# SAXON WEALD

# TENANCY POLICY

**First Introduced: February 2024** **Author: Les Marjoram**

**Last Revision: November 2026** **Next Review: November 2029**

## 1.0 Introduction

1.1 This policy sets out Saxon Weald's approach to tenancy management. In particular, it addresses:

- What types of tenancies we offer.
- How we manage property occupation and changes to tenancies.
- How we sustain tenancies.
- How we best utilise our available housing stock.
- How we approach tenancy fraud.
- The routes available for customers to purchase their home.

1.2 This policy applies to social housing tenancies, but not private market rent assured shorthold tenancies, properties for outright sale or shared ownership.

1.3 This policy is supported by a number of detailed procedures and should be read alongside the Succession Policy.

## 2.0 Legal and regulatory requirements

2.1 Legal requirements

The following legislation applies to this policy:

- **Housing Act 1985** covers the preserved rights of secure tenancies, including the preserved Right to Buy.
- **Housing Act 1988** established assured tenancies and the succession rules that govern them. Provides a legal framework for dealing with abandoned properties, squatters, illegal occupiers and sub-letting.
- **Children Act 1989** gives a court the right to assign a property to custodians of a child.
- **Housing Act 1996** sets out the Right to Acquire legislation.
- **Family Law Act 1996** giving further grounds in which a court may order a change by assignment, including in cases of domestic abuse.

- **Civil Partnership Act 2004** amended the Family Law Act 1996 to ensure that civil partners have the same rights as married couples during relationship breakdowns.
- **Equality Act 2010** provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.
- **Legal Aid, Sentencing and Punishment of Offenders Act 2012** criminalised squatting in residential property.
- **Prevention of Social Housing Fraud Act 2013** makes it illegal to sub-let the whole property.
- **Domestic Abuse Act 2021 strengthened legal protections for people experiencing domestic abuse.**
- **Social Housing (Regulation) Act 2023 strengthened consumer regulation and introduced new standards for social housing landlords.**

2.2 Regulatory requirements

The Regulator for Social Housing's consumer standards contain specific expectations and outcomes that providers are expected to achieve.

2.2.1 There is an expectation within the Tenancy Standard for registered providers to offer tenancies or terms of occupation that 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.

2.2.2 Registered providers must also meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation. We must ensure that our homes continue to be occupied by the customer the property was let to, for the duration of the tenancy.

2.2.3 Saxon Weald will manage tenancies in a way that supports compliance with the Regulator of Social Housing's Consumer Standards. We will seek to ensure customers are treated fairly and respectfully, are provided with opportunities to influence services and are supported to sustain successful tenancies and communities.

2.3 Homes England Capital Funding Guide

Provides the rules and procedures that govern homes built with government funding. This funding can affect whether a customer can buy their home through the Right to Acquire or Right to Shared Ownership.

## 3.0 Types of tenancy

This section sets out the different forms of tenancy that Saxon Weald will offer.

3.1 Starter (probationary) tenancies

3.1.1 Saxon Weald aims to assist customers to sustain their tenancy and to ensure that they understand and take responsibility for the obligations the tenancy agreement places on them.

3.1.2 Starter tenancies are offered to all new customers, excluding those who have mutually exchanged, or those who already have an assured non-shorthold tenancy. A starter tenancy essentially means that a new customer is 'on probation' for the first year of their tenancy, and their tenancy could potentially be ended if there are significant breaches.

3.1.3 The starter tenancy period is usually one year. However, this can be extended by a further six months if there have been breaches of tenancy within the first 12 months.

3.1.4 Ending a starter tenancy is a last resort and we will provide advice and take into account any reasonable circumstances to support tenancy sustainment. There is a right of appeal if the decision is made to end a starter tenancy. The appeal will be considered by the Assistant Director Housing.

3.2 Assured non-shorthold tenancy (lifetime tenancy)

3.2.1 After the starter period, if there have been no breaches of tenancy, the tenancy will automatically become an assured non-shorthold tenancy. This is normally on the first anniversary of the tenancy start date.

3.2.2 Assured non-shorthold customers have lifetime security of tenure. Possession can only be obtained by a court order using one of the grounds for possession provided for in Section 8 of the Housing Act 1988.

3.2.3 Customers who were previously tenants of Horsham District Council have what is commonly known as a protected or 'secure' tenancy. If they choose to move house they will be granted an Assured Tenancy but will retain a preserved Right to Buy (subject to the property they are moving into being eligible for Right to Buy).

3.3 Licence to occupy

3.3.1 Where a customer may need to vacate their home for major repair works, but they have an intention to return to their home, we may provide temporary alternative accommodation under a licence to occupy arrangement. This allows the customer to live in the temporary accommodation while retaining the intention to return to their permanent home when works are complete.. Licences can be brought to an end by serving Notice to Quit (in the prescribed form) giving 28 days' notice to the licensee.

