

Tenancy Policy



Reference:	HS_POL_HOU_TEN_3.0	Author:	Assistant Director of Housing & Resident Engagement
Scope:	Housing Solutions	Approved by:	Board
Legislation:	Localism Act 2011 Housing Act 1985 Housing Act 1988 Housing Act 2004 Mobile Homes Act 1983 Caravan Sites Act 1968 Equality Act 2010 Protection from Eviction Act 1977	Date of approval:	22 November 2023
Regulatory/ Governance:	Tenancy Standard	Date of next review:	September 2026
Related Policies:	Rent Setting Policy Allocations Policy Regeneration Policy Data Protection Policy Equality, Diversity and Inclusion Strategy and Policy Safeguarding Policy Vulnerable Customers Policy Complaint & Compliment Policy Assignment Policy		

1. Policy Statement

- 1.1 This policy defines the tenancies Housing Solutions offers, and how they are used depending on type and purpose of the accommodation.
- 1.2 Housing Solutions recognises that a home is key point of stability for a person and an anchor for the way they want to live their life. We want to support people in their lives and communities. We will always seek to offer the most secure tenancy appropriate to the individual's circumstances and services being offered.
- 1.3 This policy aims to:
 - Clearly define the types of tenancy that will be granted
 - Provide clarity on the circumstances in which Housing Solutions will grant each type of tenancy.
 - Balance needs of tenants with best use of our housing stock.

- Contribute to local authorities' strategic housing plans.
 - Discontinue the use of Fixed Term Tenancies with immediate effect unless the criteria for Assured Shorthold Tenancies are used or legal action is being taken for breach of the tenancy conditions.
 - Provide clarity on the process of moving existing Fixed Term Tenancies onto periodic Assured Lifetime Tenancies.
 - Establish whether a permanent assured tenancy will be granted (following a starter tenancy award) to persons rehoused by Housing Solutions
- 1.4 Comply with the Regulator of Social Housing, Tenancy Standard.
- 1.5 Each offer of a Housing Solutions home will clearly set out at the time of requesting a nomination from the local authority, the type of tenancy, rent charges and the conditions of the offer. Offer letters will include details of the type of tenancy that will be offered, and during the viewing and sign-up process, the implications of the type of tenure being offered will be made clear.
- 1.6 Anyone who has been a social housing tenant before S154 of the Localism Act 2011 commenced (on 1 April 2012) will be offered a tenancy with no less security if they move to another home with Housing Solutions.
- 1.7 Anyone moving into permanent alternative accommodation during any redevelopment or other works will be offered a tenancy of an alternative property with no less security of tenure.
- 1.8 All tenancy types can be offered at either a social target rent or at an affordable rent. Affordable rents may be applied on some new builds delivered under the terms of the Homes England Delivery Framework Agreement along with an agreed small percentage of relets. The decision to let a property at affordable rent will be decided at development stage for new developments or made by the Housing Services Manager with approval from the Assistant Director of Housing and Resident Engagement.

2. Roles and Responsibilities

2.1 The roles and responsibilities relevant to this policy are:

Board	Responsible for Housing Solutions' strategic direction, approving this policy and any amendments to it from time to time.
Executive Team	Responsible for overseeing compliance with this policy.
Assistant Director of Housing and Resident Engagement	Responsible for recommending the strategic direction for tenancy type and tenure use that feeds into the operational delivery for residents.
Housing Services Manager	Responsible for overseeing the operational delivery and service quality of all tenancy services including in the lettings and allocation function and tenancy renewal services (where appropriate).
Lettings Team Leader / Housing Team Leader	Responsible for the day-to-day management of the Lettings Team delivering operational services to all prospective and current tenants. Also for ensuring that tenants are signed up to the correct

	tenancy type and that they are given the relevant and appropriate tenancy information to support the resident in sustaining their tenancy.
Housing Officer	Responsible for tenancy management, appropriate review of FTT tenancies and the termination of the same and issue of assured lifetime tenancies via sign up.
Lettings Officers	Responsible for the day-to-day frontline service delivery to prospective, new, and current tenants.
Finance Team	Responsible for supporting the Lettings Team to deliver a high-quality lettings and allocations service by providing all necessary and relevant information on rent setting, and ensuring rents are calculated and any necessary financial information is communicated promptly and efficiently.
Development Team	Responsible for handing over new units for allocations and lettings. Responsible for keeping the Lettings Team updated on any information relating to delivery of expected rental units.
All Staff	All staff are responsible for helping residents to sustain their tenancies wherever possible.

