

Policy Title	Tenancy Policy
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Directorate	Operations
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Contents

1	PURPOSE.....	2
2	SCOPE	2
3	LEGISLATION, REGULATION, GUIDANCE AND BEST PRACTICE.....	2
4	INTRODUCTION.....	2
5	LEADERSHIP, ROLES AND RESPONSIBILITY	3
5.1	Leadership and commitment.....	3
5.2	Organisational Roles and Responsibilities	3
6	OPERATION.....	3
6.1	Tenancies	3
7	RISK MANAGEMENT	4
7.1	Actions to address risks and opportunities	4
8	SUPPORT	4
8.1	Resources	4
8.2	Competence and Training.....	5
8.3	Awareness and Communication.....	5
8.4	Data Protection	5
8.5	Documented Information, Records Management.....	5
9	MONITORING.....	5
10	BREACHES OF THIS POLICY	5
11	CONTINUOUS IMPROVEMENT	5
12	REVIEW.....	5

1 PURPOSE

- 1.1 This policy details the types of tenancies that One Housing will provide for its social housing and the circumstances in which they will be used. We aim to grant the maximum security of tenure to tenants as set out in this policy.
- 1.2 We will offer tenancies that are compatible with the purpose of the accommodation, the needs of the individual household and the sustainability of the community.

2 SCOPE

- 2.1 This policy is intended to ensure we comply with all legal and regulatory requirement and standards as set out in the Regulatory Framework issued by the Regulator of Social Housing.
- 2.2 It covers the written agreements we will issue to set out tenant's rights and responsibilities and our rights and obligations.

3 LEGISLATION, REGULATION, GUIDANCE AND BEST PRACTICE

- 3.1 The allocation of social housing is covered by the following legalisation and regulations.

Regulatory of Social Housing (RSH) Tenancy Standard as set out in the Regulatory Framework states that registered providers shall:

- Offer tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
- They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.
- Publish clear and accessible policies setting out:
 - The type of tenancies they will grant
 - The circumstances in which they will grant a particular tenancy
- Grant general needs tenants a periodic assured, or a tenancy for a minimum fixed term of five years
- Issue probationary tenancy for a maximum of 12 months, or 18 months where reasons for extending the period have been given and the tenant has the opportunity to request a review

Legalisation and guidance relating to the allocation of social housing, includes:

- Housing Act 1988
- Localism Act 2011

4 INTRODUCTION

- 4.1 This policy supports the aims of the corporate plan to support people to live well and creating places to call home. It applies to the tenancies we will offer to help people feel secure in their home and support sustainable communities.
- 4.2 We will grant assured tenancies to new tenants where they already have security of tenure, i.e., they already have an assured or secure tenancy. These could be applicants who are transferring from another One Housing home, or have completed a mutual exchange or transfer from another registered provider.
- 4.3 We will grant started tenancies (assured shorthold tenancies) to those new to social housing in accordance with our Starter Tenancy Policy. Starter tenancies will run initially for 12 months and if there is no breach of tenancy automatically convert into an assured tenancy. A starter tenancy can be extended to 18 months if there has been a breach.

- 4.4 We will grants assured shorthold tenancies for our market and intermediate rented homes, and those in our hostels or shared supported housing homes.
- 4.5 We will ensure that all new tenants are provided with clear information concerning the terms of their tenancy and the consequences of failing to keep to those terms. They will have the right to live peacefully in their home without interruption or interference. Occasions when we may have to gain access, to inspect the property or carry out repairs will be set out in the tenancy.

5 LEADERSHIP, ROLES AND RESPONSIBILITY

5.1 Leadership and commitment

The Director of Customer Experience is committed to support the delivery of this policy through, people, systems, changes in regulation and sufficient allocation of resources.

5.2 Organisational Roles and Responsibilities

- 5.1 Responsibility for the day-to-day operational management of the service lies with the Assistant Director – Customer Experience, supported by the Head of Allocations and Customer Onboarding.
- 5.2 The Allocations and Onboarding Manager and Onboarding Officers have responsibility for the delivery of the content of the policy. Ensuring properties are let on tenancies within regulatory requirements.
- 5.3 The Resident Management team are responsible for the review of tenancies and ensuring starter tenancies are reviewed within timelines.



