Procedure for the Medway Council Tenant Accreditation Scheme

This procedure should be read in conjunction with the flowcharts attached at appendix one. Any reference to providing information in writing includes email.

Introduction

The Strategic Housing team receives many enquiries from persons who need help finding and securing private rented accommodation. Issues raised during these enquiries include: -

- A requirement for a third party person to guarantee rental payments. Typically guarantors need to be a homeowner and in employment. Clients frequently do not have family members who are able to act as guarantors.
- No references as they are a first time tenant.
- Landlords reticent about letting their properties to tenants relying on housing benefits in the belief that they are more likely to fall into arrears.

These issues have been raised with landlords at the Medway Landlord Forums and focus groups organised by the Housing Service. Typical responses from landlords are that tenants need to be more aware of their responsibilities and the Council should be providing more support.

The Medway Landlord Accreditation scheme introduced in 2009 has been very successful as it recognises landlords who are willing to demonstrate that they understand their responsibilities as landlords. To date over 300 landlords has joined the scheme.

Consultations have taken place with landlords and tenants to assess if an accreditation scheme for tenants would be worthwhile and the possible content for a tenant code of conduct that would be the basis of the Tenant Accreditation Scheme. Whilst some negative responses have been received the overwhelming majority of both tenants and landlords would support such a scheme and the code of conduct.

The scheme is voluntary, as with the landlord accreditation scheme. However, it is expected that as tenants benefit from joining the scheme this can be used to promote and encourage further tenants to sign up to the scheme, particularly when accessing advice and assistance from the Council. Tenants are required to attend 2 hours tenant training.

Signing up for Accreditation

When signing a tenancy agreement where the tenancy is granted to more than one tenant all named tenants will be jointly and separately liable for compliance with the tenancy agreement. The Medway Council Tenant Accreditation Scheme code of conduct will operate the same way in that all joint tenants will be required to sign up to the code of conduct in order to undertake the accreditation process. The term tenant in this procedure

therefore includes all joint tenants. However, on satisfactory completion each joint tenant will be awarded accreditation status.

To start the accreditation process both the tenant and landlord will need to sign their agreement to the scheme: -
The tenant signs two copies of the code of conduct. The tenant keeps one copy and returns the second copy to the Council's accreditation officer.
The landlord signs two copies of the scheme participation document. The landlord keeps one copy and returns the second signed copy to the Council's accreditation officer.
The Council's accreditation officer will provide the tenant and landlord with a copy of the signed scheme participation document and code of conduct respectively.

The tenant will also be required to sign a data protection statement that will permit the Council's accreditation officer to make enquiries with third party organisations in the event of a dispute during the monitoring period regarding the tenant's compliance with the code of conduct.

Once all documents have been signed and copies provided as described above the monitoring period will commence

In the event that a tenant wishes to join the accreditation scheme, but the landlord does not want to take part the tenant will be recorded as expressing an interest in the scheme and this information, with the consent of the tenant, will be made available to future prospective landlords.

The Monitoring Period

The monitoring period will run for six months, this being the minimum term an assured shorthold tenancy can be granted for.

If at any time issues arise regarding the conduct of a tenancy during this period the landlord should contact the accreditation officer, Lenka Trent lenka.trent@medway.gov.uk at the earliest opportunity. This notification must be made in writing. Contact will then be made with the tenant to offer support to rescue the tenancy.

Likewise, if a tenant has concerns about their landlord's conduct these should be brought to the attention of the accreditation officer. This notification must be made in writing. Contact will then be made with the landlord to offer support to rescue the tenancy.

One month before the end of the monitoring period the landlord will be contacted to discuss if the tenant is complying with the code of conduct. If the response is yes the landlord will be requested to confirm in writing to the accreditation officer that the code of conduct has been satisfactorily complied with. On receipt of this confirmation the tenant will be awarded with a certificate to confirm s/he is an accredited member of Medway Council's Tenant Accreditation Scheme.

If the landlord responds that the tenant has not been complying with the code of conduct the landlord will be asked to state in writing what aspects of the code have not been complied with. On receipt of this information the dispute resolution process will be commenced.

If the landlord fails unreasonably to confirm within 21 days of the end of the monitoring period whether or not the tenant has complied with the code or conduct or provide the requested information to confirm why the tenant has not complied with the code of conduct s/he will be barred from future participation in the Medway Council Tenant Accreditation Scheme. The tenant will be awarded accreditation status

Maintenance of Accreditation Status

Once a tenant has achieved accreditation status then tenant will need to continue to comply with the code of conduct to maintain the accreditation status.