3. Definitions

- 3.1 A **Starter Tenancy** is an assured shorthold tenancy for an initial fixed term period of 12 months. It is a type of probationary tenancy offered to new tenants who do not have an assured tenancy or secure tenancy elsewhere prior to nomination to Housing Solutions.
- 3.2 At the end of the 12-month probationary period the **Starter Tenancy** will automatically convert to an **Assured Tenancy** (see below) unless a notice to extend is served or a notice to terminate has been served to begin possession proceedings.
- 3.3 **Fixed Term Tenancies** are types of assured shorthold tenancies granted for a minimum fixed period of 5 years (or in exceptional cases 2 years) under the fixed term tenancy regime set out in the Localism Act 2011.
- 3.4 An **Assured Tenancy**, also referred to as “lifetime tenancies”, is either a weekly or monthly tenancy that has no minimum fixed period. They do not require renewal as they are rolling periodic tenancies.
- 3.5 **Assured Shorthold Tenancies** (also known as ASTs) are weekly or monthly tenancies used in specific circumstances where the qualifying criteria for an offer implies occupation. They are generally used for specific stock types including key worker homes, market rented, and supported accommodation.
- 3.6 **Secure Tenancies** are pre-15th January 1989 legacy tenancies before the Housing Act 1988 came into effect and remain subject to the Housing Act 1985. Secure Tenancies are not available for Housing Solutions to use for new tenancies. All secure tenancies that existed prior to the stock transfer in 1995 were converted to Assured Tenancies which also carried with them protected rights from the secure tenancies. These tenancies are known as **Protected Assured Tenancies**.

3.7 **Licences and Excluded Licences** are an agreement to allow occupation without security of tenure for temporary decants; hostel accommodation, accommodation where the occupant does not have exclusive possession or where a landlord and tenant relationship is not intended.

4. How we apply tenancy types to our property portfolio

Tenancy Type	Tenancy applies to	Who could this be offered to
Starter Tenancy	All tenancies for general needs, supported, and sheltered accommodation unless an exception applies (set out below).	All new tenants who are not currently already tenants of Housing Solutions, another registered provider or a local authority
Lifetime Assured Tenancy	All general needs tenancies from 1 st April 2024, granted after an initial starter tenancy has been successfully completed before the Localism Act 2011 came into force. All Sheltered Housing Stock. Shared ownership homes or tenants transferring in from another housing provider.	All new general needs properties following the successful completion of a starter tenancy. All tenants of Sheltered accommodation. Shared owners and transferring tenants.
Assured Shorthold Tenancy	<ul style="list-style-type: none"> • Self-contained accommodation with support • Shared accommodation with support • Key Worker accommodation • Accommodation let at a market rent • Properties identified for but not yet ready for regeneration 	<ul style="list-style-type: none"> • Applicants with support needs identified in accordance with our Allocations Policy • Key workers qualifying in accordance with our Allocations Policy • Qualifying applicants for market rent properties in accordance with our Allocations Policy • Applicants qualifying for regeneration properties in accordance with our Allocations and Regeneration Policies • Individuals, couples and families requiring “temporary accommodation” as defined under Part 7, Housing Act 1996 (i.e. offered in support of the local authority seeking to discharge homelessness obligations).
Assured Shorthold Tenancy (2 years)	<ul style="list-style-type: none"> • Homes created as part of the Homes England rough sleepers initiative (Bracknell Forest) 	<ul style="list-style-type: none"> • Only applicants meeting the criteria of the rough sleeper program, and nominated by Bracknell Forest

Licences	<ul style="list-style-type: none"> • Self-contained used for decants • Shared accommodation without exclusive possession • Caravans or mobile homes 	<ul style="list-style-type: none"> • Residents subject to a temporary decant • Residents in hostels or HMO accommodation • Guest rooms or respite accommodation at Sheltered schemes • Occupants of mobile homes/caravans
----------	--	---

5. Requests for a Review of Tenancy Type

- 5.1 The Regulator of Social Housing Tenancy Standard requires registered providers to have an appeals process covering the length of fixed term tenancy offered and type of tenancy offered.
- 5.2 If a resident believes that they have not been offered or granted the correct type or length of tenancy as outlined in this Tenancy Policy, they can request for the decision to be reviewed. Where a tenancy has started, any request to review the type of tenancy awarded should be made within 3 months of the tenancy start date.
- 5.3 The request must be in writing and will be considered by the Housing Services Manager (unless they were involved in the original decision when it will be reviewed by the Assistant Director of Housing and Resident Engagement) who will respond within 14 days. The review will consider the resident's representations, the application documentation, the applicable nomination agreement and a written submission from the Housing Services Manager detailing why that type of tenancy was offered or granted.
- 5.4 If a tenant remains unhappy with the outcome of the appeal, they may raise a complaint in accordance with the Complaint & Compliment Policy.

