

Policy title	Termination Policy
Summary	MSV Housing aims to ensure tenancies are terminated in line with the tenancy agreement and legal requirements. MSV aims to provide easy and accessible ways for customers to end their tenancy.
Scope	To provide Lettings Team and other colleagues with clear guidance and requirements in ending tenancies.
Author & Job Role	Adele Pettecrew Allocations and Housing Options Manager
Directorate	Neighbourhoods
Document Status	Final
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Draft	16 August 2024
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Review by	30 September 2027
Impact Assessments	
Date EIA completed	August 2024
Date other IAs completed	
Consultation	Regional Neighbourhood Managers, Independent Living Manager, Lettings Team and Neighbourhood Teams

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1 Introduction/policy purpose

To ensure that Tenancies are ended legally and in line with best practice to enable prompt action on void inspection, arrears and allocation.

To provide tenants with the relevant information in order that they can end their tenancy in line with the requirements of the tenancy agreement.

To bring tenancies to an end as quickly as possible to allow void repairs to be carried out and the property is relet as soon as possible.

2 Scope

All tenants are required to give the required 4 weeks written notice to Mosscares St Vincents Housing in order to end their tenancy legally. There may be exceptional circumstances where a shorter notice period is agreed but this will be agreed by a Manager. This could include people fleeing domestic violence, someone suffering serious violence or threats of violence or other exceptional circumstances.

2.1 Notice to terminate

Once a customer has given written notice to terminate this is legally binding and can not be revoked or extended. If a tenant finds once they have given written notice they are unable to move out we may grant a new tenancy to ensure that tenants still have a contractual agreement to remain in the property. This will be in exceptional circumstances and will be agreed by the Lettings Manager.

During the Notice period the Lettings team will visit the property to inspect the condition of the property and to identify any damage or repairs issues.

Any Damaged to the property may be recharged to the outgoing customer once their tenancy ends.

The property must be cleared of all belongings and rubbish when the tenancy ends. It is the Tenants responsibility to take all meter readings and return keys at the end of the tenancy.

All rent must be paid up to the tenancy termination date and any rent arrears will be pursued under our Former Tenancy Arrears Policy.

2.2 Death of a Tenant

Where a tenant sadly passes away we will allow a two week grace period from the date of death to allow family time to clear the property and hand in the keys. This can be extended if required and will be considered in a sensitive manner as we know this can be an upsetting time for customers families.

Unfortunately a tenancy does not end automatically when someone passes away and Notice will need to be given by either the executor of the will, a court-appointed

Deputy or the next of Kin where this can be established that they are the Next of Kin. In order to verify who the executor of the will is we would need a copy of this. To verify the Next of Kin we would need to check if they are the named NOK this may be on the tenancy file or checking ID or other information from other professionals such as the bereavement team or police. We would also need a copy of the Death Certificate.

If a customer passes away and there is no family member on file or next of kin we would need to serve Notice on the Public Trustee. This is explained in more detail in the Termination Procedure Document.

2.3 Abandonments/Evictions

Where the tenancy is due to end because the tenant has abandoned the property the Neighbourhood Team will follow the Abandonment procedure in the first instance.

The tenancy will end on the Sunday after the NTQ expires and the Neighbourhood Officer will attend the property to establish if a Tort notice is required. The tenancy will be ended on Orchard and Property services informed if property can be cleared or if they must wait until the tort notices expires.

If a tenant is due to be evicted the Neighbourhood Team will inform the Lettings Team of the upcoming date of the eviction and the tenancy will be ended once the Evictions Warrant has been executed and confirmed by Neighbourhood Team that this can be ended and property cleared.

2.4 Transfers

When a tenant is due to transfer from one MSV property to another either through a Management Move or Transfer a shorter notice period of 1 week is acceptable. We will agree Move in dates for the new property and move out dates for the old property. Where these overlap and the tenant requires both tenancies to run whilst they are moving they will be liable for the rent at both properties unless otherwise agreed. Any waiver of the rent for this period only be agreed in exceptional circumstances or where this may cause hardship to the tenant.