## 4.0 Property occupation and changes to tenancies

4.1 Saxon Weald uses different procedures to ensure the effective management of tenancy occupation within existing stock. They include:

- ***Abandonment*** - Saxon Weald aims to minimise the time that abandoned properties are left empty for. This is achieved by taking swift action when there is evidence of an abandoned tenancy.
- ***Assignment*** - Assignment is the legal transfer of a tenancy from one person to another. It does not transfer ownership of the property and can only occur in limited circumstances set out in law. The ability of a customer to assign is set out in legislation and depends on the type of tenancy they hold.
- ***Relationship breakdown*** - Where a relationship within a household has broken down to the extent that one person wishes to move from the property, we will advise and discuss with those experiencing relationship breakdown about the options available to them.
- ***Squatters and illegal occupiers*** - Saxon Weald has a responsibility to ensure that its properties are let to those in housing need. Legal action to repossess the property will be instigated as soon as we are aware of illegal occupation.
- ***Succession*** - Succession occurs when a customer dies and they are survived by someone who has the legal right to take over the tenancy. See the Succession Policy, which clarifies who can succeed to a tenancy and how we approach the process.
- ***Tenancy termination*** - All customers are required to give at least four weeks' written notice that they are ending their tenancy. The termination of a tenancy following death of a sole customer is through Notice to Quit.

4.2 We recognise that changes in tenancy can sometimes arise from a difficult or traumatic life event. Therefore, we always deal with these cases with sympathy and empathy and will make reasonable adjustments to procedures where appropriate.

4.3 Saxon Weald recognises its responsibilities towards safeguarding children and adults at risk. Where safeguarding concerns are identified during tenancy management activities, staff will act in accordance with the organisation's safeguarding procedures and work with relevant partner agencies to support the safety and wellbeing of those involved.

4.4 We recognise that safeguarding concerns and other sensitive matters can be difficult for customers to report. Information will be handled sensitively and confidentially, shared only where necessary, lawful and proportionate to protect individuals and others from harm.

4.5 Saxon Weald recognises the impact domestic abuse can have on individuals and households. We will take a person-centred approach, making reasonable adjustments to tenancy management processes where appropriate and working with specialist agencies to support customers to remain safe in their home or access alternative accommodation.

## 5.0 Tenancy sustainment

5.1 Saxon Weald has an important role in supporting customers throughout their tenancy, and we have a strong focus on tenancy sustainment. This is achieved through:

- Getting the tenancy off to the best possible start through a thorough pre-letting process with clear explanation of the terms and conditions of tenancy. Where a person may be vulnerable or struggle to understand the requirements of the tenancy, this may include liaison with a social or support worker or family member or providing easy read tenancy guides. Where English is not the first language, access to interpretation services is available.
- We recognise that some customers may face barriers in accessing digital services. Alternative communication methods and support will be made available where appropriate.
- The allocation of a Housing Manager (or Scheme Manager in retirement and extra care housing). New customers will be advised who their Housing Manager is and how they can be contacted. Housing Managers will provide advice, support and signposting to other relevant Saxon Weald services throughout the tenancy. We may undertake periodic tenancy reviews to verify occupancy, update household information, identify support needs and ensure homes continue to be occupied in accordance with tenancy agreements.
- Early intervention practices where breach of tenancy occurs – either rent arrears or anti-social behaviour.
- Where customers experience difficulty paying their rent, we will seek to provide early advice, support and referral to specialist services, including our Money Matters team, to help sustain the tenancy and prevent arrears from escalating.
- Access to the Money Matters service which offers expert welfare benefit advice, helping customers to maximise their income.
- Providing aids and adaptations to support customers to remain in their home and liaising with local authorities regarding disabled facilities grants, which we do not unreasonably refuse.
- Providing a wellbeing adviser to support vulnerable customers with tenancy issues such as hoarding or social isolation.
- Signposting to other organisations including foodbanks and other charities who support the wellbeing of those living in the community.
- Collaboratively working with external stakeholders such as debt advisory services, domestic abuse services, police, social services, and community mental health teams.
- Customers are responsible for providing reasonable access to their home for statutory safety inspections, servicing and essential repairs. Where access is repeatedly refused, legal remedies may be considered as a last resort.

## 6.0 Making best use of our housing stock

6.1 Saxon Weald offers lifetime tenancies but recognises that circumstances change and there may be a need for customers to move to alternative accommodation. We provide support and assistance to achieve this through our lettings and mutual exchange policies. We will support households affected by under-occupation or overcrowding to access accommodation that better meets their needs where suitable alternatives are available.

6.2 We use our housing stock, at our discretion, to assist other organisations who are working in our communities. This includes helping survivors of domestic abuse, leasing housing for the provision of temporary accommodation or specialist supported housing services, housing veterans and supporting refugee resettlement programmes.

6.3 We aim to make best use of our older people's housing by offering support and advice to households who may wish to downsize.

## 7.0 Tenancy fraud

7.1 Saxon Weald is committed to making the best use of its assets and meeting housing need across Sussex and Hampshire. We recognise that tenancy fraud, including unlawful subletting, key selling, abandonment and obtaining a tenancy by deception, prevents homes from being allocated to those who need them most.

