

Fixed term Tenancy Policy

Policy

1. Purpose and scope

This policy outlines Papworth Trust's approach to managing its fixed term tenancies to ensure the correct balance between the responsibilities of being a Registered Provider whilst also enabling the Trust to meet its charitable objectives for disabled people.

This policy will apply to new tenants within general needs and independent living (supported) accommodation.

This policy will not apply to Tenants in supported or specialised supported housing or any accommodation where a person's occupation is time-limited, e.g. transition schemes.

Furthermore the scheme will not apply to the following:

- Papworth Trust tenants that already hold an assured or secure tenancy; or
- New tenants that hold an assured tenancy with another Registered Provider or Local Authority immediately prior to allocation of a Papworth Trust property, provided the assured tenancy was granted prior to 15 January 2012.
- Any letting in properties that are being considered for disposal.
- Shared ownership or leasehold accommodation.

2. Aims

This policy aims to:

- To ensure Papworth Trust is able to make best use of its housing stock, and in particular, ensure that properties designed or adapted for disabled people are occupied by those that need them
- To support tenancy sustainment, and ensure that people are encouraged to develop the right skills to enable them to sustain a tenancy
- To encourage tenants to explore other housing options available to them

3. Fixed term tenancy

Fixed term tenancies were introduced by the Government through the passing of the Localism Act 2011 and by making changes to the regulatory framework for social housing, which removed the requirement that all social landlords offer the most secure form of tenancy.

The tenancies are fixed term assured shorthold tenancies. The term fixed term tenancy is used in relation to tenancies that are for a set period of time, as opposed to assured tenancies that do not have a specified end date.

Fixed term tenancies will be granted in with two forms:

- a six-year fixed term tenancy with an inclusive 12 month probation period (starter tenancy); or
- a five-year fixed term tenancy with no probation period

A six-year fixed term tenancy with a probation period is used for new tenants. The probation period will be managed in conjunction with the starter tenancy policy.

A five-year fixed term tenancy will be granted where a fixed term tenancy is being renewed either upon expiry of a six-year fixed term tenancy with probationary period, or another five-year fixed term tenancy.

Papworth Trust will consider whether a household is vulnerable by reason of age, disability, illness and households with children when considering which type of tenancy is appropriate.

In exceptional circumstances it may be appropriate to grant a tenancy type outside of the terms of this policy where a household member is vulnerable and a tenancy under this policy may not be appropriate for their needs.

4. Fixed Term Tenancy Review

In the final year of the fixed term tenancies period it will be necessary to review the tenancy to inform a decision to:

- Grant a five year tenancy for the existing property; or
- Grant a five year tenancy at an alternative property; or
- End the tenancy

Tenants will be expected to engage fully in the review and it is a condition of their existing tenancy agreement to do so.

Any recommendation to end the tenancy by notice must include a detailed report for consideration. The report will detail the issues that have led to the recommendation and all the actions taken to resolve or to attempt to resolve the particular problem(s).

Each case will be considered individually

Approval of the service of notice to commence action for possession will only be granted where:

- All appropriate steps have been taken to give the tenant reasonable opportunity to resolve the issue(s) and the issue(s) remain; or
- If the tenant were to hold a lifetime assured tenancy, we would be considering legal action to end the tenancy.
- A proportionality assessment has indicated that it is a legitimate and proportionate course of action to take and consideration has been given to obligations under s15 Equality Act 2010

Circumstances where Papworth Trust may commence action for possession may include but will not be restricted to:

- non-payment of rent
- serious anti-social behaviour
- poor condition of the property or repeated refused access to the property;
- The tenant no longer requires the accommodation or their needs would be better suited to a different type of housing or tenancy (e.g. due to care and support needs);
- Tenancy fraud has been identified during the fixed-term;
- The tenant has not engaged in the review process;
- The tenant does not wish to accept the terms of the new fixed-term tenancy;
- The tenant or a member of their household has come into legal ownership of another residential property or Papworth Trust has become aware that the tenant owns another property.

Household income will also be used in reviewing the tenancy to ensure Papworth Trust makes best use of its housing stock and continues to offer social and affordable housing to those who have a current need.

In the final year review of the tenancy if the income exceeds the level that would exclude the household from joining their local Housing Allocations Scheme, a further fixed term will not be offered.

If the decision is taken not to grant a further tenancy, the tenant will be given advice and assistance on their housing options based on their circumstances and signposted to relevant agencies to assist with rehousing.

If at the end of the fixed-term the tenant has not vacated the property and a short period of time is required for alternative accommodation to become available Papworth Trust may agree not to recover immediate possession. During such period Papworth Trust is not creating a new tenancy and the tenant will be required to continue to pay any charges due and comply with all the terms of the fixed-term tenancy until such time that the property is vacated.

5. Review

Any decision not to grant a further tenancy or a decision to offer a tenancy at a different property will be subject to review upon request.

All reviews will be undertaken in accordance with the Review of Decisions Policy.

6. Ending a Fixed-Term Tenancy during the Term

In addition to ending a fixed-term tenancy in the circumstances set out earlier in this policy, it may be necessary to end the tenancy within the fixed-term if it is not being conducted in an appropriate manner.

This will be done by serving notice of seeking possession under the relevant ground(s) for possession, as set out in Schedule 2 of the Housing Act 1988 (as amended). A decision to seek possession in this way will be at the sole discretion of Papworth Trust.

If a tenant chooses to end the tenancy before the end of the fixed-term they may do so by offering to surrender the tenancy giving at least four weeks' notice.

Papworth Trust will not unreasonably refuse to accept such offer to surrender. In the case of joint tenants both tenants must agree to the surrender. If the tenant has abandoned the property during the fixed-term, steps will be taken to forfeit (end) the tenancy and recover possession.

7. Requirement to provide Prescribed Information

Under a fixed term tenancy, in accordance with The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015, Papworth Trust must provide the tenant with the information below:

- Regulation 2 requires the tenant be provided with an energy performance certificate and a gas safety certificate before occupation.

Papworth Trust housing that has been specifically adapted or contains design features that make it suitable for a disabled person. No additional support is provided with the tenancy

8. Regulatory and Legal Considerations

This policy complies with all statutory, regulatory and legal requirements, in particular:

- The Tenancy Standard in the Regulator of Social Housing's Regulatory Framework
- Section 21 Housing Act 1988 (as amended)
- The Localism Act 2011.
- The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015

9. Service Standards

The following service standards apply:

- A comprehensive and transparent tenancy review in the final year of a fixed term
- Advice and signposting to alternative housing options if not granting a fixed term
- Review of a decision where requested

Document control

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10. Version tracker

Version number	Date	Comments/Reason for issue
1.0	20.09.2017	New policy
2.0	24.06.2020	Periodic review – formatting changes and removal of review process (separate policy)
3.0	28.06.2022	Review