2.5 Moving into Residential Care

We understand it can be very upsetting when someone has to end their tenancy due to moving into residential care. We would require four weeks notice in writing to end the tenancy in line with the tenancy agreement. However, if there are exceptional circumstances we will work with the tenant to agree the notice period. We will consider a shorter notice period to prevent the outgoing tenant from going into any rent arrears.

In most cases it will be a family member contacting us about the tenant going into residential care. We must establish if the tenant has mental capacity. We must in all cases deal with the tenant directly unless we have their written permission to liaise with a relative or Social Worker.

If the tenant moving into residential care does not have mental capacity due to dementia or other mental illness then we would need to establish if someone has Power of Attorney. If there is a POA appointed then they can give notice on behalf of the tenant. We would require a copy of this to verify the person who has the POA. If there is no POA then we will require Social Services to provide a copy of the best interest decision which has been made.

If the tenant does not have mental capacity we may have to serve Notice to Quit in order to bring the tenancy to an end Legally.

If the tenant does has mental capacity they will be required to sign the termination notice as any other tenant who wishes to terminate their tenancy.

2.6 On Termination Date

All Tenancies end on a Sunday and we will confirm the termination date with customers on the Friday prior to the termination date.

3 Roles, Responsibility and Policy implementation

3.1 The Lettings Assistant/Team will deal with all initial termination notices and ensuring the correct notice is given by the tenant.

3.2 Neighbourhood Officer's will be responsible for any NTQ's required to be served i.e. abandonments or serving public trustee.

3.3 The Lettings Officers will be responsible for carrying out termination inspection.

3.4 Lettings Assistant/Team will be responsible for all paperwork and letters to be sent and ending the tenancy on the Housing Management system As well as informing Property Services the property is empty so that they can carry out required repairs before reletting.

3.5 The Allocations and Housing Options Manager will be responsible for overseeing that the Policy and procedure are being followed and any decisions to reduce notice periods.

4 Monitoring, Review and Evaluation

4.1 The Following KPI's will be used to monitor and evaluate the effectiveness of this policy.

- Reasons for termination reported to committee quarterly
- Monitor any trends for termination
- Void Loss
- Re-let times
- Voids at month end
- Voids over 6 months
- Tenancy Turnover

- 4.2 This policy will be reviewed every 2 years, or as required due to a change of legislation or regulatory requirement.

5 Related documents

- 5.1 Void Policy & Procedure
- 5.2 Abandonment Policy and procedure
- 5.3 Former Tenant Arrears Policy and Procedure
- 5.4 Allocation Policy and Procedure

6. Version History

6.1 This should keep a track of each iteration of the document and the reason for change. Please follow the guidance above and also refer to the example below:

Version	Date	Description/Summary	Status	Author
1	02/2018	Termination Policy	Approved	Adele Pettecrew
2	08/2024	Termination Policy	Draft	Adele Pettecrew

7 Appendix

7.1 EQUALITY IMPACT ASSESSMENT

7.1. Equality Impact Assessment

Name of Policy	Termination Policy	
Date of Assessment	16 August 2024	
Name & Role of Assessors	Adele Pettecrew – Allocations and Housing Options Manager	
What are the desired outcomes of the policy?	To ensure tenancies are terminated in line with the tenancy agreement and legal requirements. MSV aims to provide easy and accessible ways for customers to end their tenancy.	
Who are the main stakeholders in relation to the function?	Customers, applicants, staff, partner agencies and Board	
Who will be consulted and what types of consultation will be carried out?	Staff, Customers and Board	
Summarise any evidence considered		
Could the function have a differential impact on:	Yes / No	What evidence exists to support your analysis?
Race Consider language and cultural factors	Yes	We work in diverse communities where English is not the first language These groups may find it difficult to access our service due to language barrier. We have interpreter services in place to assist with this.
Gender reassignment Consider people proposing to or have undergone a process of having their sex reassigned.	No	
Disability Consider physical, visual, aural impairment, mental, learning difficulties	Yes	Customers with mental health and learning difficulties may struggle with accessing our services. Where customers are unable to access services digitally MSV Housing will provide other options for customers i.e. face to face visits or postal service.
Age Consider Elderly or young people	Yes	Some customers may not be able to access the digital services to end their tenancy. Where customers are unable to access services digitally MSV Housing will provide other options