The Council will not actively monitor for compliance once accreditation status has been received, however landlords are requested to refer a tenant to the accreditation officer where s/he believes the tenant is not complying with the code of conduct.

Where a landlord refers an accredited tenant written evidence will be required to confirm why the landlord believes the tenant is not complying with the code of conduct. On receipt of this confirmation the accreditation officer will contact the tenant and invoke the dispute resolution process – see following section.

The Council intends to develop the scheme to offer training to support tenants maintain, and enhance, their accreditation status.

Dispute Resolution

The key purpose of the dispute resolution process is to satisfactorily resolve any issues that may prevent a tenant from securing, or maintaining, accreditation status.

Where a landlord is of the opinion that a tenant is not complying with the tenant code of conduct, this must be submitted in writing and detail what aspects of the code have not been complied with.

On receipt of this information from the landlord the Council will contact the tenant and ask for his/her response. Where no response is received from the tenant accreditation status will be declined and this will be recorded in the tenant accreditation scheme database

On receipt of the tenant's response both parties' claims will be investigated. Wherever possible solutions will be identified, agreeable to both parties, which will resolve the alleged contravention(s) of the tenant code of conduct. This may include extending the monitoring period to assess the outcome(s) of any solutions agreed as part of the resolution process.

If both parties agree that the solutions have been successful the tenant will be awarded accreditation status.

If either party does not agree that the dispute resolution process has been successful both parties will receive written confirmation that the dispute resolution process has not succeeded.

If both parties cannot agree that the dispute resolution process has been successful either the landlord or tenant may make an appeal to the Tenant Accreditation Review Panel.

Appeals to the Tenant Accreditation Review Panel

If either the landlord or tenant is not satisfied with the outcome of the dispute resolution process a request can be made for an appeal to the Tenant Accreditation Review Panel. Such a request must be made in writing within 21 days of receiving notification that the dispute resolution process has not been successful.

Both landlord and tenant will be informed in writing of the request for an appeal within 14 days of receipt of the appeal request.

The accreditation officer will arrange a date for the Review Panel. This will be set up as soon as possible, but will depend on the availability of persons to sit on the panel. It is intended that the panel will consist of a representative of each of the following: -
Medway Council
The Medway Citizens Advice Bureau, or similar organisation.
Private Landlords
Medway Council will chair the Review Panel.

Both landlord and tenant will be invited to attend the Reviews Panel and to submit their representations 48 hours in advance of the Reviews Panel date.

The Reviews Panel will consider the submissions made, any oral evidence given at the meeting and from this provide a decision as to whether to award accreditation status.

In the event of either or both the landlord and tenant not making a submission and/or not attending the Reviews Panel meeting a decision will be made on the available evidence.

The Reviews Panel decision will be final. Both landlord and tenant will be informed in writing within five days of the Review Panel's decision.

Non-award of Accreditation Status

Non –award of accreditation status will occur in the event of the following situations: -

- Information received from a landlord during the monitoring period that the code of conduct has not been complied with and the tenant fails unreasonably to respond to the Council's investigation into the alleged non-compliance.
- The Dispute Resolution Process has been completed and the outcome is that the tenant has not complied with the tenant code of conduct
- The Appeals process has been completed following the Dispute Resolution Process and the outcome is that the tenant has not complied with the tenant code of conduct

Non-award will be recorded in the tenant accreditation scheme's database. However, this will not prevent a tenant from making a further application.

Information regarding unsuccessful applications will not be made available to landlords, confirmation will only be provided as to whether or not a tenant a member of the tenant accreditation scheme.

Complaints

If an applicant or landlord feels that their application is not being dealt with according to the policies and procedures set out in this document they should initially contact the Private Sector Housing and Housing Options Manager, who will review the case and respond within 10 working days.

The Private Sector Housing and Housing Options Manager can be contacted in the following ways: -

In writing to Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR.

By telephone 01634 333009

In person at the Medway Council Offices at Gun Wharf Dock Road Chatham. Please telephone to make an appointment before visiting in person

By e-mail to customer.relations@medway.gov.uk

This is stage one of the council's formal complaints procedure .If the complaint is not resolved at this stage you can take the matter further and complain to the Chief Executive's Complaints Officer (ceco@medway.gov.uk), telephone no 01634 332456 or by letter to;

Customer services, Gun Wharf Dock Road, Chatham, Kent, ME4 4TR.

Review

This procedure will be reviewed on a six-monthly basis for the first year and thereafter on an annual basis