



TENANCY STANDARD POLICY

Updated

July 2018

1. STATEMENT

- 1.1. East Midlands Shelter for the Homeless aims to offer all of its service users the most secure tenancies; an Assured Shorthold Tenancy Agreement. For most individuals, this comes into effect after an initial probation period of 12 months. In some circumstances, secure tenancies will be offered after a 6-month review. The association commits to acting with the best interest of the service users in assigning tenancies and pledges to take individual circumstances into account of its decision making process.
- 1.2. EMSH will act in fairly and proportionately in reaction to breaches of their tenancy agreement and commits to providing its service users the chance to build a stable home during either pre, present or post adversity.

2. AIMS

- 2.1. To offer all service users the opportunity to create a stable home.
- 2.2. To provide security of tenure for all service users.
- 2.3. To assist all service users in ensuring they have full understanding of their tenancies.
- 2.4. To assist all service users in managing and sustaining their tenancies, fulfilling all obligations.
- 2.5. To offer all service users fair, effective and proportionate action against breaches of tenancy.
- 2.6. To follow general EMSH policy in all actions and decision making.

3. OUTREACH

- 3.1. This policy applies to the general, supported and supervised needs of service users. East Midlands Shelter for the Homeless will seek to apply this policy wherever possible and where appropriate will consider any appropriate alterations or additions to allow new tenancies to be created.

4. REGULATORY FRAMEWORK

- 4.1. The Tenancy Standard of the Regulatory Framework for Social Housing in England and Wales allows registered providers are able to grant general needs tenants an assured shorthold tenancy in addition to a 12-month probationary period. It also states that registered providers shall provide accommodation which are compatible with the following:

- 4.1.1. Purpose of the occupation.
- 4.1.2. Specific needs of individual households.
- 4.1.3. Sustainability of the Community.
- 4.1.4. Efficient use of housing stock.

- 4.2. This policy ensures that EMSH takes the necessary actions to comply with the Regulatory Framework and understands and adheres to the following governmental regulations:

- 4.2.1. The Housing Act 1988
- 4.2.2. The Human Rights Act 1998
- 4.2.3. The Data Protection Act 1998
- 4.2.4. The Equality Act 2010

5. DEFINITIONS

- 5.1. Starter Tenancy

5.1.1. A starter tenancy is the trial or probationary tenancy that gives similar rights to an assured shorthold tenancy for the first twelve months. Tenants have fewer rights and less protection from eviction than an assured or secure tenancy. All service users are offered an assured tenancy upon satisfaction going into year two.

5.2. Assured Tenancy

5.2.1. An Assured tenancy is a residential tenancy in England and Wales that offers a secure contract between the service user and the landlord. Tenants may not be evicted without a just reason or cause and may fall under the supervision of a Rent Assessment Committee.

5.3. **Assured Shorthold Tenancy (Temporary Social Housing)**

5.3.1. Assured Shorthold tenancy agreements offer limited security of tenure and last for a minimum of six months. Introduced by the Housing Act 1988 and the Housing Act 1996, it is used by Housing Associations when letting properties that are owned by a third party landlord. EMSH must provide a minimum of two months notice before evicting a service user and may not take such action during the first 4 months of the tenancy.

5.4. **Affordable Rent**

5.4.1. Affordable Rent gives service users the same rights as an Assured Tenancy with the addition of a twelve month probationary period. Landlords can charge up to 80% of market rent as opposed to social rent (usually a lower rate).

5.5. **Licences/ Excluded Tenancies**

5.5.1. License agreements give service users permission to occupy the property through consent from the landlord being made to occupy the property for a

set amount of time. EMSH will only use this form of agreement as a temporary measure until appropriate accommodation has been found. They will also be used for supported accommodation, whilst a suitable support program is being made.

6. SERVICE STANDARDS

- 6.1. East Midlands Shelter for the Homeless will ensure all service users understand their rights and responsibilities before and after the tenancy agreements are made. Copies of the tenancy agreement and EMSH policy will be provided to all individuals in their preferred format.

7. EQUALITY & DIVERSITY

- 7.1. EMSH promotes equality and diversity in all its values, objectives and actions and pledges to act in a fair and indiscriminate way providing a fair and balanced service to all individuals associated with EMSH.

