



Kent & Medway Tenancy Strategy Framework



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1. Purpose of this framework

The Localism Act 2011 has presented local authorities and Registered Providers¹ with a number of new choices to enable them to effectively manage affordable housing to meet housing need. This document is concerned with two of these choices; to offer fixed term tenancies and to enter into the Affordable Rent market.

Although decisions are ultimately for local authorities and Registered Providers to take, the Kent Housing Group thinks there is value to be gained from providing a Kent framework:

- Decisions are more likely to consider and contribute to the ambitions for housing described in Kent's Housing Strategy, particularly our ambition that all citizens in Kent and Medway should be able to access the home of their choice, and for this home to be affordable
- Bringing together members of the Group and other partners to understand and plan for inter-related and complex changes in policy is an effective use of resources

As with the Kent housing strategy this framework is not suggesting there is a 'one size fits all' approach. It provides a base from which tenancy strategies² and tenancy policies³ can be developed, alongside local ambitions and intelligence about the local housing market, need and demand.

In this framework we:

1. Present the factors that we think are important to consider in making decisions about tenancy length and the Affordable Rent product
2. State a preferred minimum length of fixed term tenancies, having considered pros and cons from a range of perspectives and for different households
3. Describe what we think needs to be in place in order for the impact of local decisions to be managed to contribute to our shared ambitions

We have provided more information about why we have provided this framework as an appendix (*please note this is not included in the draft framework*).

1.1 *The process of development and review*

¹ Registered providers includes all social landlords, including council's and ALMOs

² Local authorities are required to publish a tenancy strategy by 15 January 2013. This will describe the matters to which registered providers are to 'have regard to' in developing their policies

³ The HCA's Regulatory Framework for Social Housing in England from April 2012 requires Registered providers to publish clear and accessible policies which outline their approach to tenancy management



This framework was developed with input from Kent Housing Group members and other Kent partners. We expect that the development of local tenancy strategies and tenancy policies will involve registered providers, other partners with an interest in social and Affordable Rent housing, residents and tenants.

The Kent Housing Group is monitoring a number of indicators to understand changes in the housing market, need and demand, and the impact of decisions taken by the Group on this. This process will enable us to understand what the effect of the Affordable Rent model and fixed term tenancies is, and whether we need to review this framework.

2. The role of social and affordable housing in Kent

The Kent Housing Strategy makes it clear that social and Affordable Rent housing has an important role to play in:

- Enabling choice for citizens of Kent and Medway, including rural communities
- Regenerating disadvantaged neighbourhoods
- Supporting vulnerable people in housing need to fulfil their potential and live a high quality life through the provision of excellent housing and support services.

Changes to the way in which affordable homes are financed present a challenge to Kent and Medway's ambitions:

- Affordable Rents set at 80% of market rents may not be affordable to the majority of those in housing need unless households are expected to spend significantly more than a third of their income on rental costs
- In some areas Affordable Rent properties at 80% of market rents would not be affordable even if the household was entitled to the full amount of Local Housing Allowance (housing benefit). This is particularly true of larger properties and therefore a challenge for meeting the needs of families.
- In practice, to be affordable to those in housing need, affordable Rents will need to be set substantially lower than 80% of market rents, especially on 3 and 4 bed properties.

Affordable Rent may therefore not address the needs of those at the top of the waiting list unless rents are reduced sufficiently to reflect their incomes; or unless something can be done to move those who can afford other tenures out of social rented accommodation and release homes for those in greater need.



To manage the risks associated with the Affordable Rent model the Kent Forum, through Ambition Board 2 will monitor the use of affordable rent across Kent and Medway and the extent to which it responds to local housing need.

3. Kent Housing Group considerations and preferences

The Kent Housing Group, with other partners, has given careful consideration to the pros and cons of fixed term tenancies and the new Affordable Rent product, for different households and from different perspectives. We have sought to balance interests and have thought about how different needs will be met by different housing types, for example general needs family and non-family housing, accessible⁴ and adapted, and long term specialist housing eg, sheltered housing and extra care.

