

SAXON WEALD

SUCCESSION POLICY

First Introduced: December 2004 Author: Les Marjoram

Last Revision: May 2026 Next Review: May 2029

1.0 Introduction and aim

- 1.1 Succession occurs when a tenant dies and they are survived by someone who has the legal right to take over the tenancy.
- 1.2 The aim of this policy is to clarify who can succeed to a tenancy and how we will approach the process.
- 1.3 Saxon Weald recognises that, because succession can only happen in the event of death, this can be a very difficult time for the household involved. Each case will be dealt with sensitively and compassionately. However, due regard has to be given to both the legal position and to make the best use of Saxon Weald's housing stock.

2.0 Background

Legal requirements:

- 2.1 The legal framework for dealing with succession is contained in the following legislation.
 - **Housing Act 1985** governs the right to succeed in secure tenancies (those granted tenancy pre-1989). Secure tenancies are generally lifetime agreements for council tenants. Saxon Weald's secure tenancies are therefore only for those who were council tenants before the transfer to Saxon Weald.
 - **Housing Act 1988** governs the right to succeed in assured tenancies (those granted tenancy post-1989). Since Saxon Weald formed on 11 December 2000, all new tenancies have been assured.
 - **Civil Partnership Act 2004** formalised the succession rights of civil partners and cohabiting same-sex couples by bringing them on equal footing with those of married and cohabiting heterosexual couples, respectively.
 - **Social Housing Regulation Act 2023** establishes the regulatory expectations under which succession decisions must be managed.

Regulatory requirements:

- 2.2 The Regulator of Social Housing sets mandatory standards that all registered providers must meet. Under the Tenancy Standard, providers are required to offer tenancies or terms of occupation that are appropriate for:
- the purpose and type of accommodation;
 - the needs of individual households;
 - the sustainability and stability of the local community; and
 - the efficient and responsible use of the organisation's housing stock.
- 2.3 Registered providers must also publish clear, accessible tenancy-management policies. These policies must explain the provider's approach to managing tenancies in a fair, transparent, and accountable way. Policies must also set out the provider's approach to granting discretionary succession rights, including how the needs of vulnerable household members will be taken into account.

3.0 Policy

3.1 Legal right to succession

3.1.1 Secure tenancies

Someone may be able to take over a secure tenancy if they are one of the following:

- The tenant's husband, wife, or civil partner, as long as they were living in the property as their only or main home just before the tenant died.
- A joint tenant, where the tenancy was held jointly. In this case, the tenancy automatically passes to the surviving tenant. This is known as survivorship.
- A family member (as defined in housing law) who had been living in the property as their only or main home for at least 12 months before the tenant died.

3.1.2 Assured tenancies

Someone may be able to take over an assured tenancy if they are:

- The tenant's husband, wife, civil partner, or long-term partner, and they were living in the property as their only or main home when the tenant died.
- A joint tenant, where the tenancy was held jointly. This is known as survivorship.

3.1.3 If the home is larger than required

If someone has the legal right to succeed to the tenancy, they do not have to move, even if the home is bigger than they need. We will, however, talk to them about their options to:

- Help them maintain the tenancy successfully; and
- Make sure our homes are used in the best way possible.

Any move would be their choice.

3.1.4 Specialist or supported housing

Some homes are specialist or supported housing and have specific eligibility requirements. If the successor to a tenancy does not meet the criteria to live in this type of housing, we will work with them to find suitable alternative accommodation.

3.1.5 Under normal circumstances, there can only be one succession to a tenancy. Where a tenancy was originally a joint tenancy and one of the joint tenants dies or assigns their interest, this also counts as a succession, meaning no further statutory successions can occur.

3.1.6 For secure tenants (those who transferred from Horsham District Council), Saxon Weald agreed to ignore any previous successions that took place prior to the transfer of the housing stock on 11 December 2000.

3.1.7 There is no legal right to succeed to an Assured Shorthold Tenancy (for example, those issued in market rent properties).

3.2 **Discretionary new tenancy**

3.2.1 Saxon Weald can consider granting a discretionary new tenancy to family members who do not have a legal right to succeed. This may include the family members or carers of assured tenants (provided they have lived at the property for at least 12 months) or in cases where there has already been a succession.