8. MONITORING & EVALUATION

- 8.1. East Midlands Shelter for the Homeless aims to provide safe and secure tenancies for all service users as well as ensure that such a commitment will not be a detriment to the sustainability and viability of the association. The association may take proportionate enforcement action where any breaches of contract occurs which may affect when a case is reviewed.
- 8.2. In order to consistently operate within this framework, the board have devised a system which allows tenants the opportunity to reach 'assured'

status. Below is a table detailing the way in which tenancies are offered to new and existing service users:

- 8.3. The tenancy agreement will be the central to the relationship between EMSH and the service user acting as a contract between the tenant and the landlord. EMSH will use a probation period to best assess the specific needs of the service user without making any prior commitments that the association cannot meet. Where breaches are made to the contract, the association will give a verbal warning followed by a written warning on repeat offences. In the event of further breaches, legal action may be taken against the service user under either section 6 or section 21 of the housing act.
- 8.4. Our board of directors shall ensure EMSH complies with this policy on a whole and will undertake quarterly reviews to ensure this compliance. An appointed member of the Board shall have regular meetings with the Tenant Committee following the Tenant Committee meetings and together form a review to present to the rest of the Board to ensure compliance. The review will then be discussed at the following quarterly Board Meeting.

9. BREACHES

- 9.1. The following will be considered as breaches of tenancies:
 - 9.1.1. Consistently poor rent payments leading to rent arrears with little or no sign of engagement to agree upon a payment plan.
 - 9.1.2. Repeated minor breaches or serious breaches of tenancy agreement due to anti social behaviour from the tenants and occupants and visitors to the service user's home.

- 9.1.3. Any other breaches of tenancy agreement e.g internal and external damage to property.

- 9.2. All actions will be reported to the board at every quarterly meeting. In extenuating circumstances, alternative tenancies will be offered where such arrangement is required to provide the appropriate care to the service user.

Tenancy Period	Type of Tenancy	Further Details
0-6 Months	Excluded Tenancy for supported/ Exempt Accommodation	New service users will enter a probationary period of tenancy allowing EMSH the opportunity to identify the specific needs of the service user and whether the association can fulfil the criteria for their aid.
6-12 Months	Affordable Rent/Assured Shorthold	A board member will meet with the assigned careworker to discuss the first 6 months with EMSH, whether the association has succeeded in its aims and whether there is an effective way of extending the tenancy for a further 6 months. There will also be a discussion on the tenancy itself and whether there is any just reason to offer the service user an assured shorthold tenancy earlier than the allotted period of 12 months. The careworker will inform the service user of the decision face to face. In the case of the tenancy being extended, the board will work with the careworker in setting objectives to meet in the the following 6 months of the tenancy. The careworker will subsequently work with the service user in

		<p>reaching these targets. A written document will be produced and signed by the board, careworker and service user. In the case of the association not continuing their work with the service user, the board and care worker will assist the individual in securing future aid and/or accommodation. Contact will be made with the relevant council to ensure the process has begun at the time EMSH and the service user have their final meeting.</p> <p>(Note: All EMSH staff will follow the same procedure in reviewing the service user at each stage of tenancy. The individual will be given the opportunity to be involved in the decision making process and the appropriate attention will be paid to each case to ensure the appropriate care is correctly in place at all times.)</p>
<p>12-18 Months</p>	<p>Assured Shorthold Tenancy</p>	<p>There will be a board discussion at the end of each service user's initial twelve month tenancy period. With the assigned careworker also present, there will be a discussion on whether EMSH meet the specific needs of the service user and whether the appropriate care/ supported living is provided and whether an assured</p>

		<p>tenancy should subsequently be offered to the service user. The association will offer all service users an assured tenancy agreement wherever possible after the first twelve month tenancy period under The Tenancy standard of the Regulatory Framework for Social Housing in England and Wales. An assured tenancy agreement will not be offered to service users if the association have:</p> <ul style="list-style-type: none"> - Started possession proceedings against the service user. - Served a notice to the service user under section 21. - Served a notice to the service user under section 8. <p>The same board member and careworker will meet to again discuss the progress of both the service user and EMSH's work with the individual. There will be a discussion on the first year of the tenancy and whether an assured shorthold tenancy should be offered.</p> <p>(Note: All EMSH staff will follow the same procedure in reviewing the service user at each stage of tenancy. The individual will</p>
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<p>18-24 Months</p>	<p>Assured Shorthold Tenancy</p>	<p>The board/careworker and service user will review the tenancy every 6 months. The service user will remain under an assured shorthold tenancy agreement.</p> <p>(Note: All EMSH staff will follow the same procedure in reviewing the service user at each stage of tenancy. The individual will be given the opportunity to be involved in the decision making process and the appropriate attention will be paid to each case to ensure the appropriate care is correctly in place at all times.)</p>