

# TENANCY POLICY

Customer Service and Care & Support

GENERAL - EXTERNAL

Policy Approval Date:	Mar-24	Date of next review:	Feb-25
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A charitable Registered Society under the Co-operative and Community Benefit Societies Act 2014



## 1. Purpose

This policy details the types of tenancies, including fixed term or flexible agreements that Riverside will provide and the circumstances in which they will be used. In addition, the policy outlines Riverside's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

The policy will meet the requirements of the Regulator of Social Housing's Tenancy Standard and relevant legal standards for England.

## 2. Scope

This policy will only apply in England as Scottish regulation prescribes the precise form of agreement to be used in most instances.

## 3. Principles

### 3.1 Tenancy Agreements

Riverside will normally grant one of the following agreement types:

- Secure tenancies under the Housing Act 1985
- Assured Tenancies under the Housing Act 1988
- Protected Assured Tenancies – a form of assured tenancy for tenants who were previously secure tenants of a local authority or New Town and have preserved rights.
- Starter Tenancies - an assured shorthold tenancy agreement which converts to a full assured tenancy after a starter (probationary) period usually of 12 months (which can be extended in certain circumstances).
- "Flexible" tenancies – an assured tenancy for a fixed term which has a starter (probationary) period usually of 12 months (which can also be extended in certain circumstances)
- Assured Shorthold tenancies – fixed term and periodic tenancies which provide reduced security of tenure within a periodic or fixed term tenancy agreement
- Licence agreements and contractual tenancies with no security of tenure – granting limited rights to occupy a property in certain circumstances

### **The circumstances in which we will grant tenancies of a particular type:**

**Secure tenancies** will be offered to tenants who currently have secure tenancies with Riverside but move to other properties owned by Riverside. These are lifetime tenancies.

**Assured tenancies** are also lifetime tenancies and will be offered to existing Riverside assured tenants who are transferring to another property owned by Riverside and new tenants who do not meet the criteria for being offered starter or flexible tenancies.

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**Protected assured tenancies** will only be offered to existing Riverside protected assured tenants who move within their stock transfer area and in accordance with the terms of the stock transfer agreement.

**Starter tenancies** are a particular type of assured shorthold tenancy designed to be used as part of a co-ordinated approach to tenancy management. It is potentially a lifetime tenancy which includes a one year starter or probationary period during which possession can be sought more easily in connection with anti-social behaviour or other severe and/or sustained tenancy breach. Starter tenancies are normally used for new tenants but may not be used in all areas depending on the approach set out in the Local Allocations Strategy. Once the tenancy has been satisfactorily conducted for 12 months (or as extended) the tenancy normally converts to a full assured tenancy which is a lifetime tenancy.

**Note** Secure and Assured tenants who move out of their property on a temporary basis to allow remedial or planned work to be undertaken will be given an equivalent level of security when they return to their original home. This includes tenants with protected assured and starter tenancy agreements.

**Flexible tenancies:** Riverside will consider the offer of these tenancies in some instances where the following criteria apply:

- It is consistent with the local allocations strategy which has been approved by the Neighbourhood Services Committee **and**
- The use of five year flexible tenancies has been the subject of a dialogue with the local authority and wherever possible is consistent with their published tenancy strategy **and one of the following apply:-**
  - It is agreed as part of a scheme developed with a local authority or other partnership arrangements **or**
  - The nature of the housing market in an area makes it appropriate to maintain the supply of scarce housing in an area **or**
  - The property is within specialist accommodation and intended for a particular group of tenants who may not require a tenancy for life

#### **Duration of flexible tenancies:**

Where a flexible tenancy is granted we will normally offer a tenancy that will run for five years (in addition to any starter period of twelve months).

#### **Criteria for granting a further flexible tenancy (five year):**

At least six months before a five year flexible tenancy ends, we will provide notice in writing to the tenant stating either that we, propose to grant another tenancy at the end of the period of the tenancy and under which terms, or that we do not propose to grant a further tenancy.

The main triggers for assessing whether a further tenancy may be offered would be: income; family size; suitability of property; vulnerability; management considerations such as levels of demand. Full account of the local housing market will be taken when arriving at any decision.