A note on equality and comprehensive impact assessments

It is important that local authorities, as public bodies, pay real attention to the provisions of the Equality Act 2010, and are able to demonstrate that the process of developing the tenancy strategy has paid due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

The HCA's 'Regulatory framework for social housing in England from April 2012' also reminds providers that it is essential to understand tenants' needs, including those within the equality strands⁵.

Whilst the process of developing the Kent Housing Group's framework has considered equality to some extent, this is insufficient to inform local authority tenancy strategies and registered provider and social landlord tenancy policies. Equality impact assessments should be undertaken with consideration to local characteristics, including of those in housing need (prospective tenants).

3.1 Overall preferences and considerations

It will be important to consider the impact of the Affordable Rent and fixed term tenancies on communities if introduced 'en-masse' in an area.

In relation to Affordable Rent the Kent Housing Group would like:

⁴ General needs accessible ie, ground floor, lift accessed, non-older person bungalows

⁵ The Equality Act 2010 gives public bodies responsibilities in relation to: race, age, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation, disability and marriage and civil partnership; in policy making, delivery of services and public sector employment.



- To encourage the development and retention of social rent where this is feasible in the context of available resources (the proportion of social rent desired in a local area is a matter for local authorities to determine)
- Affordable Rent and social rent to meet local housing need (this should be identified in partnership with the local authority, on the basis of an assessment of needs)
- Consideration to be given to specific local matters such as rural communities and regeneration priorities in making decisions about the use of the Affordable Rent (the local authority will advise on these matters)
- Revenue from the conversion of social rent homes to the Affordable Rent to be contribute to additional affordable housing within Kent and Medway
- Affordable Rent homes to be advertised through HomeChoice in the same way as social rent, to ensure fairness and transparency

In relation to fixed term and flexible tenancies the Kent Housing Group:

- Prefers a five year fixed term tenancy as the minimum for most households. Where fixed term tenancies are used the primary objective should be to enable the best use of available housing.
- Prefers lifetime tenancies or longer fixed term tenancies where a household's circumstances are unlikely to change over time eg, people with long term health conditions, or older people for whom the move to a new home may be their last move.
- Would like fixed term tenancies to be re-issued at the end of the term unless there is a change of circumstance as defined in the Registered Provider's tenancy policy. For most household groups changes in circumstances are likely to include:
 - Financial
 - Household composition
 - Housing need related to health and wellbeing

We suggest more specific circumstances for household groups next.

3.2 Households with a disabled household member (adult or child)

We consider the following to be important in managing fixed term tenancies and the affordable rent product:



- A person centred approach
- Registered providers should engage other agencies involved in meeting the household's needs eg, social care, at the review stage and in subsequent action, for example should the household need support to move
- Decisions not to reissue should be based on clear criteria which may also include changes in housing need related to disability

The Group would prefer:

- Lifetime tenancies for households moving into Extra Care or designated older persons accommodation
- Minimum five year (preferred ten year) fixed term tenancies for adapted homes and general needs accommodation
- Shorter fixed term tenancies for “move on” or respite care – to be determined locally
- Affordable rent levels at or below the Local Housing Allowance level

3.3 Families with children of school age or younger

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- Decisions not to reissue should be based on clear criteria which may also include changes in the age of children, their educational requirements and attainment
- The impact of decisions on local services such as schools, other amenities and communities

The Group would prefer:

- A minimum fixed term tenancy of five years
- The use of the affordable rents on family housing (new build and social rent conversions) to take local conditions into consideration

3.4 Lower income households not in receipt of housing benefit

We consider the following to be important in managing fixed term tenancies and the affordable rent product:



- Support to households should the tenant become unemployed
- Clear information about any additional costs with affordable rent homes eg, administration fees, deposits etc,

The Group would prefer:

- A minimum fixed term tenancy of five years

3.5 Single and childless couples under 55

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- Decisions not to reissue should be based on clear criteria which may also include changes in housing need related to vulnerability
- The provider should engage other agencies involved in meeting the household's needs where appropriate eg, social care, at the review stage and in subsequent action, for example should the household need support to move

The Group would prefer:

