

Housing Services Introductory Tenancy Policy

Department	Housing Services
Responsible Person	Director of Housing
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1. Introduction

- 1.1 The London Borough of Barking and Dagenham (the Council) have chosen to operate the Introductory Tenancy Scheme as per section 24 of the Housing Act 1996.
- 1.2 Therefore, in general, all new tenancies granted by Housing Services will automatically begin as an introductory tenancy for the first 12 months, with the option of extending the period of the introductory tenancy by a further six months where it is determined that a secure tenancy should not be granted in the normal way, based on the conduct of the tenant during the first 12 months see section 4 below.
- 1.3 Introductory tenancies do not have the same protection as a secure tenancy and can be terminated on the mandatory ground, under section 127 of the Housing Act 1996 at any time, subject to the serving of a notice, and the tenant's right to review.
- 1.4 Therefore, they allow Housing Services to initiate prompt possession proceedings to deal with tenancy breaches and reinforce a strong message that the terms of the tenancy agreement must be adhered to from the offset.

2. Purpose

- 2.1 Introductory tenancies enable the Council to monitor the introductory trial period of the tenancy to ascertain the suitability of a tenant to proceed to becoming a secure tenant.
- 2.2 They also enable Housing Services to:
 - Establish clear messages and standards for new and potential tenants that indicate the Council's commitment to tackling anti-social behaviour and effectively managing the Councils housing stock by taking early action against any serious breach of the tenancy conditions.
 - Establish tenancies that are sustainable in the long term and contribute to stable communities.
 - Improve the rent collection performance on new tenancies by encouraging regular payment of rent, preferably via direct debit.
 - Encourage new tenants to learn what is required of them to be good tenants.
 - Reduce ASB and nuisance behaviour amongst new tenants, by creating a platform for early Landlord intervention.
 - Prohibit alterations to Council property during the introductory tenancy.

2.3 The purpose of this policy is to outline the management options and action Housing Services can take against introductory tenancies, which include:

- reviewing and rewarding model introductory tenants with security of tenure,
- extending the introductory period by up to 6 months if there are causes for concern, and therefore not providing security of tenure,
- or seeking possession on the mandatory ground at any time before the end of the introductory trial period or extended introductory trial period.

3. The Rights of an Introductory Tenant

3.1 An introductory tenant is afforded most of the rights held by secure tenants. However, there are important differences between a secure tenancy and an introductory tenancy, as set out in the table below:

	Statutory Right	Introductory Tenancy Right	Secure Tenancy Right
1	Right to succession by partner/ spouse or family member	Yes	Yes
2	Right to repair	Yes	Yes
3	Right to assign tenancy*	Yes	Yes
4	Right to buy	No, however the period of the introductory tenancy could count towards the RTB discount.	Yes
5	Right to take in lodgers	No	Yes
6	Right to sub-let	No	Yes, only with prior permission.
7	Right to improve	No	Yes
8	Right to mutual exchange	No	Yes
9	Right to be consulted on housing management issues	Yes	Yes
10	Right to participate in housing management contact monitoring (TMO's)	Yes	Yes
11	Right to be consulted on decisions to delegate housing management	Yes	Yes

* NB this does not include assignment under mutual exchange.

4. Extending an Introductory Tenancy

- 4.1 As the landlord, the Council can extend an introductory tenancy by six months, in accordance with the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (England) Regulations 2006, by serving a Notice of Extension (NOE) upon the tenant, eight weeks before the end of the introductory tenancy.
- 4.2 The NOE must set out the reasons the Council has chosen to extend the introductory tenancy, such as rent arrears or nuisance/anti-social behaviour.
- 4.3 The NOE must also inform the tenant of their right to appeal the decision to extend their introductory tenancy.

5. Ending an Introductory Tenancy

- 5.1 The Council is required to serve a Notice of Possession Proceedings (NOPP) and inform the tenant of their right to appeal the decision.
- 5.2 The court must grant an outright possession order at a court hearing if the council has followed the correct process.
- 5.3 The court should not make a possession order if:
 - the notice is invalid, or
 - the tenancy became a secure tenancy before court action started.

6. Right to Review

- 6.1 Tenants can appeal a Notice to Extend or a Notice to Proceed to Possession by requesting a review within 14 days of the Notice being served.
- 6.2 The appeal will be heard either by a Panel or a senior officer.
- 6.3 The appeal must be conducted before the date stated in the notice, after which possession proceedings may start.

7. Equality Impact

- 7.1 Applying this policy consistently and sensitively will ensure that all tenants and their household members in Council owned homes who have protected characteristics and/or are deemed vulnerable for other reasons receive services that are based on a recognition of their vulnerability. The Council will make all appropriate adjustments to the services they receive in order to mitigate any potential negative impacts on them and to ensure they receive fair and equal treatment from the Council as their landlord.