#### **Circumstances where we may agree to a new offer of a tenancy include:**

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- If a tenant's financial or other circumstances mean that it is unlikely that the tenant will be able to find suitable alternative housing outside the social housing sector or purchase their own home. For would-be purchasers our decision will take into account the likelihood that they can obtain mortgage finance including the necessary deposit.
- If the tenant is a carer for a member of the household and is unlikely to be able to access suitable alternative accommodation to meet their needs.
- If the property itself is not of a type that is in high demand
- If we are looking to balance the economic status of residents in a given neighbourhood.

**A new tenancy of the same property on similar terms should not normally be granted if:**

- The tenant's financial circumstances are such that they are likely to be able to meet the housing needs of themselves and their household outside the social housing sector or by buying their own home (either outright or on shared ownership terms).
- The property is no longer suitable for the household's needs or they do not require any specialist facilities or adaptations offered.

**What options might we offer to tenants at the end of a 5 year flexible tenancy?**

Depending on the agreed local approach and criteria Riverside may offer the following options at the end of the period of the flexible tenancy.

1. A lifetime tenancy
2. A further flexible tenancy of the same period
3. A further flexible tenancy for a different period (a minimum of two years)
4. Options 1-3 at a different rent (social or affordable)
5. Options 1-4 at a different property
6. The opportunity to take the same or a different Riverside property on a shared ownership basis
7. The opportunity to take up an alternative Riverside home ownership scheme
8. The option to buy the property under an approved voluntary purchase scheme (if applicable)

However, our ability to offer alternatives will be determined by the availability of suitable accommodation in the preferred location.

In addition to the above all flexible tenants will be proactively contacted to be offered information advice and guidance, based on their individual circumstances, housing needs and preferences, on identifying future housing options at least three months before the expiry of the tenancy. This will include signposting to the relevant local housing authority scheme if they do not wish to remain a customer of The Riverside Group.

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### Vulnerable households

The following people will be exempt from the Flexible Tenancy approach:

- Supported housing residents and applicants, and
- Retirement Living residents and applicants.

**Assured Shorthold tenancies** will only be used for temporary accommodation (where a licence is not appropriate because the occupier has exclusive possession), for shared accommodation, for market and intermediate rent or rent to home-buy tenancies, and in mortgage rescue cases.

**Licence agreements** will be offered when one or more of the following apply:

- we provide supported housing to assist a local authority discharge its homelessness duties,
- it may be required for the management of the premises that customers move from one accommodation unit to another,.
- management of the premises includes intensive housing management tasks, such as regular health and safety checks of an individual's accommodation and other services precluding exclusive possession.

### Discretionary succession rights

Riverside has a range of tenancy agreements which set out the rules for the granting of successions. In all cases these comply with the statutory requirements. Our more recent assured agreements grant succession rights in excess of the statutory minimum giving parity between assured and secure tenancies. This means that succession rights for those tenants will apply to:

- Spouses and partners
- Family members (as defined in the tenancy agreement) who have resided with the tenant for 12 months

For flexible tenants, the succession rights apply automatically to spouses and partners and would give rights to succeed to the tenancy for the remainder of the period. Riverside will also allow successions by family members (as defined in the flexible tenancy agreement) for the remainder of the period.

### 3.2 Tenancy Management

Riverside is committed to the development of positive and supportive measures to establish good working relationships with all its tenants from the commencement of tenancy.

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We will take reasonable steps to establish that the prospective tenant is eligible for housing and has the right to reside and rent a property in the UK. Information will be retained on the tenancy file (including photographs) to confirm the identity of the applicant.

We will carry out an affordability assessment to ensure the tenancy can be sustained and to target money advice and other support services such as employment and training advice as required in order to maximise the chances of tenancy success.

We will support tenants to remain in their homes and offer advice and support to enable them to fulfil the conditions of their tenancy agreements including liaison with appropriate agencies and housing options services.

We will also offer a starter tenancy to new tenants moving to general needs homes. This will act as an incentive for new tenants to conduct their tenancies well and to speed up the legal process to end the tenancy in the event of severe and/or sustained breaches of tenancy conditions in the first 12 months of a new tenancy.

