Fixed Term Tenancy Policy

Version Number	3.2
Date Applies From	29/01/2024
Policy Owner	Executive Director of Customer
Next Review Date	29/01/2027
Strategy Link	Customer Focused and Equitable Services Safe, Well Maintained, Sustainable and Affordable Homes

Key connected legislation/regulation:

- Housing Act 1996
- Immigration Act 2014
- Localism Act 2011
- Tenancy Standard

Annual Checks

Policy owners should ensure that an annual check of hyperlinks, roles, and names is undertaken. These checks are in addition to formal review process. Please see Policy and Procedure framework guidance for further details.

If you need this information in an alternative language please call

0161 605 7260

For other formats please call

0300 123 5522

Introduction

This policy sets out the aims and principles through which ForHousing will offer and grant fixed term tenancies. ForHousing provides a range of quality, affordable accommodation for people in housing need for a wide range of reasons.

The overarching aim of this policy is to achieve a practical balance between the high levels of housing need, the under supply of social housing, the changing demographic of tenants and the offer of appropriate tenure. This being through the provision of fixed term tenancies for the purposes of:

- Granting tenancies to properties which are leased from private owners
- Granting tenancies to applicants who require homelessness support

This policy does not relate to leasehold, shared ownership properties or market rent tenancies.

Scope of Policy

In accordance with the Tenancy Standard as set out in the Regulatory Framework issued by the Regulator of Social Housing , we will offer fixed term tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of our housing stock. We will meet all applicable statutory and legal requirements in relation to the form and use of fixed term tenancy agreements.

If there is any variance between this policy and individual tenancy agreements or addendums, the tenancy agreement or addendum will take precedence.

We aim to be compatible with our Local Authority Partners objectives through the monitoring of their tenure strategies and policies.

Exclusions and Suspensions

Some applicants will not be eligible for a fixed term tenancy, this includes:

- Households excluded by law from holding a tenancy
- Households that do not meet the 'Right to Rent' requirements under s.22 of the immigration Act 2014;
- Applicants who, either as a tenant of ForHousing or another landlord have acted in a manner which would have seriously breached the terms of our tenancy, for example anti social or criminal behaviour or who have rent arrears. NB: The exception of this being, if an applicant has been offered accommodation through ForHousing's homelessness support outlined below.

Properties leased from private owners

For properties that are leased from private owners (under the Lease and Repair/Let Us scheme) an assured shorthold tenancy will be the only tenure type available for the duration of a tenant's occupancy. Such tenancies will be granted initially for six months and will thereafter will become weekly periodic tenancies. As the property is leased from a property owner for a

five year period an assured tenancy cannot be offered.

Homelessness support

ForHousing will offer fixed term tenancies to applicants who are allocated properties which form part of a specific homelessness support programme in order to provide rehabilitation throughout the duration of the tenancy. The focus of such tenancies being resettlement, where support is provided to move the tenant into more permanent suitable accommodation once rehabilitation has taken place and the needs have been met.

Fixed terms tenancies for this purpose will be accompanied with the appropriate support services either from ForHousing or from a trusted partner agency to ensure successful completion of the fixed term tenancy and a supported, sustainable move on.

These tenancies will be where either the property has been purchased or developed through the securing of central government funding in partnership with the respective Local Authority (such as Rough Sleeper Accommodation Programme – 3 year fixed term tenancy programme) or whereby a new development has been built by ForHousing for the specific purpose of preventing and supporting a reduction in homelessness, by provided entry level tenancies for a period of 2 years, and as such a Local Lettings Policy is in place.

The rights of fixed term tenants for this provision will be set out in tenancy agreements.

Fixed terms tenancies issued for the purpose of homelessness support will not automatically be issued a Section 21 notice to terminate the tenancy at the end of their tenancy term, this being due to the purpose of the tenancy being to rehabilitate and support effective move on to permanent long term accommodation once the individual tenants support needs have been met.

The Homeless Prevention and Partnerships Lead will make the decision as to whether a fixed term tenancy for this purpose should be extended beyond the fixed term or a new fixed term tenancy granted taking into consideration all relevant matters including (but not limited to) whether the tenant is accepting of support being offered and if they require further support in order to successfully sustain a tenancy.

Ending a fixed term tenancy

A Section 21 notice will be issued in writing to formally end a fixed term tenancy to take effect on or after the fixed term ends.

If possession of the property is required before the expiry of the fixed term due to non-payment of rent, anti-social behaviour or other breach of tenancy a Notice Seeking Possession pursuant to Section 8 Housing Act 1988 will be issued against the tenant.

Where a decision is made to end a tenancy, ForHousing will ensure that housing options advice is offered to the household in order to assist the tenant in sourcing alternative accommodation.

Tenants will have the right to appeal a decision not to grant a renewal of the fixed term tenancy and must do so in writing to a Regional Neighbourhood Manager within 14 days of the decision. The Regional Neighbourhood Manager will investigate, review the decision and

advise the tenant of the outcome, in writing within 10 working days of receiving the appeal.

Equity, Diversity, and Inclusion

We value diversity and work to create an inclusive environment for our customers and colleagues, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with ForHousing's Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

Implementation and Communication

This Policy refers to partner Local Authority Strategies. If any conflict becomes apparent between the Policy and the Local Authority Strategies, this Policy will be reviewed ahead of the formal review date.

This Policy will be communicated to colleagues via the intranet. It will be published on the internet site for tenants and stakeholders.

If colleagues become aware that there are problems with effective operation of the policy or the associated procedures, they should report this to the responsible officer for the Policy. This feedback will be incorporated into the policy / procedural review process.

Monitoring, Recording, Reporting

If colleagues become aware that there are problems with effective operation of the Policy or the associated procedures, they should report this to the Policy Owner.

This feedback will be incorporated into the policy / procedural review process.

Related Documents

- Allocations Policy
- Allocations Procedure
- Anti-Social Behaviour Policy
- Anti-Social Behaviour Procedure
- Tenure Policy
- ForFutures (Salford) Local Lettings Policy

Co-production

The Policy was reviewed in consultation with colleagues and tenants of ForHousing.

Approval & Review History

With effect from 23/10/2024 the approval route for the Fixed Term Tenancy Policy is:

SLT - EMT (Noting)

Date	Version	Approved by	Detail
28/01/2022	1		New Policy
22/04/2022	2		Inclusion that notice will be provided in writing
29/01/2024	3	Executive Management Team representative(s)	Full review completed. Policy content transferred to new template. Change of job titles. DPIA approved.
26/07/2024	3.1		Equity and reasonable adjustment statement added.
24/04/2025	3.2	Director of Neighbourhoods	Copied text from old template to new template