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ORBIT

FIXED TERM TENANCY POLICY

Scope: This policy sets out the principles and approach Orbit will take around Fixed Term tenancies and maximising the best use of its housing stock.

1.0 INTRODUCTION

- 1.1** Orbit's approach to letting homes reflects its commitment to making best use of our existing stock and the long-term sustainability of neighbourhoods and communities. The core principles adopted for letting homes are defined in the Letting of Homes Policy.
- 1.2** The Localism Act 2011 introduced new flexibilities for Registered Providers (RPs) to offer social housing tenancies for a fixed term. The new flexibilities allow the most effective use of social housing stock.
- 1.3** From April 2012 the new regulatory framework requires RPs to publish clear and accessible policies which outline their approach to tenancy management and have due regard to the tenancy strategies published by the local authorities in which they operate.
- 1.4** This policy sets out the circumstances in which Orbit will offer fixed term tenancies and how they will be reviewed.
- 1.5** Orbit will ensure it meets all legal and regulatory requirements.
- 1.6** This policy should be read in conjunction with the following documents:
 - Letting of homes policy
 - Data protection policy
 - Tenancy and rent policy
- 1.7** This policy relates to the letting of Orbit's general needs properties.

2.0 DEFINITION

2.1 A fixed term tenancy is an assured short hold tenancy granted by an RP which is fixed for a minimum period of 2 years.

3.0 POLICY STATEMENT

3.1 Orbit will offer fixed term tenancies for a period of 5 years on all general needs properties with the following exceptions:

- Where the tenant has held a continuous social housing or local authority tenancy/tenancies since 1st April 2012. In this case an assured tenancy will be offered.
- Where a significant reason exists not to use a fixed term tenancy, such as a major re-development programme.

3.2 At the end of the fixed term, and if the tenancy has not been ended by either Orbit or the customer, the tenancy will become a weekly periodic assured shorthold tenancy. However, the intention will always be to renew or end the tenancy in discussion with our customers and in line with this procedure.

4.0 IMPLEMENTATION AND REVIEW

4.1 When a fixed term tenancy is offered Orbit will provide a full explanation of how and when the tenancy will be reviewed pending the end of the fixed term.

4.2 The review process will commence 12 months before the end of the fixed term.

4.3 The process will include a review of existing household members and how the tenancy has been managed. It will take into account:

- The number of household members and any overcrowding or under-occupation
- Household income levels and affordability
- Housing need and suitability of the property
- Tenancy history at the property
- Legal right to remain

4.4 Orbit will inform customers of other housing options available to them.

4.5 Orbit will expect customers to actively engage in the review process and provide information and documentation as requested.

4.6 Customers will be updated as appropriate during the review process.

4.7 Orbit will expect to offer a further 5 year fixed term tenancy unless one or more of the following apply:

- There are current and/ or there have been persistent breaches of the tenancy agreement during the fixed term period including, but not limited to: anti-social behaviour; subletting; tenancy fraud or rent arrears

- The property is being under or over-occupied and likely to put tenancy sustainability at risk
- The property has been adapted and the adaptations are no longer required by anyone residing at the property
- Works are required on the property in the next 5 years which would require its redevelopment or demolition
- The property would be sold if it became void
- The customer and / or their advocate does not engage in the fixed term tenancy review process
- The customer's financial circumstances have changed significantly making other housing options (home ownership, renting at full market rent value and other tenures) an affordable and viable option.
- The property has been damaged.

4.8 Orbit will assess each customer's situation on an individual basis, taking into account the following when making the decision whether or not to issue another tenancy:

- Care, support and health needs of the customer including access to local support networks, family members and services which the customer relies on
- Ages of any children permanently residing in the property and whether a move would occur during the year GCSEs, A-levels or other equivalent examinations are due to be taken
- Whether a move would require any children permanently residing in the property to change school unless it suits them to do so.

4.9 Orbit will notify the customer of the outcome of the review at least 6 months before the end of the fixed term tenancy.

4.10 If a new tenancy is offered it will be a 5 year fixed term tenancy which must be signed prior to the end of the existing fixed term tenancy.

4.11 All new rents will be assessed in line with our tenancy and rent policy.

4.12 Where there are arrears on an account the customer will be asked to clear these in full prior to the new tenancy being granted. Where this is not possible but a decision is made as an exception to award a new tenancy, the arrears will remain due and be recovered in line with our Former Tenant Arrears process as well as being a condition of the new tenancy.