- A minimum fixed term tenancy of five years
- Lifetime tenancies for households who may have an enduring vulnerability eg, mental health, long term health conditions etc,
- The use of the affordable rents (newbuild and social rent conversions) to recognise that different needs exist within this household group and to take local conditions into consideration

3.6 Older people

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- A person centred approach
- The provider should engage other agencies involved in meeting the household's needs eg, social care, at the review stage and in subsequent action, for example should the household need support to move



The Group would prefer:

- Lifetime tenancies for households for whom it is likely the move will be their last one
- For fixed term tenancies, if they are to be used, to make the best use of designated or adapted accommodation, bearing in mind the individual circumstances of the tenant and their household

4. Managing change

We have considered what needs to be in place at a local level so that changes to affordable housing contribute towards local ambitions. The Kent Housing Group will work together to make sure these things – described below - are in place, as far as possible, but it may be that local authorities, registered providers and other social landlords feel that they need to take further action to achieve local ambitions.

Prospective customer and existing tenants understand:

- The importance of social rent and affordable rent housing to achieving wider objectives for the area, eg, economic growth or a reduction in health inequalities
- The basis for decisions to offer fixed term tenancies and the affordable rent product
- The benefits of new products for customers and communities
- What changes in the social and affordable rent, and welfare system, may mean for households and the housing options available to them

Good quality housing options services which:

- Are based on a robust understanding of new products and services and how they differ from other options
- Are able to advise on the best options when taking into consideration household income (a consistent assessment process was suggested)
- Can refer to opportunities to improve household income eg, training and employment
- Incorporate the private rented sector as an option

Registered providers and other social landlords:

- Clearly advertise affordable rent homes and the circumstances where a fixed term tenancy may be used



- Provide clear, easy-to-understand, information about the tenancy on offer; its length; the process of starting and ending a tenancy
- In the process of review, consider how the tenant's quality of life can be improved, and the role of agencies that can enable this eg, employment, health, care and support
- Take a consistent, fair and transparent approach to decisions at the point of tenancy review
- Provide independent and good quality information, advice and advocacy, particularly if a decision is taken not to re-issue a tenancy following review
- Communicate decisions not to re-issue a tenancy to other agencies, including the local authority, to ensure that homelessness and other negative outcomes are prevented

Local authorities in their strategic role enable:

- A coherent approach amongst providers (including their own landlords) and other agencies, particularly to enable customers to understand what is on offer
- Decisions on fixed term tenancies and the use of affordable rent to be connected to other local authority roles and responsibilities eg, the approach taken to Disabled Facilities Grants
- The tenancy strategy and tenancy policies, as only one part of a system, to be connected to other mechanisms that enable and manage access to social rent and affordable rent homes, eg, allocation policies, and to manage tenancies eg, lettings policies

Other stakeholders, with an interest in access to, and the supply of, affordable housing, understand

- What is on offer and why
- What the potential impact is of fixed term tenancies and the affordable rent product on their customers
- The role they will play in ensuring that negative impacts and unintended consequences are managed so that the customer's quality of life is not affected



ACKNOWLEDGEMENTS

This Framework has been developed through a workshop and briefing session set up by the Kent Housing Group. The leads for this work were Tracey Kerly, Head of Customer, Homes and Property at Ashford Borough Council and Chris Knowles, Housing Strategy & Enabling Manager at Tonbridge and Malling Borough Council.

The following organisations were represented at the workshop and briefing session:

Amicus Horizon Limited
Ashford Borough Council
Canterbury City Council
Dartford Borough Council
Dover District Council
Golding Homes
Gravesham Borough Council
Maidstone Borough Council
Medway Council
Mhs homes
Moat Housing Group
Orbit South
Riverside South East
Russet Homes
Sanctuary Housing
Shepway District Council
Southern Housing Group
Swale Borough Council
Thanet District Council
Tonbridge and Malling Borough Council
Town & Country Housing Group
Tunbridge Wells Borough Council
West Kent Housing Association

Joint Policy and Planning Board (Housing) Kent

Kent County Council, including Supporting People, Mental Health, Health and Regeneration

Kent Probation Services

Local Authority Members/Portfolio Holders & Housing Association Board Members