

Probationary Tenancy Policy

Introduction

As part of the Coastline's 'toolkit' for tackling anti-social behaviour (ASB) we agreed to introduce a Probationary Tenancy scheme to reduce and address incidents of ASB.

The introduction of Probationary Tenancies is part of the Company's overall anti-social behaviour strategy, and is referred to in the Anti-Social Behaviour policy and procedure.

The Probationary Tenancy is a 12 month periodic Assured Shorthold Tenancy, issued to all new customers.

Probationary Tenancies are not generally offered to existing customers who transfer or to customers undertaking a mutual exchange.

In view of the additional powers to end a Probationary Tenancy, without the intervention or protection from the court system, it is essential that adequate protection for customers is built into our operating procedures for dealing with such tenancies.

Whilst we have the power to bring a probationary tenancy to an end and obtain possession via the court system, merely by following the appropriate procedure, it is the clear intention that such powers will only be used as a last resort. To ensure that procedures have been adhered to an independent review will be undertaken. Every effort will be made to sustain tenancies and to use the very real threat of repossession to concentrate the minds of our most challenging customers in changing their behaviour and to comply with the terms of the tenancy agreement.

We will engage the resources of all interested parties to assist in sustaining tenancies, including, but not limited to:

- Police;
- Cornwall Council; and
- Adult Care, Health and Wellbeing, Probation and youth offending team services, and other agencies, such as mental health, drug rehabilitation services.

This document outlines the various procedures that will be followed to ensure that customers have every opportunity to sustain their tenancy and to provide for the smooth transfer from probationary tenancy to an assured tenancy on the first anniversary, or as early as possible thereafter.

Essentially, the procedures concentrate on three specific areas:

- Pre-tenancy assessment;
- Assistance to sustain tenancies; and

- Built in safeguards to ensure that every customer has the opportunity to correct any breaches of the tenancy and to challenge any decision to end the tenancy or to extend the probationary period.

This Policy and Procedure is used in conjunction with the Equality and Diversity Policy. The use of Disability Assessment (Justification Prior to Legal Action Equality Act 2010) forms will be completed for each individual as part of the Built in Safeguards of this Policy.

1.0 Pre-tenancy Assessment and Counselling

Every possible step is taken to ensure that the prospective customer has the capacity to sustain their tenancy. This will include:

Undertaking a 'pre-tenancy interview', to determine whether the new customer is potentially vulnerable and to ascertain what support packages are in place.

- Where required, undertaking a formal assessment and where necessary arranging the provision of a support or care package, or specific counselling prior to sign up. Tenancy counselling may be given by Coastline Housing Ltd staff or by another agency;
- Provision of a Customer Handbook and other important information in the Welcome Pack; and
- Discussion with the customers at sign up regarding the legal status of the Probationary Tenancy Agreement.

The Company's housing staff provide low level support and advice to customers prior to sign up, in order to ensure tenancy sustainability. Customers identified as vulnerable with support needs must have and engage with long term support provision. Customers with unmet or short term support needs will not be offered a tenancy.

2.0 Assistance to sustain tenancies

We visit all new customers in their home after the start of the tenancy. Where there is a perceived need for a further visit, this will be arranged at this time.

If at any point during the probationary period of a tenancy there is any cause for concern, as to how the tenancy is being conducted by the customer, housing staff will examine the situation to determine whether it is, or likely to be, appropriate to provide specific assistance, either directly or by referring to other agencies, to enable the customer to sustain their tenancy. Any assistance that is considered to be appropriate by housing staff or other agencies will be provided.

3.0 Housing Options Review

We will visit all customers 9 months after the commencement of their tenancy to check the condition of the property and will complete a Housing Option Review Form. This visit will determine whether or not we will allow the customer to remain in their home. In the event of Coastline not being able to access the property to undertake this exercise, we will serve a

Section 21 Notice to terminate the tenancy. We will use our discretion if the customer can evidence that there was a genuine reason for not allowing access, such as being on holiday, or in hospital.

4.0 Decision to serve Notice to commence action to end a tenancy

Any recommendation by the Tenancy Management Co-ordinator (TMC) to commence action to end a tenancy by Notice will be considered by the Tenancy Manager based upon the issues that have led to the recommendation and all actions taken to resolve the particular problems. The TMC will complete a Disability Assessment (Justification Prior to Legal Action Equality Act 2010) Form as part of this process.

The Tenancy Manager will only approve the service of the Notice to commence action for possession if they are satisfied that all appropriate steps have been taken to give the customer every opportunity to resolve the issues, including the use of external agency involvement where appropriate.

5.0 Decision to extend the probationary period of tenancy

Any recommendation by the Tenancy Management Co-ordinator (TMC) to extend the probationary period of tenancy must include a detailed report for consideration by the Head of Housing Services (HoHS) and Tenancy Manager. The report will detail the issues that have led to the recommendation, indicate the remaining length of probationary period and why it is considered appropriate to extend the probationary period rather than to consider possession action. The TMC will complete a Justification Prior to Legal Action Equality Act 2010 Form as part of this process.

The HoHS will only approve the extension of probationary period of tenancy if they are satisfied that either;

- There is clear evidence of a breach of tenancy, but the issue is not serious enough to warrant possession action and more time is required to enable the customer to resolve the issue; or
- Allegations or suspicions are held against the customer which are unproven, and more time is required to fully investigate the allegations or suspicions.

A probationary tenancy can only be extended once, by a maximum of 6 months, making a maximum total of 18 months probationary tenancy for any customer.

6.0 Steps to be taken at the time a Notice is served to end the tenancy or extend the probationary period

The customer will be informed in writing of their option to appeal against the decision, within 14 days of the Notice being served. The appeal will be reviewed by the Head of Housing Services. Every effort will be made to ensure that all aspects of the case are considered at appeal and that the appeal is reviewed before any eviction or extended probationary period has occurred.

Cornwall Council's homeless team will be informed in the event of the tenancy being terminated

7.0 Actions required following the Notice to commence action to end the tenancy

Where a customer has followed the appeal procedure and has not been successful in that appeal, they will be informed in writing of this decision.

The Company will consider the views of our partners and other interested agencies and work to avoid, where possible, the eviction of the customer by ensuring that they have every opportunity to resolve all issues that lead to the service of the Notice.

8.0 Mutual Exchanges

There is no right to undertake a mutual exchange within the first 12 months of the probationary tenancy. Applications will be considered after the initial 12 month period has expired.

9.0 Built in Safeguards – Operating Procedures

We will use the same policies and procedures for customers who have a probationary tenancy as for all other customers with full assured tenancies. The clear purpose of this is to ensure that all customers are treated fairly and equally

10.0 General

This document is of an overarching nature, which will be the basis of the operating procedures to be used in conjunction with other procedures.

It is accepted that all participating agencies will need to abide by their individual data protection policies.

It should be noted that the migration of a probationary tenancy to a full tenancy is achieved automatically on the first anniversary of the commencement of the tenancy, unless action has been commenced to either end the tenancy or extend the probationary period