		for customers i.e. face to face visits or postal service
Sexuality Either know or perceived	No	
Gender	No	
Religion or belief Consider religious or cultural observance including non-belief, practices of worship	No	
Other protected or vulnerable characteristics: <ul style="list-style-type: none"> • marriage or civil partnerships • pregnancy or maternity? 	No No	
<p>If the answer is NO to <u>all</u> questions and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle.</p> <p>If the answer is YES to any of the questions please complete the rest of the form.</p>		
In what areas could the differential identified be considered to have an adverse impact in this function and what solutions will be introduced to overcome these adverse impacts?	<p>Race – where English is not first language. Availability of language line to address translation issues. Front line staff with valuable language skills.</p> <p>Age – Other options available for those unable to access digital services i.e postal or face to face appointments.</p> <p>Disability – MSV will provide telephone and face to face discussions for those with learning disabilities or mental health issues where required.</p>	

<p>In what areas could the differential identified be considered a positive impact in this function and what strategies will be introduced to safeguard and spread these positive impacts?</p>	<ul style="list-style-type: none"> • Front line staff who represent customer make up profile data? • Availability of language line to address translation issues, availability of translation service for people who cant read English and one to one translation for interviews and sign ups. • Care Leavers Pledge to help young people into secure accommodation. • Regular review of local letting polices on age restricted areas to ensure they do not unduly discriminate against young people • Update of IT database to identify adapted properties to better inform customers of properties available. • Ensure wide as possible accessibility options are available for people with disability or those with frailty, this is done by providing access through website, part of choice base lettings schemes, agile working so officers are able to go to the customers. Working with the Local Authority
<p>Which Action Plans have these solutions/strategies been transferred into?</p>	<p>Policy Framework Strategy Local Authority Housing Strategies Local Lettings Policy</p>
<p>Who will be responsible for monitoring these Action Plans?</p>	<p>Assistant Directors</p>

Name of Policy: Termination Policy

Date of Assessment / Review: May 2024 Author: Adele Pettecrew

<p>Who are the main stakeholders in relation to the function?</p>	<p>Tenants, applicants, staff, partner agencies and Committee</p>	
<p>Who will be consulted and what types of consultation will be carried out?</p>	<p>Staff Customers Tenants Committee</p>	
<p>Could the function have a differential impact on:</p>	<p>What evidence exists to support your analysis?</p>	
	<p>Yes / No</p>	
<p>Racial Groups</p>	<p>YES</p>	<p>We are aware that some customers may have a language barrier</p>
<p>Gender or gender reassignment</p>	<p>NO</p>	

Disabled people	YES	Accessibility maybe an issue for those who are housebound or with severe disability. Customers with mental health issues may struggle with the internet
Age	NO	
Sexuality	NO	
Religion or belief	NO	
Any other protected or vulnerable characteristic including marriage or civil partnerships, pregnancy or maternity?	NO	
<p>If the answer is NO to <u>all</u> questions and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle. If the answer is YES to any of the questions please complete the rest of the form.</p>		
In what areas could the differential identified be considered to have an adverse impact in this function and what solutions will be introduced to overcome these adverse impacts?		<ul style="list-style-type: none"> • Availability of language line to address translation issues and front line staff with valuable language skills • Support customers with their budgeting and debt concerns • Officers will visit customer in their home if requested • Access to digital services • Identify customers who have issues with reading and writing.
In what areas could the differential identified be considered a positive impact in this function and what strategies will be introduced to safeguard and spread these positive impacts?		
Which Action Plans have these solutions/strategies been transferred into?		

✓

Ratified by: Committee/ Board / Delegated Approval

Date: