Tenancy Policy

1.	**SCOPE**
	Purpose
1.1	This document sets out the range of tenancies that whg may grant for each type of housing. It applies to all whg rented accommodation including general needs (social and affordable rent) and market rent properties.
1.2	This policy does not apply to shared ownership and properties for outright sale.
	Legal and regulatory framework
1.3	The Housing Act 1988 (as amended) stipulates the tenancies that housing associations can offer. It describes assured and assured shorthold tenancies, and the circumstances in which landlords may take possession of a property let on an assured or assured shorthold tenancy.
1.4	The Localism Act 2011 allows registered providers of social housing to grant general needs fixed-term tenancies. It also protects those who were social tenants at the point in which it came into force (1 April 2012) from losing their security of tenure and relates to the rights of secure tenants transferring to another property.
1.5	The Regulator of Social Housing's Tenancy Standard sets out the requirements of the Localism Act, the type of tenancies whg can offer and the required security of those tenancies. It also describes how starter tenancies may operate, as an initial period of twelve months, which may be extended to eighteen months on notice. The following extract from the Tenancy Standard sets out the elements relevant to the Tenancy Policy: 2.3.1 Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out: (a) The type of tenancies they will grant. (b) Where they grant tenancies for a fixed term, the length of those terms. (c) The circumstances in which they will grant tenancies of a particular type. (d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period. (e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property. (f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term. (g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.

	2.3.4 Where registered providers use probationary tenancies, these shall be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review
2.	**POLICY STATEMENT**
	Tenancy types
2.1	whg will offer tenancies 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. For new build homes, the tenancy type offered would be dependent upon grant funding secured. The appropriate tenancies depending on circumstances are set out in Appendix 1.
2.2	The rights and responsibilities of each tenancy type are set out in full within each tenancy agreement. Nothing within this policy alters the terms of the individual tenancy agreements.
2.3	New tenancies will be offered in the circumstances set out in Appendix 2.
2.4	Where a customer disagrees with the type of tenancy offered by whg, they may request a review of the decision via whg's Complaints Policy.
	Starter tenancies
2.5	These are a form of Assured Shorthold Tenancy, that whg will use for all new social housing, general needs tenancies. They are issued for an initial period of 12 months and can be extended up to 18 months if there have been any tenancy breaches.
2.6	Customers with a starter tenancy will be supported in the first year by visits from a Community Housing Officer (CHO). Visits will assess tenancy sustainability and will provide guidance and signposting for any customers struggling to sustain their tenancy. The frequency of visits will be determined by the risks of failure associated with the tenancy, linked to the vulnerabilities of the tenant and or occupants of the home. All customers on a starter tenancy will receive a welcome visit and a visit at nine months. Appropriate measures to support households will be put in place where required, following each visit, which will be recorded.
2.7	A starter tenancy will convert to an assured tenancy 12 months after the tenancy start date unless: • whg has issued a Notice under either Section 8 or Section 21 of the Housing Act 1988 (subject to 2.9 below), and/or • whg has written to the customer to advise the starter tenancy period has been extended. At this stage the tenant will be able to request a review of whg's decision.
2.8	An extended starter tenancy will convert to an assured tenancy 18 months after the tenancy start date unless whg has issued a Notice under either Section 8 or Section 21 of the Housing Act 1988 (subject to 2.9 below).
2.9	Where whg has served a Notice under Section 8 or Section 21 of the Housing Act 1988 on a starter tenancy, the tenancy will remain a starter tenancy until:

