancy fraud are identified during the Fixed Term Tenancy review process.
- The tenant and/or their advocate do not engage in the Fixed Term Tenancy review process
- The tenant comes into legal ownership of another home or property
- The tenant's behaviour during the fixed term of the tenancy has been unacceptable to the extent that they would not be accepted onto the council's housing register as a transfer – for example sustained and documented anti-social behaviour.
- There is a strong need for the tenant to move to another location, for example to take up employment.

- 9.2 This list is not exhaustive, and there may be other circumstances where the re-issue of a tenancy would not be appropriate. Each case will be considered individually.
- 9.3 Where a Fixed Term Tenancy is coming to an end and a notice has been served, we will ensure that tenants receive housing options advice; provided directly by the council's housing options team. This will ensure that they are aware of the different housing options available to them given their particular circumstances and can access appropriate support
- 9.4 It is important that there is active engagement with tenants well before their Fixed Term Tenancy is due to come to an end. There is a need to support tenants through the transition of changes to their tenancies and the reform of the benefits system.
- 9.5 Where RBC introduces Fixed Term Tenancies as a general practice there are some specific groups for which the type of tenancy they are granted will have more of an impact. For the following groups special consideration would be given

9.6 Families with children of school age or younger:

Security and stability during a child's education is critical. Families also rely on nearby friends and relatives to provide care for their children. If at the end of the term there are still children of school age or younger in the household, there should be a strong presumption in favour of renewing the tenancy, provided the property is not over crowded or under-occupied.

9.7 Households with a disabled member or member with special needs:

Fixed Term Tenancies should be used where this will enable the best use of adapted and specially designed stock. In certain circumstances, where the applicant is on their own and has a life long condition, a longer-term tenancy may be appropriate. Where a household is likely to have only a short term need for an adapted or specially designed property, consideration could be given to providing a tenancy term that is shorter than five years. In all cases tenancies must be for a minimum of two years, at the end of which the review would take into account whether the household still has a need for the specific adaptation.

9.8 Successions and Mutual Exchanges

All successions and mutual exchanges to a fixed term tenancy should only be for the remainder of the life of that tenancy, and should be subject to a full review. There are no exceptions to this.

10 Exclusions

RBC will exclude the use of fixed term tenancies that they feel appropriate such as

- all forms of temporary accommodation where assured shorthold tenancies, non-secure tenancies and licences are permitted for shorter periods, to support us in carrying out our homelessness duty including those units within our stock, units occupied through partner agencies and units of PSL
- secure tenants whose tenancy commenced before 1 April 2012

11 Equality and Diversity -PSED

It is essential that a Tenancy Policy can ensure that a wide range of applicant's tenancy needs can be met - including those within the equality strands. The six "Equality Strands" are:

- Age
- Disability
- Gender (including transgender)
- Race
- Religion/belief
- Sexual orientation

We want to ensure that this policy incorporates action to make access to housing fair and equal, and for vulnerable people to be able to live independently, particularly:

- Older people
- People with a disability
- Vulnerable people
- People fleeing domestic abuse
- Young people
- Households at risk of homelessness

12 Procedure for Staff

- 12.1 RBC staff will follow this procedure for issuing 2, 5 and 10 year tenancies which sit under this Policy. 2 and 5 year tenancies will need to be authorised by the Housing Services Manager or in the absence another Senior Housing Manager and a review month set for the review process at the time of the

tenancy start date; the review month will be the 8th month prior to the end of the tenancy and an advice letter issued nearer the time will set the date and time for the review meeting. This information will be recorded on the Flexible Tenancy spreadsheet available at X:FunHousingNeeds/FlexibleTenancies, this information will be recorded by the Tenancy Management Assistant or in her absence the officer undertaking the sign up.

- 12.2 A weekly business objects report will be produced and circulated to the Tenancy Management team identifying those fixed terms tenancies that are due for renewal.

13 Notification of length of Tenure

- 13.1 Potential tenants will be advised of what length of tenure they have been allocated in the offer letter for an allocation and the reason why. This is not open to appeal. The Council will have followed the criteria set out in this Policy to have arrived at that decision. If the prospective tenant is not willing to accept the fixed term offered the sign up will not take place and it will be deemed a refusal of the offer.
- 13.2 Following a successful bid or direct letting, the Allocations Team will liaise with the Tenancy Management Team to discuss the tenure length that will be offered. This will then be authorised by the HSM or another Senior Housing Manager in her absence. This will be recorded on both Locata and Northgate as an agreed action .
- 13.3 In the case of homeless households it will be necessary to include in discussions, the views of the Temporary Accommodation Manager who will have managed the non-secure tenancy prior to any direct letting and will need to advise on any ASB, rent arrears or support issues .

