



## Tenancy Services

# Fixed Term Tenancy Review Policy

<b>Regulation and Legislation</b>	This policy links to the Regulator of Social Housing Tenancy Standard, The Localism Act 2011, The UK General Data Protection Regulation (UK GDPR), The Data Protection Act 2018 (DPA 2018)
<b>Approved by</b>	Director of Customer Operations – May 2022
<b>Supporting documents</b>	Letting of Homes Policy, Data Protection Policy, Tenancy Policy, Reviewing Tenancies Procedure
<b>Scope</b>	This policy applies to all Orbit customers who have been issued with a fixed term tenancy and defines the circumstances and approach to reviewing these tenancies prior to the end of their fixed term.
Reference to “Orbit” means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited, and Orbit Capital Limited.	

## 1. Introduction

- 1.1 A fixed term tenancy is a tenancy offered for a certain period of time (minimum 2 years) after which it will be reviewed. At the end of the period, the tenancy may either be converted to a lifetime tenancy or a new fixed term tenancy or the tenancy will be ended.
- 1.2 Customers on fixed term tenancies will, at renewal and subject to satisfactory tenancy management, usually be converted to a lifetime tenancy. The exception to this, is where we may offer a further fixed term tenancy at renewal to those customers living in properties that have been identified for redevelopment / disposal.

## 2. Policy Statement

- 2.1 When a fixed term tenancy is offered Orbit will explain that the tenancy is for a fixed period only and will be reviewed pending the end of the fixed term.
- 2.2 The review process will commence 12 months before the end of the fixed term. However, where we wish to consider converting a tenancy from a fixed term to a lifetime tenancy, the review process may happen sooner.
- 2.3 The review process will take into account the following:
  - The number of household members and any overcrowding or under- occupation
  - Housing need and suitability of the property

- Tenancy history at the property

- 2.4 For those customers who are at the end of their fixed term tenancy: if the tenancy has not been ended by either Orbit or the customer or action is not being taken to end the tenancy, the tenancy will be converted to an assured non-shorthold “lifetime” tenancy, unless it falls under one of the exceptions identified in 2.9. However, the intention will always be to renew, convert or end the tenancy in discussion with our customers and in line with this policy.
- 2.5 Orbit customers with an affordable five-year fixed term tenancy may also be asked to vary their agreement to simplify their charges under their converted tenancy.
- 2.6 Orbit will inform customers of other housing options available to them.
- 2.7 Orbit will expect customers to actively engage in the review process and provide information and documentation as requested.
- 2.8 Customers will be updated as appropriate during the review process.
- 2.9 Orbit will expect to convert the fixed term tenancy to a lifetime tenancy unless one or more of the following apply:

Exception	Offer / Action
A local lettings policy is agreed or required to comply to funding or planning conditions e.g. London/rent to buy, local redevelopment plans etc	Fixed Term Tenancy
Where a significant reason exists not to use a fixed term tenancy, such as a major re-development programme.	Fixed Term Tenancy
The property is being under or over-occupied and likely to put tenancy sustainability at risk	Minded Notice Section 21 Notice - See 2.16
Works are required on the property in the next 5 years which would require its redevelopment or demolition	Fixed Term Tenancy
The property would be sold if it became void	Minded Notice Section 21 Notice See 2.16
The customer and / or their advocate does not engage in the fixed term tenancy review process	Minded Notice Section 21 Notice See 2.16
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, property condition or rent arrears	Minded Notice Section 21 Notice See 2.16

- 2.10 Orbit will assess each customer's situation on an individual basis, considering the following when making the decision whether 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.
- 2.11 Orbit will notify the customer of the outcome of the review at least 3 months before the end of the fixed term tenancy.
- 2.12 Where a tenancy is converted to a lifetime tenancy, no new tenancy agreement is required.
- 2.13 If a new tenancy is offered, it will be a fixed term tenancy which must be signed prior to the end of the existing fixed term tenancy and issued in line with our Letting of Homes Policy. All new rents will be assessed in line with our Rent Policy.
- 2.14 If a new tenancy is offered, 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.
- 2.15 If the tenancy is to be ended, the customer will be notified of our decision in writing by serving a Section 21 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 no later than two months before the end of the fixed term tenancy.
- 2.16 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.
- 2.17 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.
- 2.18 Where a decision is made not to offer a new tenancy or convert to a lifetime tenancy then Orbit will offer reasonable advice and assistance to identify suitable alternative accommodation.
- 2.19 We will work with Local Authorities to assist them fulfilling their duty to prevent homelessness in line with our 'commitment to refer' obligations.

## **Ending the Tenancy during the Fixed Term**

- 2.20 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 because 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)

## **Appeals**

- 2.21 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 Mindful Notice.
- 2.22 Appeals will be considered by a panel comprising two Managers: who have not been associated with the fixed term tenancy review or decision.
- 2.23 Customers will be advised of the outcome of the appeal in writing within 10 working days of the hearing.
- 2.24 If the customer's appeal is successful Orbit will assess and make the decision whether a new fixed term or a lifetime tenancy will be offered.
- 2.25 If the customer's representations are not upheld 2.15 – 2.19 above will apply.
- 2.26 There is no further right of appeal.
- 2.27 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.

## **Housing Options**

- 2.28 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 as well as mutual exchange schemes and the private rent market.
- 2.29 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.
- 2.30 Orbit will work in partnership with Local Authorities to maximise the options available for those who wish or need to move.

### 3. Roles and Responsibilities

#### 3.1

Role	Responsibility
<b>FT Tenancy Officer</b>	Compliance with this policy and associated procedures Review Management
<b>Snr FT Tenancy Officer</b>	Compliance with this policy and associated procedures Performance Monitoring and reporting Approval of Minded Notices
<b>Tenancy Management Triage Manager</b>	Monitoring of this policy and associated procedures

### 4. Performance Controls and Business Risk

- 4.1 Compliance with this policy will be monitored by Snr FT Officer
- 4.2 Performance in the delivery of the service will be assessed by Tenancy Management Triage Manager
- 4.3 Performance will be shared through monthly reports and measured against Key Performance Indicators and the Customer Promise
- 4.4 Orbit will carry out a fundamental review of this policy every three years or sooner subject to legal, regulatory changes or if internal changes require it.

### 5. Essential information

- 5.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Details of these are found on the declaration document for strategy policy and procedure summary and have been an integral part of the formulation of this document. Orbit's privacy policy can be accessed on our website [www.orbitcustomerhub.org.uk/publications/policies/](http://www.orbitcustomerhub.org.uk/publications/policies/)

<b>EA</b>	Equality Analysis was completed on xxxx and is available to view.
<b>DPIA</b>	A DPIA will be completed against the supporting Reviewing Tenancies Procedure
<b>Consultation</b>	<b>Internal:</b> Income, Tenancy Management
	<b>External:</b>

## Document control

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Date

Approved by	Director of Customer Operations	May 2022
Last review		
Next Review (or sooner if changed)		Quarter 3 2023

## Revision History

Version Number	Date	Comments / Reason for revision
v1.0	Sept 2016	Creation of Fixed Term Tenancy Policy
v1.1	Jul 2018	Minor amend
v1.2	Apr 2019	Minor amend
v2.0	Oct 2019	Full three-year review. No change to policy.
v3.0	April 2022	Policy changed from Fixed Term Tenancy Policy to Fixed Term Tenancy Review Policy following the business decision to no longer issue fixed term tenancies as the default option for new customers from 11 April 22 Reviewed to incorporate implementation of Assured Tenancies after review and conversion of existing tenancies – 1.2 applies. 2.12 – added 2.19 – added