	• The end of the starter or extended starter tenancy period; or • Two months after the date in which possession proceedings could be issued under the Notice, where no proceedings have been issued; or • The day after proceedings issued following the Notice are determined, if no possession order is made; or • The date the tenancy is ended by a Court order for possession following the Notice.
	Assured (Non-Shorthold) Tenancy
2.10	Known as Assured Tenancies, these are weekly or monthly periodic tenancies and have no fixed term. They are often referred to as lifetime tenancies.
2.11	Customers with an Assured Tenancy will be supported in the first year by visits from a CHO. Visits will assess tenancy sustainability and will provide guidance and signposting for any customers struggling to sustain their tenancy. The frequency of visits will be determined by the risks of failure associated with the tenancy linked to the vulnerabilities of the tenant and or occupants of the home. All customers with an Assured tenancy will receive a welcome visit and a visit at nine months. Appropriate measures to support households will be put in place where required, following each visit.
2.12	The tenancy can only be ended on the grounds specified in schedule 2 of the Housing Act 1988 (amended), after serving a valid Notice of Seeking Possession and securing an outright or breached, suspended possession order from the court.
	Assured Affordable Tenancy
2.13	Customers with an Assured Affordable Tenancy will be supported in the first year by visits from a CHO. Visits will assess tenancy sustainability and will provide guidance and signposting for any customers struggling to sustain their tenancy. The frequency of visits will be determined by the risks of failure associated with the tenancy, linked to the vulnerabilities of the tenant and or occupants of the home. All customers on an Assured Affordable tenancy will receive a welcome visit and a visit at nine months. Appropriate measures to support households will be put in place where required, following each visit.
2.14	The tenancy can only be ended on the grounds specified in schedule 2 of the Housing Act 1988 (amended), after serving a valid Notice of Seeking Possession and securing an outright or breached, suspended possession order from the court.
	Market Rent Assured Shorthold Tenancy (AST)
2.15	Customers will be issued with an Assured Shorthold Tenancy (AST) for a fixed term period of 6 months. At the end of the fixed term period, unless the tenancy is terminated by either party the tenancy will then continue as a Statutory Periodic Assured Shorthold Tenancy, on a rolling month by month basis until terminated by either party.
2.16	Assured Shorthold Tenancies for Market Rent homes will be issued in accordance with our Market Rent Policy. Following the initial 6-month fixed term, whg will only seek to terminate a tenancy if there is sufficient evidence of breach of tenancy to warrant such action.
	Shared Housing Assured Shorthold Tenancy (AST)

2.17	whg issues a small number of Assured Shorthold Tenancies to young people accessing whg's supported housing, via our 'shared housing' offer. Customers will be issued with an Assured Shorthold Tenancy (AST) for a fixed term period of one week. At the end of the fixed term period, unless the tenancy is terminated by either party the tenancy will then continue as a Statutory Periodic Assured Shorthold Tenancy, on a rolling week by week basis until terminated by either party.
2.18	An AST can be bought to an end only after the initial 6 months of the tenancy has passed by: 1. Serving a valid Notice requiring possession (s21 of the Housing Act 1988) after the first 4 months of the tenancy has passed and giving two months' notice of intention to terminate; or 2. At any point from the start of the tenancy if there are breaches of tenancy specified in schedule 2 of the Housing Act 1988 (amended), after serving a valid Notice of Seeking Possession and securing an outright or breached, suspended possession order from the court.
2.19	whg no longer issues fixed term tenancies for our general needs homes, unless in exceptional circumstances by way of management discretion. At the end of the fixed term a decision will be made by the Director of Housing and Customers Services as to whether the tenancy should continue as a Statutory Periodic Assured Shorthold Tenancy, on a rolling week by week basis until terminated by either party, or to award an alternate tenancy type. In all such cases the customer will be notified in writing of our decision and the reason for the decision.
	Management Discretion
2.20	whg may, in exceptional circumstances, offer a tenancy outside of the above criteria where, following assessment, it is deemed that the customer reasonably requires a different tenancy due to reasons of age, disability, illness, due to household composition or for any other material reason. A decision to offer such a tenancy may be made by the Director of Housing and Customer Services. In all such cases the customer will be notified in writing of our decision and the reason for the decision.
	Right of appeal
2.21	Customers can appeal against a decision made under this policy. Appeals must be made in writing within 28 days of the date of the notification of decision, and any additional evidence the customer wishes to be considered must be received with the appeal request. We will not consider appeal requests or evidence received after 28 days unless there are mitigating circumstances. The case will be reviewed by a colleague more senior than the one who made the original decision, and an outcome will be provided within 14 days. If a customer feels there had been a service failure in respect of the appeal process, e.g. whg did not respond within the timescales outlined above, they can make a formal complaint, please see the Customer Complaints Policy.
3.	**PERFORMANCE MEASURES**
3.1	Assurance checks are carried out within the Community Housing team to inspect whether tenancies have been issued in line with the Tenancy Policy. Quarterly tenancy sustainability reviews are carried out to ensure sustainability visits are effective in helping customers manage their tenancies.

3.2	There are no key performance indicators associated with this policy.
4.	**EQUALITY AND DIVERSITY**
4.1	Effectiveness of tenancy sustainability is monitored quarterly: this incorporates specific equality monitoring to ensure customers' needs are understood and responded to. We will use this data to inform how allocations are made based on protected characteristics.
5.	**TRAINING AND DISSEMINATION**
5.1	All colleagues with responsibility for granting tenancies will receive training on tenancy types and the circumstances in which tenancies will be offered.
5.2	All relevant colleagues who do not directly grant tenancies will receive a briefing on the types of tenancies offered by whg. Further explanatory information will be available to all colleagues on whoogle.
6.	**MONITOR AND REVIEW**
6.1	This Policy will be monitored by the Director of Housing and Customer Services and reviewed every three years by the Policy Group and approved by the Customer Service Oversight Committee.
7.	**ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES**
7.1	Documents, policies, and procedures associated with this policy are: • whg tenancy agreements • Black Country Tenancy Strategy • whg Market Rent Management Policy • whg Tenancy Procedures • Allocations Policy • Tenancy Management Policy • Anti-social Behaviour Policy • Complaints Policy

APPENDIX 1: **Tenancies Issued (By Customer)**

Customer	**Rent**	**Tenancy Offered**
Continuous non-whg tenant of social housing since before 1 April 2012	Social - *General needs*	Assured
	Affordable - *General needs*	Assured - Affordable
	Market	Market Rent Assured Shorthold Tenancy (AST)
Existing whg tenant	Social - *General needs*	Assured
	Affordable - *General needs*	Assured – Affordable
	Market	Market Rent AST
Existing whg tenant with preserved Right to Buy	Social - *General needs*	Assured – Protected
	Affordable - *General needs*	Assured – Protected
	Market	Market Rent AST
New whg tenant	Social - *General needs*	Starter
	Affordable - *General needs*	Starter – Affordable
	Market	Market Rent AST

Customer	Rent	Tenancy Offered
Young Persons Scheme (YP) / Dispersed Temporary Accommodation (DTA)	Any	YP/DTA AST
Housing First tenant	Any	Housing First AST
whg may, in exceptional circumstances, offer a tenancy outside of these criteria where, following assessment, it is deemed that the customer reasonably requires a different tenancy due to reasons of age, disability, illness, due to household composition or for any other material reason.		

APPENDIX 2: Tenancies Issued (By Circumstance)

Circumstance	Tenancy offered
New customer allocated a rented whg property through Allocations Policy	New tenancy
New or existing customer moving into a different whg property through Mutual Exchange Policy	Assignment of existing tenancy
Existing customer transferring to another whg property through Allocations Policy	New tenancy
Existing customer transferring permanently to another whg property following decant due to works or redevelopment	New tenancy on same (or more secure) terms
Existing customer on a fixed term tenancy due to expire, where whg is granting a further tenancy	New tenancy
Existing customer changing name or occupants on existing tenancy	Maintain existing tenancy
Existing customer whose tenancy has ended but where whg has agreed at their discretion to allow customer to remain as a tenant in the property	New tenancy
Existing customer who formerly had a joint tenancy but has had assignment agreed for a sole tenancy	Assignment of existing tenancy
Existing customer who formerly held a joint tenancy but is now a sole tenant following Survivorship	Maintain existing tenancy
New customer who was previously an occupant of a whg property, who is being assigned the tenancy	Assignment of existing tenancy
New customer who was previously an occupant of a whg property, who has now succeeded to the tenancy	Maintain existing tenancy
New customer who was previously an occupant of a whg property, who has not succeeded to the tenancy but has been granted a tenancy at whg's discretion	New tenancy
Existing customer who would like to make their partner/spouse a joint tenant	Assignment of existing tenancy

Document author	Assistant Director of Housing - Customer
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Review Date	July 2027
Transformational Programme	• Great customer service
Equality Assessment	Completed December 2023
Key changes made	V1 - Further detail has been added to the types of tenancy that may be offered, building on the previous policy there have however been no substantial changes to the types of tenancy offered by whg. V1.1 - Appeal and complaints information updated.