14 Sign Ups for Fixed Term Tenancies

- 14.1 Signups will continue in the usual manner. Tenancy management staff will be aware of the length of tenure to be offered having followed the steps set out previously in this procedure . The officer conducting the sign up will need to draw the tenant's attention to the review process which will occur 6 months prior to the end of the Fixed term as set out in this policy .
- 14.2 The officer will advise of the month of the review and will advise that a letter will be sent out a calendar month before the review meeting is due, setting out the date and time and what the tenant will need to bring with them at that time.

- 14.3 Following successful sign up the officer will record on Northgate the review month and record on the spreadsheet identified in 12.1. When setting up accounts on Northgate Revenue and Systems Officers will add the review date to the 'Review Date' column on the account, this will enable a business objects report to be generated weekly.

15 Support and Sustainment during the tenancy

- 15.1 Tenants will be subject to the normal tenancy management procedures for visits, arrears, inspections etc.
- 15.2 Tenants will be referred to the Money Advisor and Sustainment Officer for any welfare benefit impact or other financial support and assistance.
- 15.3 Tenants can also be referred to external floating support, such as Look Ahead, after any intervention by the tenancy sustainment officer if that is appropriate
- 15.4 Tenants will be referred to the housing advice team for any housing advice issues or risk to their tenancy that may affect the review of their fixed term tenure to ensure early intervention
- 15.5 Care Leavers, where there are identified issues, will be subject to an SCC CSD professionals meeting as early as possible before the review meeting process. Tenancy Management staff will need to co ordinate the meeting in liaison with Housing Options Officers.
- 15.6 Cases where tenants are involved with the Family Support Team will require a professionals meeting before the review process. This will need to be co ordinated by Tenancy Management staff in liaison with Housing Options Officers.
- 15.7 Cases where a tenant is known to mental health services will require a professionals meeting before the review meeting process. Tenancy management staff will need to co ordinate in liaison with Housing Options Officers.

16 Refusals of an Offer of Accommodation

- 16.1 If an offer of accommodation is refused based on the length of tenure offered, no further offers of accommodation will be made. Homeless Households are subject to criteria set out in the Housing Act 1996 and the Suitability Order 2012 where they are refusing an offer. Homeless Households, must be referred back to the Housing Advice team if a refusal is made.

17 Review Process

- 17.1 Tenants will need to attend for an interview at the Civic Offices, notified in advance (28 days) in writing by the Tenancy Management Officer. The process will consider all financial and personal circumstances of the household.
- 17.2 Tenancy Management Officers will need to consider any change in circumstances such as family composition, household finances, medical issues, age etc and apply the criteria as set out in the policy.
- 17.3 Tenancy Management Officers will complete a Tenancy Review form for authorisation by the HSM or another senior Housing Manager in her absence. If the tenancy is to be renewed the Tenancy Review form alone will suffice. If the tenancy is not being renewed a report needs to be submitted along with the Tenancy Review form outlining the reasons for not renewing and including a proportionality statement and assessment of equality and diversity.
- 17.4 The HSM or another senior Housing Manager in her absence will authorise a further fixed term tenure or confirm no tenancy is to be offered and liaise with the Housing Advice team for further housing advice.
- 17.5 The tenant will be notified in writing of the decision by the Tenancy Management Officer.
- If the tenancy is being renewed issue the letter Renew Tenancy.
 - If the tenancy is not being renewed the tenant must be issued a Non-Renewal notice at least 6 months before the end of the tenancy.
- 17.6 Tenancy Management Officers will record all outcomes on Northgate

18 Reviews

- 18.1 The tenant will have the right of review of any decision that no further fixed term tenancy will be offered. Reviews will need to be in writing and within 21 days of the decision being notified. Reviews after that time will not be considered unless there are exceptional circumstances which can be evidenced.
- 18.2 Reviews will be conducted by the Head of Housing Services

19 Legal Action

- 19.1 Upon expiry of the tenancy, and where no further tenancy is granted and if the tenant remains in situ, the Council will serve the appropriate Notice to instigate legal proceedings for possession.

Revised November 2016

