Tenancy Management, Decant & Mutual Exchange Policies (Housing Management Policies)

Corporate Priority:	1. Excellent services positively impacting on our communities 2. Providing high quality council homes and landlord services
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	None
Exempt Information:	No
Key Decision:	Yes c) Has significant impact on two or more wards in the Borough and on communities living or working in those areas
Subject to call-in:	Yes

1 Summary

1.1 Having robust housing management policies is important in supporting the council to deliver high quality council homes and landlord services and to demonstrate compliance with statutory and regulatory requirements.

1.2 Having clear and robust policies, procedures and operating arrangements also help to provide clarity to staff and to tenants and will provide assurance that the associated housing management processes and procedures are transparent, robust, effective and can assist in the management of expectations and resolution of complaints.

1.3 This report presents three housing management policies for approval. Further policies are either in development or under review and will be considered by Cabinet over the coming months.

1.4   All approved Housing Management policies will be published to the Council's website.

2   Recommendation(s)

That Cabinet:

2.1   **Approve the following Housing Management Policies:**

2.1.1   Tenancy Management Policy

2.1.2   Mutual Exchange Policy

2.1.3   Decant Policy

3   Reason for Recommendations

3.1   The Council is committed to delivering excellent homes and landlord services and is resolute in its commitment to being an effective and responsible landlord.

3.2   Having clear and robust policies, procedures and operating arrangements will support the council to deliver high quality council homes and landlord services and to demonstrate compliance with statutory and regulatory requirements. It will also provide clarity to staff and to tenants and will provide assurance that the associated housing management processes and procedures are transparent, robust, effective and can assist in the management of expectations and resolution of complaints.

4   Background

4.1   Having robust housing management policies is important in supporting the council to deliver high quality council homes and landlord services and to demonstrate compliance with statutory and regulatory requirements.

4.2   The Council does not yet have a full suite of up-to-date housing management policies and associated operating procedures in place and has commenced a programme of review to ensure this is addressed as a priority.

4.3   This report presents three housing management policies for approval:

a) Tenancy Management Policy (Appendix A)

b) Mutual Exchange Policy (Appendix B)

c) Decant Policy (Appendix C)

4.4   Further policies are either in development or under review and will be considered by Cabinet over the coming months.

5   Main Considerations

5.1   Three Housing Management Policies are presented for approval:

5.2   **Tenancy Management Policy**

5.2.1   This policy applies to all housing stock owned and managed by Melton Borough Council and focuses on the quality management of tenancies in terms of customer rights and ensuring customers are aware of their responsibilities and adhere to them. This policy also outlines to our staff how they should act to ensure a fair and consistent service is provided to our customers.

5.2.2   The policy covers the following areas:

a) Changes in tenancies including succession, assignment, and mutual exchanges

b) Managing and sustaining tenancies

5.2.3   The aim of the Tenancy Management policy is to:

a) Ensure customers are dealt with sensitively and effectively, especially at times of grief and difficult circumstances.

b) To ensure we make the best use of our housing stock.

c) To provide a decision-making process that is consistent, clear, and fair.

d) To ensure that all our process and systems are inclusive

e) To ensure that we met out statutory and regulatory responsibilities.

5.3   Mutual Exchange Policy

5.3.1   Melton Borough Council aims to support residents who need to move and to provide a level of choice about where they live. A mutual exchange is when two or more council or housing association tenants exchange (swap) their homes. Mutual exchanges encourage tenant mobility and supports sustainable communities through making best use of housing stock.

5.3.2   This policy sets out our position in relation to allowing our tenants to exchange homes and applies to tenants who hold a current secure tenancy. Other tenure types do not have the right of exchange.

5.3.3   The policy will ensure mutual exchanges are conducted fairly and efficiently and that tenants and Melton Borough Council staff have clear and accessible information on:

a) the requirements for a mutual exchange of properties,

b) the grounds for refusing an exchange of properties, and

c) the process for requesting a review of a refusal of an exchange of properties via this document.

5.3.4   Through this policy, the council complies with the legislative requirements set out in the Localism Act 2011 (primarily S.158 and Sch. 14) and the Housing Act 1985 (primarily or S.92 and Sch. 3) and relevant provisions in the tenancy agreement.

5.4   Decant Policy

5.4.1   This Policy ensures that when customers are required to move to either enable major works, emergency repairs or the redevelopment of their home, we will act in a manner to minimise any disruption to our customers and their families.

5.4.2   Through the operation of this policy, we will meet our legal, regulatory, and contractual obligations to customers. This includes consultation, compensation, and assistance with all aspects of any decant, whether temporary or permanent.

5.5   As an effective and responsible landlord, it is important that the Council has clear, transparent and robust polices and associated procedures and operating arrangements in place.

5.6   It is also important that the Council can demonstrate statutory and regulatory compliance. Policies form part of this.

5.7   These polices will ensure that we are providing our customers, staff, and stakeholders the correct guidance and support to ensure that they are able to sustain tenancies and can be supported to make the right decisions in line with the legislation, regulatory requirements and best practice.