6 OPERATION

6.1 Tenancies

6.1.1 Starter Tenancies.

In general all those who are nominated by the local authority and have not held a secure or assured tenancy before will be offered a starter tenancy. This is a periodic assured shorthold tenancy and will last for one year before converting to an assured tenancy on successful completion of the terms of the tenancy. This type of assured shorthold tenancy can be extended by up to 6 months. During this probationary period rights are limited and tenants do not have the right to:

- Mutual exchange or register for a transfer
- Acquire or buy the property
- Carry out improvements

6.1.2 Assured (non-shorthold) Tenancies.

Introduced by the Housing Act 1988 an assured tenancy is also known as a lifetime tenancy. Used in the allocation of social housing since 1989 these are a housing association's version of a secure tenancy. Offering exclusive use of the property and rights that include:

- The right to a mutual exchange and/or transfer
- The right to acquire
- Succession rights
- Assignment rights

6.1.3 Assured Shorthold Tenancies.

Assured Shorthold Tenancies (ASTs) were introduced by the Housing Act 1988 and amended by the Housing Act 1996 and the Localism Act 2011, they are a form of assured tenancy with limited security of tenure.

6.1.4 Assured shorthold tenancies that are not starter tenancies will be used in the following circumstances:

- The accommodation is offered as short-term housing, such as homeless accommodation, or provided for a defined time, as in supported housing
- One Housing's ownership/management of the property is temporary
- The property is planned for future disposal
- The applicant(s) are asylum seeker/refugees and they do not have indefinite leave to remain

6.1.5 Secure Tenancies

These are older lifetime tenancy used by local authorities and held by some tenants who have transferred from a local authority to One Housing. We do not grant secure tenancies other than through a stock transfer.

6.1.6 Licence Agreement

A licence agreement, or use and occupation agreement is where the occupier has the right to use and occupy the property only. There are very few rights and we will use licence agreements for temporary decants and some short-term accommodation.

6.2 Succession

6.2.1 The right of succession is dependent on the original tenancy. If succession is permitted and this is the first succession claim, the tenancy may pass onto the tenant's partner or qualifying family member as set out in the tenancy agreement.

6.3 Minors

We will not accept nominations from the local authority for someone under the age of 18 years.

Should a minor succeed to a tenancy we may enter into a separate agreement which will be attached to the relevant tenancy that would have been granted to them had they been over 18 years. They must adhere to the terms of the relevant tenancy and the agreement will come into effect when they reach 18 years. When entering into a separate agreement for minors we will require a trustee to hold the tenancy in trust, who will also act as a guarantor for the minor.

7 RISK MANAGEMENT

7.1 Actions to address risks and opportunities

7.1.1 The issue of tenancies in social housing is regulated by the Regulator of Social Housing and tenancies must be let with guidance in the regulatory framework.

7.1.2 Tenancies must be offered within the terms of this policy.

8 SUPPORT

8.1 Resources

8.1.1 This policy will be delivered through the Allocations and Onboarding and Residential Management team. Allocations and Onboarding will issue the initial tenancy at the time of occupation, while the Residential Management team will be responsible for tenancy reviews, successions and assignments.

8.2 Competence and Training

8.2.1 All staff must be adequately trained and have knowledge of the agreement and regulations of individual properties when they are becoming available for let.

8.3 Awareness and Communication

8.3.1 The policy will be available on the One Housing website and communicated to local authority partners.

8.4 Data Protection

8.4.1 The data held for the issue of tenancies is covered by GDPR as it contains sensitive data. Staff must be mindful of the sensitivity of the data they have access to.

8.4.2 All staff must be sufficient trained to ensure the requirements set out in the GDPR are met.

8.5 Documented Information, Records Management

8.5.1 The issue of tenancies is regulated by the Regulator of Social Housing (RSH). The Tenancy Standard set out that registered providers shall:

- Grant tenancies which are compatible with the purpose of the accommodation, the needs of the individual household, the sustainability of the community and the efficient use of stock.

8.5.2 Documentation of personal information relating to lettings is controlled by GDRP and should only be used for application purposes.

9 MONITORING

9.1 The issue of tenancies will be recorded on the housing management IT system.

9.2 The type of tenancies issued are monitored and reported by:

- Type of tenancy by accommodation
- The number of tenancies reviewed

9.3 The issue of tenancies is subject to audit to ensure the correct procedures and processes are being followed.

10 BREACHES OF THIS POLICY

10.1 Any tenancies not let within the remit of this policy must be authorised by the Head of Service or Assistant Director.

11 CONTINUOUS IMPROVEMENT

11.1 The issue of tenancies will be monitored for service improvements through the Customer Feedback Framework.

12 REVIEW

11.1 The Tenancy Policy will be reviewed every 3 years or earlier in response to regulatory or legislative changes.