7.2 Saxon Weald takes a zero-tolerance approach to tenancy fraud and will investigate allegations of suspected fraud and take appropriate action where fraud is identified.

7.3 To prevent fraud at the start of each tenancy, tenancy review or tenancy change we will:

- Ensure we have up-to-date photographs of each customer.
- Verify the identification of each customer.
- Verify that the property remains the customer's only or principal home.
- Work with local authorities, government agencies and other partners, where lawful and appropriate, to prevent and detect tenancy fraud.
- Provide National Insurance numbers to the National Fraud Initiative.

7.4 We may undertake periodic tenancy audits, tenancy reviews and home visits to verify occupancy, identify support needs, prevent tenancy fraud and ensure homes are occupied in accordance with tenancy agreements.

7.5 We will investigate reports of suspected tenancy fraud, unlawful subletting, key selling, abandonment and other tenancy misuse and may use information available to us to verify tenancy details and occupancy, in accordance with data protection legislation.

7.6 Where tenancy fraud is identified, Saxon Weald will take proportionate action, including legal action where appropriate, to recover possession of the property and ensure homes are available for those in housing need.

7.7 We encourage customers, colleagues and partner organisations to report suspected tenancy fraud. Reports will be investigated appropriately and confidentially.

## 8.0 Home ownership options

8.1 The ability for customers to purchase the home they live in is set out in legislation and depends on the type of tenancy held, the length of time they have been a customer and whether the property qualifies for the relevant scheme. Not all customers or properties will be eligible. Customers who would like further information or advice about purchasing their home can contact Saxon Weald for guidance.

8.2 Right to Buy

The Right to Buy is held by those who were customers of Horsham District Council prior to December 2000 (when the housing stock was transferred to Saxon Weald). This is known as the Preserved Right to Buy. A person with the Preserved Right to Buy may not be able to exercise this right if the property they live in is exempt from the scheme. Most general needs properties are eligible for the Right to Buy but all specialist housing, including housing designated for particular groups and the over 60s, is not eligible.

8.3 Right to Acquire

The Right to Acquire is available to the majority of housing association customers who have an Assured non-shorthold tenancy and live in general needs housing. Some properties are excluded, such as specialist housing and rural exception sites.

8.4 Right to Shared Ownership

The Right to Shared Ownership is only available to properties that have been built with funding from the Government's Affordable Homes Programme 2021-2026.

## 9.0 Data protection, information exchange and confidentiality

9.1 All personal information will be processed in accordance with the UK General Data Protection Regulation, the Data Protection Act 2018 and Saxon Weald's Data Protection Policy. All information is stored securely and will not be disclosed unless the customer has given their consent or there is a clear duty to do so (for example, under an information sharing agreement with the police).

## 10.0 Value for money

10.1 Supporting tenancy sustainment and ensuring homes are occupied by those in housing need or are legally entitled to a tenancy ensures social value is delivered.

10.2 Requiring four weeks' notice when a customer surrenders their property allows Saxon Weald to:

- Pre-inspect the property and plan works to minimise void rent loss; and
- Ensure delays are minimised in allocating a new household to the property.

10.3 If legal remedies are required to recover possession of a home, we will utilise our in-house skills but as a last resort use the Housing Association's Legal Alliance (HALA) framework to procure cost effective legal advice.

## 11.0 Monitoring and review

11.1 This policy will be reviewed every three years in accordance with our review timetable, or sooner where legislative, regulatory or operational requirements require it.

11.2 The effectiveness of this policy will be monitored through tenancy management performance measures including tenancy sustainment, tenancy fraud investigations, tenancy reviews and customer feedback.

## 12.0 Equality and diversity

12.1 Equality and diversity affect all aspects of our business and, as such, its principles are integral to everything we do. As a landlord and an employer, Saxon Weald aims to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services and careers we provide and support.

12.2 This means that 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, religion or belief, sex and sexual orientation. This includes individuals either already serving on or applying to join our Board.

12.3 Saxon Weald is committed to ensuring that disabled people are not disadvantaged in accessing its services. To this end, we will make reasonable adjustments for disabled people in the implementing of this policy. Examples include:

- Where a customer has terminated the tenancy and they have left a disabled person remaining in the property who has no legal right to remain there, we will:
  - Act in a sensitive way, taking into account their health condition or impairment.
  - Work with our partner organisations to form a coordinated response to the person's wellbeing.
  - Complete a proportionality assessment, outlining the circumstances and the action we intend to take based on the information gathered.
  - Allow more time, if required, to find alternative accommodation.

- Where a disabled person has abandoned the property, we will consider whether their health condition or impairment directly contributed towards this abandonment. If so, we may decide that any costs arising from that abandonment are not pursued.

| Version | Amendment | By | Date |
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| **1.0** | NEW POLICY incorporating previous Property Occupation Policy and adding in clarity on purchasing homes, and types of tenancy provided. | Les Marjoram Assistant Director - Housing | Feb 24 |
| **2.0** | Three-year review. Section 4 updated with reference to domestic abuse and safeguarding. Section 7 updated to include more information on tenancy fraud. | Laura Anderson Housing Operations Manager | Nov 26 |