6. Requests for a review of decision to continue/extend a probationary period or to end the tenancy during the probationary period.

- 6.1 Housing Solutions starter tenancies will normally run for the first twelve months of tenancy, but can be continued for up to 18 months.
- 6.2 If a tenant believes that they have not breached their tenancy terms and conditions and the starter tenancy should not be continued beyond twelve months, they have the right to ask for the decision to be reviewed. They must make the request within 10 days of being informed of the decision.
- 6.3 Equally, if a section 21 notice is served for a breach of tenancy, the tenant can ask for the decision to end the tenancy to be reviewed. They must make the request in writing within 10 days of the Section 21 notice being served on them.
- 6.4 The review will be conducted by the Housing Services Manager and a member of the Executive team not previously involved in managing the tenancy, who will respond within 14 days.

7. Joint Tenancies

- 7.1 Sole tenants may ask for their sole tenancy to be made a joint tenancy with a spouse or established partner. Housing Solutions will discuss this with both parties and establish the implications for the new tenant in line with our sign-up procedure.
- 7.2 Sole tenants in breach of their tenancy agreement in any way will not be considered for a joint tenancy.
- 7.3 Housing Solutions will accept a Notice to Quit from any single party to a joint tenancy.
- 7.4 If a tenant wishes to change their tenancy from a sole to a joint tenancy (or joint to sole) during the currency of a tenancy, this will be dealt with under our Assignment Policy.

8. Fixed Term Tenancies

- 8.1 No further fixed term tenancies will be issued from the date of the approval of this policy.
- 8.2 Existing fixed term tenancies will continue for their full term subject to action being taken for breaches of tenancy conditions.
- 8.3 Three months before the end of the fixed term tenancy, Housing Solutions will write to the tenant(s) and advise them that the tenancy will become an assured lifetime tenancy, unless a notice has been served for a breach of the tenancy conditions.

9. Housing Options Advice and Assistance

- 9.1 Housing Solutions will make a referral to the Local Authority Housing Options team when a tenancy or licence is near termination and ensure that the tenants are aware of the package of housing alternatives depending on their particular circumstances and have appropriate support to access the different options.

10. Vulnerable Tenants

- 10.1 Our approach to vulnerability is set out in detail in our Vulnerable Customers Policy.
- 10.2 We include in our description of vulnerability young people under 18; people in need of community care and support services and anyone who experiences difficulties with everyday living or needs additional support to meet their obligations.
- 10.3 In shaping and delivering services to vulnerable people we will use a partnership

approach building strong relationships with support agencies, developing service level agreements where appropriate, to ensure an effective response to the needs of vulnerable customers.

10.4 We aim to identify residents who are vulnerable at the sign-up stage; during the new tenant visit and tenancy audits and during all tenant contacts. Vulnerability can be temporary and complex and wherever possible assistance will be gained from partner agencies to assess vulnerability and support needs.

10.5 In supporting tenants to maintain a tenancy we will provide reasonable and proportionate support, seek assistance internally or from our partner agencies but will not allow continuing breaches of the tenancy agreement.

11. Legislation

11.1 Housing Solutions will ensure that we remain compliant with the legislation and guidance set out on page 1 of this policy. We will also ensure that we remain up-to-date with any changes in legislation, guidance and best practice.

12. Consumer Standards

12.1 By publishing and adhering to this policy, Housing Solutions is upholding the requirements set out in the Consumer Standards published by the Regulator of Social Housing.

13. Equality and Diversity

13.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Strategy and Policy, the Human Rights Act 1998, and Equalities Act 2010 to ensure that all tenants and prospective tenants are treated fairly and equally in making decisions under this policy. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability to support the fair application of this policy.

14. Confidentiality

14.1 Under the Data Protection Act 2018 and UK General Data Protection Regulation (UKGDPR), all personal and sensitive information, however received, is treated as confidential. This includes:

- Anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member.
- Sensitive organisational information.

14.2 Housing Solutions employees will ensure that they only involve other agencies and share information allowed either by statute or by an agreed Information Sharing Protocol relevant to this Policy.

15. Review

- This policy will usually be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.
- Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Executive Team, Board and associated committees.