6   Options Considered

6.1   The Council could choose not to implement a suite of up-to-date housing management policies. This is not recommended as it would not support the Council in operating as an effective and responsible landlord. It would also risk exposing the Council to complaints, unclear tenant expectations and a lack of clarity for staff. Not having effective policies in place would not enable the council to demonstrate regulatory compliance and would not align with the Council's corporate commitment to excellent homes and landlord services.

7   Consultation

7.1   The Council has developed a plan to bring forward a range of housing management policies over the coming months, to ensure a full suite of up-to-date policies is in place. Wherever possible, tenants will be engaged in the development and review of policies.

7.2   Engaging tenants in policy development and review must be balanced with achieving pace and progress in addressing current policy gaps. For the three policies included as part of this report, tenant engagement has not been possible. However, a programme of review for housing management policies will be included within future Your Choice meetings.

7.3   Consultation and engagement with staff has taken place to ensure the policies are understood and be operated effectively.

8   Next Steps – Implementation and Communication

8.1   When the policies have been approved, officers will begin to embed them within the teams that are responsible for delivering them on the ground to our customers. They will also be supported with training around the policies and what these means to them, along with where needed a procedure to supporting documentation to ensure that the loop is completed, and these become part of the fabric of our tenancy services team.

8.2   They will also be available to staff via our internal SharePoint website and available to our customers and stakeholder via the Melton Borough Council's website. A library of housing management policies will be created in the Council's website.

9   Financial Implications

9.1   The financial implications are minimal to the council in implementing all three polices. The main implications will be on officer time in training staff so that they understand the processes they work within and the touch points in the polices they will be responsible for when it comes to implementation and when to refer on to a control measure.

9.2   The financial implications of not having these policies in place is that we could be found at fault in court hearings or ombudsman complaints which could lead to fines, compensations awards and having to pay another party's court costs.

9.3   With regards to the Decant Policy we will need to identify a Decant budget within the HRA to be able to allocate any associated costs.

Financial Implications reviewed by: Director for Corporate Services

10   Legal and Governance Implications

10.1   Having robust housing management policies is important in supporting the council to deliver high quality council homes and landlord services and to demonstrate compliance with statutory and regulatory requirements.

10.2   The main statutory requirements are set out in the Housing Act 1985, the Housing Act 1996, the Housing Act 2004 and the Localism Act 2011.

10.3   The regulatory requirements are set in Consumer Standards of the Regulator for Social Housing and outline further expectations for social housing landlords to address within their tenancy policies especially for the management of mutual exchanges and successions.

10.4   This report does not specifically highlight any equality implications, however in discharging its duties the Council is required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010.

Legal Implications reviewed by: Monitoring Officer

11   Equality and Safeguarding Implications

11.1   An Equality Impact Assessment (EIA) has been completed for the Tenancy Management Policy. It has been approved via the Council's Check and Challenge process.

11.2   An EIA will also be completed for both the Mutual Exchange and Decant Policy prior to implementation to ensure that we have considered the Equality Act 2010 and given due regard to eliminate unlawful discrimination and consideration to the potential impact the actions on each of the protected characteristics.

11.3   Equality impact assessments can be found on the Council's website. See: EIA

12 Community Safety Implications

12.1 Robust tenancy management policies will assist the Council in ensuring our tenants feel safe in their homes and the communities in which they live and in supporting the Council to take appropriate action against any behaviour that compromises safety and wellbeing.

13 Environmental and Climate Change Implications

13.1 There are no environmental or climate change implications arising directly from this report.

14 Other Implications (where significant)

14.1 Human Resource Implications – It will allow current and new staff joining the Tenancy Services to have a positive onboarding experience as they will be able to see our policy and approach to each key service function and provide clarity on approach and process.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failing to implement procedures, processes, letters and other needed guidance for staff and customers to be able to then deliver and underpin the policies	Low	Marginal	Low
2	Failing to keep policies reviewed to be update when legislation or regulations change	Low	Marginal	Low
3	Lack training for staff to empower them to be able to understand and implement the policies and thus not improving the knowledge and experience in the team.	Low	Marginal	Low

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
	Score/ definition	1	2	3	4
Likelihood	6 Very High				
	5 High				
	4 Significant				

3 Low		1,2,3		
2 Very Low				
1 Almost impossible				

Risk No	Mitigation
1	These policies will either have procedures and processes to make them as robust as they can be, and we will create forms and suites of letters for that are clear for staff and customers to understand.
2	The team as a whole will keep abreast of changes to the sector and be encouraged to join working groups/ the Chartered Institute of Housing/ Inside Housing and other areas where information is freely shared, so we are able to be kept informed of changes and challenges in the sector.
3	Following implementation of the policies, training around these areas will be provided to staff to ensure they are aware of the council's process and what support and guidance can be provided. In some areas going forward we will look to get external training providers to come in and do sessions, i.e., tenancy management, anti-social behaviour.

16   Background Papers

16.1   Tenancy Agreement

17   Appendices

17.1   Appendix A: Tenancy Management Policy

17.2   Appendix B: Mutual Exchange Policy

17.3   Appendix C: Decant Policy

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