

HALTON HOUSING TRUST
STARTER TENANCY APPEALS POLICY

Date due for Review :

Introduction

All new tenants who are not already assured or secure tenants of other social landlords will be given starter – assured shorthold – tenancies when rehoused by Halton Housing Trust ('the Trust'). This type of tenancy will become an assured tenancy after 12 months provided there have been no major problems during this probationary period. However, if during the course of the starter tenancy the Trust decides there is a case for terminating the tenancy, e.g. because of serious anti-social behaviour or rent arrears, a Notice Requiring Possession (NRP) will be served. The NRP is the first step the Trust has to take if it wishes to terminate the starter tenancy and will run for 2 months. When such a notice is served the tenant will be informed that they have a right to appeal against this decision.

This policy has been developed to ensure that the Trust will deal with starter tenancy appeals equitably and fairly, and takes full account of Housing Corporation guidance for dealing with such appeals.

*(**N.B.** Under the terms of the Trust's tenancy agreement for starter tenants, it is also possible to commence proceedings to end a starter tenancy by serving a different type of notice to the NRP mentioned above. This other type of notice would be served on one of the grounds set out in Schedule 2 of the Housing Act 1988. It is important to note that **there is no ability for a starter tenant to appeal against the service of a Schedule 2 Notice.** The starter tenant's interests are safeguarded in this circumstance because they would be able to defend the action if their case was ever brought to court.)*

Policy Statement

The Trust will ensure that when a NRP is served, the starter tenant will also be provided with the following additional information:

- a letter explaining the reasons why the Trust has decided to serve the NRP;
- an application form on which they can submit their appeal, which will inform them that they have 14 days from the date the Notice was served in which to notify the Trust that they wish to appeal;

Date Adopted :

- a leaflet explaining how the appeals system works and where they can get independent help or advice.

Once a request for an appeal has been received, the Trust will ensure that the hearing is arranged and a decision made before the expiry date of the Notice

Acknowledgement and Notification

The request for an appeal will be acknowledged by the Trust within 2 working days of receipt. The acknowledgement letter will inform the appellant:

- that the appeal can be heard either as a paper hearing or an oral hearing;
- who will hear the appeal;
- that they have the right to appear in person or to be represented at or bring someone with them to the hearing if they so wish;
- that they will be given at least five days notice of the date, time and venue of hearing;
- that they will be provided in advance with copies of any written evidence to be used at the hearing by the officer presenting the case on behalf of the Trust.

Once the appeal hearing has been set up, the appellant will be informed of the arrangements and will receive all the appropriate paperwork referred to above. The notification letter will also contain details of how the appeal will be conducted.

The Appeal Hearing

The hearing will take place before the same Review Panel which considers second stage appeals under the Trust's Complaints Policy, i.e. by 3 members of the Trust's Senior Management Team, none of whom will have had any previous involvement with the case.

The hearing will not be conducted as a 'court' style hearing, but will simply consider the facts relevant to the case.

The main factors that the Appeals Panel will take into consideration are that:

- the NRP was served correctly;
- it was appropriate in terms of the evidence provided;
- the decision to terminate the tenancy will stand up to scrutiny.

If they attend the hearing, the appellant will normally be informed of the decision of the Review Panel on the day, but in any event this will be confirmed to them in writing within 10 days of the hearing. The decision letter will contain the reasons for the Panel's decision.

Vulnerable and Ethnic Minority Starter Tenants

The Trust will take extra care where a decision has been made to serve a NRP on a vulnerable or ethnic minority starter tenant.

In both eventualities, the starter tenants will be informed about their right of appeal in a format that can be readily understood.

In the case of a vulnerable starter tenant, additional measures to be considered may include:

- encouraging them to seek representation at an appeal and provide details of an independent advice agency that could represent them;
- informing other interested parties of the situation, e.g. their care worker, social worker, relatives or carer.

In the case of an ethnic minority starter tenancy, additional measures may include:

- the use of an interpreter or a representative from that particular ethnic minority community to explain what is happening;
- providing details of ethnic minority support or advice groups that could assist the starter tenant with their appeal.

Implementation

Full details of how the Appeals process is implemented are contained in a separate procedure document.

Responsibility

The Deputy Chief Executive will be responsible for the effective implementation of this policy, and to ensure that appropriate staff are aware of and have received training in dealing with such appeals.

Monitoring

The Trust will set up appropriate recording systems in order to monitor the effectiveness of this policy. The following outcomes will be recorded:

- the number of notices served on starter tenancies and the reason for service, i.e. whether for anti-social behaviour or rent arrears;
- the number of requests for review made;
- the number of Court orders obtained or refused;
- the number of evictions carried out;
- the number of tenancies relinquished following receipt of the notice;
- the number of tenancies abandoned.

Quarterly summary reports will be made to Senior Management Team and the Operations Committee.

Consultation & Review

This Appeals process will be reviewed at least every 3 years and sooner in the light of any

legislative changes.

The views of tenants in general, Trust staff and other appropriate organisations on the impact of starter tenancies will be sought as part of any review.

Any review of this policy will ensure that it takes account of legislative changes and the development of best practice initiatives internally or externally so that improvements in performance can continue to be made.

Associated Documents

Complaints Policy
Anti-Social Behaviour Policy
Starter Tenancy Appeals Procedure