Riverside reserves the right to undertake its own investigation, including using data matching services to verify that the tenancy is legally occupied. In addition, we will work with local authority partners to recover unlawfully sublet homes and will take swift action on discovering that a property has been unlawfully sublet. Tenancy audits may also be carried out from time to time in order to verify occupancy information.

#### 4. Further Information & Support

##### Linked Strategies, Policies, and Procedures

Strategies	Policies	Procedures
<ul style="list-style-type: none"> <li>Regional Allocations Strategies</li> </ul>	<ul style="list-style-type: none"> <li>Lettings Policy</li> <li>Choice-Based Lettings Scheme</li> <li>Policies for local housing authority schemes</li> <li>Any Local Lettings Policies in operations</li> </ul>	<ul style="list-style-type: none"> <li>Flexible Tenancies</li> <li>Housing Under 18s</li> <li>Identity, Eligibility &amp; Immigration</li> <li>Let a Property</li> <li>Management Let</li> <li>Move On</li> <li>Right to Review</li> <li>Rehousing Employees, Board Members &amp; Close Connections</li> <li>Suspensions</li> <li>Voids End to End</li> </ul>

#### 5. Appeal & Complaints

As detailed in the Regulator of Social Housing's Transparency, Influence and Accountability Standard, customers are invited to hold us to account for the decisions we make that impact upon them under this Policy.

If a customer wishes to appeal a decision made under this Policy, this should be received and heard under our Right to Review Procedure. Appeals will be heard by a Riverside manager who has not had any previous involvement in, and will be more senior than the colleague making, the original decision.

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If a customer wishes to complain about the service they have received under this Policy, this should be handled through our Complaint Handling Procedure, which is governed by the Housing Ombudsman's Complaint Handling Code of Practice.

These associated procedures are available on our website at <https://www.riverside.org.uk/you-your-home/customer-feedback/> or <https://www.riverside.org.uk/about-us/our-policies/> and are also available by contacting our Customer Service Centre.

## 6. Equality, Diversity and Inclusion

Riverside is committed to Equality, Diversity & Inclusion. We strive to be fair in our dealings with all people, communities and organisations, taking into account the diverse nature of their culture and background and actively promoting inclusion. This policy aligns with Riverside's [Equality, Diversity and Inclusion Policy](#) and has been subject to an Equality Impact Assessment.

## 7. Roles and Responsibilities

Director of Homes & Communities, Director of Operations and Director of Home Ownership	<ul style="list-style-type: none"> <li>Responsible for the day-to-day operational management of the relevant service area, supported by the Head of Lettings, Assistant Directors of Operations and Head of Home Ownership</li> </ul>
Head of Lettings, Assistant Directors of Operations and Head of Home Ownership	<ul style="list-style-type: none"> <li>Responsible for the delivery of the content of the policy, ensuring properties are let in line with regulatory requirements and that any training for operational colleagues is designed and delivered</li> </ul>
Housing Services Teams, Home Ownership Team and C&S Operational colleagues	<ul style="list-style-type: none"> <li>Responsible for reviews of tenancies including starter tenancy reviews, extensions and conversions</li> <li>Responsible for providing face to face advice and support to customers</li> </ul>
Lettings Officers	<ul style="list-style-type: none"> <li>Responsible for providing specialist lettings advice and support to customers by telephone</li> <li>Responsible for preparing tenancy agreements for new customers</li> </ul>
Customer Service Advisers	<ul style="list-style-type: none"> <li>Responsible for providing first point of contact advice and support to customers by telephone</li> </ul>

## 8. Risk

### Customer Experience

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As we improve the customer experience, we are identifying and addressing exceptions to our customer standards which have developed over many years. We accept this risk as part of our current business model as we are seeking to address these issues as a priority. Over time our tolerance of such will diminish and we will revise the score accordingly.

The short term consequence of making major improvements may be a temporary reduction in customer service and as a result customer satisfaction. We will only accept such reductions where there is a clear articulation of the potential impact and an agreed action plan to return to acceptable levels. We also accept that, as such change may not be welcomed by all of our staff, there is a risk of industrial action and adverse media comment.

We will innovate in the way we deliver customer service including through digitisation but not without careful consideration of risk.

We have a full suite of customer experience KPIs which are scrutinised by Executive Directors, Boards and Customer Experience Committee. Targets are set informed by Customer Experience Committee.

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