

1. Purpose and scope

Papworth Trust promotes sustainable tenancies and communities that people wish to live through the appropriate management of tenancies.

This policy sets out how this will be achieved through the Trust's use of starter tenancies.

The starter tenancy policy will apply to all new tenants within general needs and independent living homes.

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

The policy also excludes the following:

- Papworth Trust tenants that already hold an assured or secure tenancy.
- Any letting in properties that are being considered for disposal.
- Shared ownership or leasehold accommodation.

2. Aims

This policy aims to:

- To enable Papworth Trust to deal effectively with tenancy breaches.
- To enable Papworth Trust to intervene at the earliest opportunity in the event of a tenancy breach.
- To promote tenancy sustainment and reduce failing tenancies by ensuring that tenants are encouraged to develop the right skills to enable them to sustain a tenancy
- To provide tenants the opportunity to rectify problems or mistakes and to promote independence
- To enable the Papworth Trust to fulfil its obligations to tenants adversely affected by the behaviour of other tenants.

3. Starter Tenancies

A Starter tenancy is effectively an (assured shorthold) tenancy for a period of 12 months. This is the **probationary period** and begins at the start of the tenancy and normally ends on the anniversary of that date unless action has started to either end the tenancy or extend the probationary period.

Starter tenancies are not assured (lifetime tenancies) and therefore the court do not have discretion on whether or not to grant possession when using the accelerated possession procedure. When the probationary period ends, the tenancy will automatically convert to the relevant longer-term tenancy, unless:

- a) Possession proceedings have been begun against the tenant; or
- b) Papworth Trust has served a notice under Section 21(1) and (4) of the Housing Act 1988 (as amended) that the landlord requires possession, in which case the tenancy will continue as a starter tenancy until:
 - i) two months from the expiry of the notice (if no proceedings are issued within that time).
 - ii) the day after any proceedings are determined (if no possession order is made); or
 - iii) the tenancy is ended by a court order for possession.
- c) The probationary period is extended by service of a notice of extension.

A starter tenancy will generally convert to a fixed term assured shorthold tenancy for a further five years, however in certain circumstances a starter tenancy may convert to an assured lifetime tenancy. The tenancy being granted upon successful completion of the probationary period will be stated on the tenancy agreement.

Starter tenants will require additional information setting out the specific rights and responsibilities of starter tenants.

This is an opportunity to set out clearly the terms and conditions of the tenancy, including rental charges and responsibilities of payment and the behaviour expected of a tenant.

Tenants will be issued with a combined tenancy agreement, to avoid the need to issue a new agreement at the end of the probationary period, in the form of:

- A six-year fixed term assured shorthold tenancy, with an inclusive 12-month probationary period; or
- A starter tenancy with a 12-month probationary period that can convert to a full assured tenancy.

4. Rights of Starter Tenants

The rights provided by a starter tenancy are similar, but not the same and to a lesser degree than assured or fixed term assured shorthold tenancies.

Starter tenants will be eligible to apply for an internal transfer in accordance with the Papworth Trust lettings policy. If a transfer occurs within the probationary period, the time spent in the first property will count towards the fulfilment of the 12-month probationary period in the second property.

Starter tenants have no right to a mutual exchange with another tenant in social housing.

Starter tenants have no statutory right to make tenant alterations or improvements.

5. Review of Starter Tenancies

During the probationary period it will be necessary to review the tenancy to determine whether it is appropriate to allow the tenancy to convert to a longer term.

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

Any recommendation to end the tenancy by notice will include a 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 tenancy breach or problem(s).

Any recommendation to extend a probationary period or commence action to end the tenancy by notice will include a 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 tenancy breach or problem(s).

Each case will be considered individually.

Approval of an extension to the probationary period will only be granted where:

- There is evidence of a breach of tenancy, but the issue may not be serious enough to warrant possession action and more time is needed to enable the tenant to resolve the issue or for further investigation to take place, or
- Allegations or suspicions of breach of tenancy are held against the tenant, which are unconfirmed, and more time is needed to fully investigate the allegations or suspicions of breach of tenancy.

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.
- A proportionality assessment has indicated it is a legitimate and proportionate course of action to take and consideration has been given to 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.
- The tenant has not engaged in the review process.
- The tenant or a member of their household has come into legal ownership of another residential property, or the Trust has become aware that the tenant owns another property.

To commence action to end a starter tenancy because of breach of the terms, it is necessary for a notice under section 21(1) and (4) of the Housing Act 1988 (as amended) to be served on the tenant.

Starter tenancies will not terminate unless there is an order of the court ending the tenancy.

6. Extending a Starter tenancy

The probationary period of a starter tenancy may be extended by up to 6 months if both of the following conditions are met in relation to the starter tenancy:

- a) A notice of extension is served on the tenant, where possible, at least four weeks before the original expiry date of the probation period. A notice of extension is a notice stating that it has been determined that the period for which the tenancy is to be a starter tenancy should be extended by up to 6 months and will set out the reasons for this decision.
- b) Either the tenant has not requested a review of the decision, or the decision of the review was to uphold the original decision to extend the probationary period.

7. Security of Tenure

If the tenant (or at least one of them if dealing with joint tenants) is no longer living at the property as their only or principal home, then they will have lost their security of tenure. In such circumstances it would be appropriate to serve a Notice to Quit.

8. Seeking possession other than by way of the Accelerated Possession Procedure

In certain circumstances possession of a starter tenancy can be sought on one or more of the grounds contained 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.

9. Review

Any decision to serve a notice or extend a probationary period will be subject to review upon request.

All reviews will be undertaken in accordance with the review of decisions Policy.

10. Service Standards

The following service standards apply:

- A comprehensive and transparent tenancy review in the first year including a settling in visit within six weeks, a six month visit and a final visit in the last three months of the probation period.

Advice and signposting to alternative housing options if applicable

11. Regulatory and Legal considerations

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

- The Tenancy Standard in the RSHs Regulatory Framework
- Housing Act 1988 (as amended)
- The Localism Act 2011.
- The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015

12. Monitoring and review

This policy will be reviewed at least every 3 years by the policy owner.

The policy owner is responsible for the monitoring and review of this policy.

13. Further Information

Policies and Procedures
<ul style="list-style-type: none">• Lettings Policy• Review of Decisions Policy
Forms
<ul style="list-style-type: none">• None
Guidance
<ul style="list-style-type: none">• None
External web links
<ul style="list-style-type: none">• None

14. Document control

Owner	Business Manager – Housing Management
Consulted	Tenant Scrutiny Panel
Approver	Senior Business Manager
Date approved	October 2023
Next review date	October 2026
Ratified by	None required

15. Version tracker

Version number	Date	Approved by	Comments/Reason for issue
1.0	Sept 2017	-	New policy
2.0	Sept 2020	-	Standard policy review – formatting changes and removal of review process (separate policy)
3.0	Oct 2023	Senior Business Manager	Standard policy review

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SharePoint/ Resources/Policies Procedures and Forms/ Housing and Property/Starter Tenancy