

## **Probationary Tenancy Policy**

### **1.0 Introduction**

- 1.1 This policy will help support successful tenancies and aid in the creation of sustainable communities and should be read in conjunction with Coastline's Tenancy Policy
- 1.2 Probationary Tenancies were introduced for all new tenancies from February 2006 in accordance with our Tenancy Policy. Exceptions include customers moving within our own stock who hold assured tenancies
- 1.3 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.
- 1.4 The Probationary Tenancy is a 12 month periodic Assured Shorthold Tenancy, issued to all new customers. For the Probationary Tenancy to end successfully and converted to a Fixed Term Tenancy, the first 12 months must be conducted in a satisfactory manner.
- 1.5 Probationary Tenancies are not offered to existing customers who transfer or to customers undertaking a mutual exchange.
- 1.6 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.
- 1.7 Whilst we have the power to bring a probationary tenancy to an end and obtain possession via the court system, 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 by The Homes and Communities Theme Lead. 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.
- 1.8 We will engage the resources of all interested parties to assist in sustaining tenancies, including, but not limited to:
- Police;
  - Cornwall Council; and
  - Adult Social Care, Health and Wellbeing, Probation and youth offending team services, and other agencies, such as mental health, drug rehabilitation services.
- 1.9 This document outlines the approach and steps 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.

## **2.0 Customer Responsibilities**

- 2.1 During the Probationary period, all customers will be expected to abide by their tenancy agreement and the policies set out by Coastline.
- 2.2 Customers will be encouraged to participate and access the support mechanisms which have been identified, including any courses such as 'Keys to Coastline'.
- 2.3 Customers will be encouraged to participate in Coastline consultation activities.
- 2.4 There is a mechanism by which customers have the right of review against a decision to serve a Notice to terminate the tenancy.

## **3.0 Coastline's Responsibilities**

- 3.1 The onus will be on Coastline to demonstrate that it has identified needs, provided support and followed procedures.
- 3.2 Where clear breaches in the tenancy have been made, and there is no improvement of the tenancy, enforcement action will be taken.
- 3.3 Coastline will take legal action against customers who have clearly breached their tenancy and other appropriate options have been exhausted.
- 3.4 It should be noted that the migration of a Probationary Tenancy to an Assured 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.

## **4.0 Commitment to sustain tenancies**

- 4.1 Vulnerability assessments and support evaluations will take place as part of the tenancy sign up process. Vulnerability assessment may result in additional home visits during the initial tenancy term.
- 4.2 Customers will be offered information and referrals for support to match their needs where possible.
- 4.3 All new customers will receive a home visit during the first 9 months of the tenancy. Where it is considered that there is a need for a further visit, this will be arranged at this time.

4.4 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 sustain their tenancy. Any assistance that is considered to be appropriate by housing staff or other agencies will be provided.

## **5.0 Monitoring and Review**

5.1 Performance will be monitored internally on a quarterly basis by recording the number of successful probationary tenancies, number of failures and analysis of the failed tenancies

5.2 Customers will be asked for feedback at the point of the probationary review/tenancy conversion to provide insight into the operation of the policy

## **6.0 Equality Statement**

6.1 Coastline will apply the same policies and procedures for customers who have a probationary tenancy as for all other customers with full assured tenancies to ensure that all customers are treated fairly and equally.

6.2 This Policy 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.

## **Probationary Tenancies Procedure**

### **1.0 Introduction**

1.1 This procedure should be read in conjunction with the Probationary Tenancy Policy.

1.2 The procedure concentrates 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.

### **2.0 Pre-tenancy Assessment**

2.1 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.
- Provision of sign up information on a USB stick and
- Discussion with the customers at sign up regarding the legal status of the Probationary Tenancy Agreement and skills required to successfully maintain a tenancy.
- The customer may be required to undertake a Keys to Coastline and/or a Trigva course (a course provided through Cornwall College Work skills Academy) to learn about expectations and skills around tenancy sustainment.
- Coastline's 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.

### **3.0 Probationary Review visit**

3.1 We will visit all customers 9 months after the commencement of their tenancy to check the condition of the property and will complete a Probationary Review. 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**

- 4.1 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.
- 4.2 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.
- 4.3 A referral must be made to Cornwall Council Housing Options for anyone at risk of facing homelessness within 56 days. This should be with the consent of the person for whom a referral is being made, using the online reporting tool Alert to do this.

#### **5.0 Decision to extend the probationary period of tenancy**

- 5.1 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 Tenancy Manager or Theme Lead. 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.
- 5.2 The Tenancy Manager 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.
- 5.3 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.

5.4 Any relevant agencies linked in with customer will be notified to attempt early engagement to maximise opportunities to sustain the tenancy.

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

6.1 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 Homes and Communities Theme Lead. 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.

6.2 Cornwall Housing's Housing Options team will be informed in the event of a decision to terminate a tenancy, giving a minimum of 56 days' notice via the Alert system

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

7.1 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.

7.2 Coastline 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, maintaining contact with relevant services throughout the Notice period.

## **8.0 Mutual Exchanges**

8.1 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 Monitoring and review**

9.1 Performance will be monitored internally on a quarterly basis by recording the number of successful probationary tenancies, number of failures and analysis of the failed tenancies

9.2 Customers will be asked for feedback at the point of the probationary review/tenancy conversion to provide insight into the operation of the policy

9.3 Customers who successfully complete their Probationary Tenancy will receive a notification (preferably by email or via My Coastline) to congratulate them on the successful completion of the tenancy and to confirm their new tenancy type/duration.