3.2.2 We will not, normally, grant a discretionary new tenancy where the home does not meet the needs of the applicant. This will be if:

- The home is under-occupied – it's too big;
- The home is over-occupied – it's too small;
- The home is unsuitable and we are unable to reasonably adapt it;
- The home is covered by a local lettings plan and the tenant does not meet the criteria;
- The home is designed for disabled households and the tenant does not need the facilities;
- We plan to redevelop or dispose of the home.

3.2.3 The decision whether to grant a discretionary new tenancy will be made by the Regional Manager. When making the decision to approve or refuse, they will consider:

- How long the applicant has lived at the home (generally, we would require at least 12 months);
- Housing need in the area;
- If undue hardship or stress may be caused;
- Suitability of the home;
- Ability of the applicant to pay the rent and sustain the tenancy;
- Whether the applicant had priority need and would be eligible for re-housing by the local authority under The Homelessness Act 2002.

- 3.2.4 If the property is larger or smaller than the new tenant would reasonably require, we may offer the tenancy of a home of more appropriate size.
- 3.2.5 If the property is specialist or supported housing with restricted eligibility criteria, and the successor does not meet the criteria, we may offer them a more suitable property.
- 3.2.6 If a discretionary new tenancy is agreed we will grant a new starter tenancy.

4.0 Value for money

- 4.1 We will seek to make best use of housing stock through the succession process by offering succeeding tenants the tenancy of a home that is appropriate for their needs.

5.0 Data protection, information exchange and confidentiality

- 5.1 All information regarding successions will be dealt with in accordance with General Data Protection Regulations (GDPR).

6.0 Monitoring and review

- 6.1 The policy will be reviewed every three years in accordance with Saxon Weald's policy review timetable or in the interim period if legislative or regulatory changes require it.

7.0 Equality & diversity

- 7.1 Saxon Weald recognises its duty to make reasonable adjustments to ensure that vulnerable individuals and those with protected characteristics are not disadvantaged when accessing or being affected by the succession process.
- 7.2 Reasonable adjustments may be made where necessary to support applicants and household members who may be experiencing vulnerability, including (but not limited to) disability, long-term health conditions, mental health needs, learning disabilities, cognitive impairment, sensory impairment, age-related needs, language barriers, or circumstances arising from bereavement, trauma or caring responsibilities.
- 7.3 Adjustments may include, but are not limited to:
- Providing information in accessible formats, such as large print, Easy Read, audio, translated materials, or through verbal explanation where appropriate.
 - Allowing additional time for applicants to understand the process, seek advice, and provide information or evidence, particularly following a bereavement.

- Offering flexibility in communication methods, including face-to-face meetings, telephone calls, video calls, or written correspondence, depending on the individual's needs.
- Supporting access to advocacy, interpreters, support workers, carers, or trusted third parties where requested or appropriate.
- Taking account of vulnerability and individual circumstances when considering discretionary decisions, including whether to grant a discretionary new tenancy, the timing of decisions, or the suitability of the accommodation.
- Working with partner agencies, such as adult social care, health services, or support providers, where this will help achieve a fair and sustainable outcome.
- Ensuring that decisions are explained clearly and sensitively, and that applicants understand their options and any next steps.

7.4 All requests for reasonable adjustments will be considered on a case-by-case basis. Any adjustments made will balance the needs of the individual with Saxon Weald's legal obligations and its duty to make best use of its housing stock.

7.5 No person or group of people, either working for Saxon Weald or seeking housing, services, employment or contracts from us, will be treated less favourably because of their or their partner's, family's, friend's or associated person's protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and ethnicity, nationality, immigration status, religion or belief, gender and sexual orientation.

Version	Amendment	By	Date
4.0	Sections 3.1 and 3.2 updated	Les Marjoram AD Housing	March 2017
5.0	Sections 3.1 and 3.2 updated. Section 5 added.	Les Marjoram AD Housing	April 2020
5.1	Change to equality and diversity statement following review by ET	Nikki De Sousa Exec Assistant	July 2021
6.0	Three-year review	Les Marjoram AD Housing	March 2023
7.0	Three year- review. Added Social Housing Regulation Act 2023. Provided extra information about reasonable adjustments in section 7	Laura Anderson Housing Operations Manager	May 2026