4.13 If the tenancy is to be ended, the customer will be notified of our decision in writing by serving a Minded Notice at least 6 months before the end of the fixed term tenancy. A Section 21 Notice, clearly stating the date the customer is required to leave the property, will be served 3 months before the end of the fixed term tenancy.

4.14 Where Orbit has commenced legal action to end the tenancy this action will continue and the tenancy will be ended by whichever means ends the tenancy first. Orbit will make customers aware of this where relevant in any communication to end the tenancy.

4.15 Upon expiry of the Section 21 Notice the customer will be required to give up possession of the property on the advised date. After this date Orbit will apply to court for a possession order.

4.16 Where a decision is made not to offer a new tenancy then Orbit will offer reasonable advice and assistance to identify suitable alternative accommodation.

5.0 ENDING THE TENANCY DURING THE FIXED TERM

5.1 The tenancy can only be ended during the fixed term period in line with ending of tenancy procedures;

- Surrender of Tenancy by the customer(s) and in agreement with Orbit
- Court Order as a result of possession proceedings taken in accordance with the relevant policy
- 28 days notice of intent to vacate the property, in writing from the customer(s)

6.0 APPEALS

6.1 All customers have the right to appeal any decision not to offer a further fixed term tenancy. An appeal must be lodged within 14 calendar days of the date of issue of the Minded Notice.

6.2 Appeals will be considered by a panel comprising two Managers: who have not been associated with the fixed term tenancy review or decision.

6.3 Customers will be advised of the outcome of the appeal in writing within 10 working days of the hearing.

6.4 If the customer's appeal is successful a new 5 year fixed term tenancy will be offered.

6.5 If the customer's representations are not upheld 4.13 – 4.16 above will apply.

6.6 There is no further right of appeal.

6.7 A customer also has the right to complain or appeal against the length of the fixed term tenancy and type of tenancy offered at the outset under this appeals process and in line with 2.2.1(f) of the Tenancy Standard. The same principles and timescales above will apply.

7.0 HOUSING OPTIONS

7.1 Where a customer has expressed a desire to move due to a change in circumstances, Orbit will provide advice on the housing options available to them. This will include alternative housing tenures available through Orbit and other providers (e.g. home ownership, sheltered accommodation and private

retirement homes) as well as mutual exchange schemes and the private rent market.

7.2 These housing options will be made available on Orbit's website and can be reviewed at any time throughout the lifetime of the fixed term tenancy and will also be made clear to new customers on the commencement of any new fixed term tenancy.

7.3 Orbit will work in partnership with Local Authorities to maximise the options available for those who wish or need to move.

8.0 SUCCESSION

8.1 The Localism Act 2011 changes the automatic right of succession for new tenancies, including fixed term tenancies. Tenancies issued from April 2012 will only include a statutory right of one succession to a spouse or partner. There will be no statutory right of succession for other family members.

8.2 Any request for a succession to a person other than a spouse or partner will be processed as a discretionary succession.

8.3 For tenancies granted prior to April 2012 succession rules are unchanged.

9.0 STAFF TRAINING

9.1 All staff involved in the lettings and review processes are appropriately trained and have access to all related policies and procedures.

10.0 EQUALITY AND DIVERSITY

Orbit policies are developed in line with our **Equality and Diversity policy** approach.

11.0 COMPLAINTS

Anyone is able to make a complaint about the service they have received and this is managed under our Complaints Policy.

12.0 PRIVACY STATEMENT

Orbit are collecting information ('personal data') so that we can manage and support our relationship with our customers, comply with legal obligations, improve our services and achieve our legitimate business aims. We are committed to complying with data protection legislation when handling customers' data. Customers have rights around their data, including the right to access their data, and to object to the way it is processed. For more information on how and why we process customers' data, and how customers can exercise their rights, please see our full Privacy Policy on our website at www.orbit.org.uk/privacy-policy/.

13.0 MONITORING & ACCOUNTABILITY

Members of Orbit will monitor the effectiveness of this policy and recommend

policy changes to improve service delivery.

14.0 REVIEW

We aim to carry out a fundamental review of this policy every three years or sooner if there are legal or regulatory changes.

1 Document Control

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REVISION CHRONOLOGY		
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V.1	March 2016	Initial draft of new document.