

Tenure and Tenancy Management Policy	
Approved by Board	Issue number 11
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	Executive Sponsors: Director of Housing / Director of C&SH
Previous Version N/A	Responsible Officer Head of Housing

1.	Aims and Objectives
1.1	Hightown provides a range of housing and support services for a wide range of residents, including general needs housing, intermediate rent, registered care homes, supported living, women's refuges, short term hostel accommodation and Housing First in self-contained properties and shared housing Different tenure types are offered to ensure that the most appropriate form of tenure is used in each case.
1.2	This policy sets out the criteria for granting different types of tenure for each needs category and the way those tenancies will be managed to ensure compliance with the Regulator of Social Housing's Tenancy Standard, as set out in the Regulatory Framework.
1.3	Different tenures are granted to allow Hightown to accommodate vulnerable individuals; offering appropriate levels of support, while at the same time reducing the risk of health and safety issues, high levels of rent arrears, bad debt and damage to Hightown property.
1.4	To outline the approach to ensuring that homes continue to be occupied by the person named on the tenancy or licence agreement.
2.	Definitions and Scope
2.1	This policy applies to all Hightown staff involved in the allocation, letting and management of Hightown's rented properties. It applies to both directly managed and agency managed schemes.
2.2	This policy applies to rental accommodation only, and does not apply to Leasehold, Retirement Leasehold or Shared Ownership properties.
2.3	Tenancy and licence agreements are the key contractual documents between our residents and Hightown. The agreements cover the residents' rights and responsibilities alongside Hightown's obligations as the landlord.

2.4	Standard tenancy and licence agreements for use by Hightown are drawn up based on legal and regulatory requirements. These will be reviewed periodically when legal and regulatory requirements change.
2.5	<u>Definitions of tenure types:</u>
2.5.1	Licence Agreement: permission to occupy accommodation. It does not give the licensee security of tenure or a legal interest in the land and can be ended through serving Notice to Quit.
2.5.2	Assured Shorthold Periodic Tenancy: issued where there is no intention to create a home for life. The tenancy can be ended by giving notice under Section 21 of the Housing Act 1988 and applying to the county court for a possession order, which would normally be granted without a hearing.
2.5.3	Starter Tenancy: an assured shorthold tenancy that is granted for one year. If at the end of the year the tenant has complied with the terms of their tenancy agreement, and steps have not been taken to end the tenancy or extend the Starter period, the tenancy will convert to an Assured tenancy. Starter tenancies can be ended by giving notice under Section 21 of the Housing Act 1988 and applying to the county court for a possession order, which would normally be granted without a hearing.
2.5.4	Assured Tenancy: gives security of tenure and the tenancy can only be ended by the tenant serving Notice to Quit or a Court Order for possession under grounds provided for in Schedule 2 of the Housing Act 1988.
2.5.5	Secure Tenancy: granted prior to 15 th January 1989. Provides security of tenure and can only be ended by Court Order using grounds for possession under Schedule 2 of the Housing Act 1985.
2.5.6	Equitable Tenancy: Equitable tenancies are used for 16 and 17 year olds where normally another tenancy type would apply. This is because legally a minor cannot enter into such a contract. The minor becomes a tenant in equity until they reach the age of majority (usually 18) and the legal estate is held on trust on their behalf until that time.
2.5.7	Demoted Tenancy: An assured or secure tenancy which has been downgraded by the court and provides the same rights as an Assured Shorthold Tenancy for the period of demotion (1 year). Demoted tenancies cannot be granted by the landlord.
3.	Tenure Policy
3.1	Hightown will not grant inter-generational joint tenancies or joint tenancies between siblings (e.g. between parents and children, grandparents and grandchildren, or brothers and sisters), or tenancies between friends, unless there are exceptional circumstances which would require this approach. Any exceptional circumstances will be considered by a Senior Manager.
3.2	No more than two people may be joint tenants.
3.3	Agreements will clearly set out the rights and obligations of the tenant or licensee and the landlord, and meet all legal and regulatory requirements.

3.4	Information will be made available to applicants for housing prior to signing their agreement to enable them to understand the type of tenure they are being granted, the length of the agreement.
3.5	Circumstances in which tenancies and licence agreements will be used
3.5.1	In order to take into account the needs of vulnerable households and provide a reasonable degree of stability, Hightown will offer tenancies and licences in the circumstances detailed below:
3.5.2	<p>Licence Agreements will be used where: -</p> <ul style="list-style-type: none"> • The occupier lives in supported housing and does not have exclusive possession of the property, for example if they share facilities or can be asked to move to a different room at the scheme. • Where the management of a scheme requires that Hightown or its agents have a right to access to a person's accommodation, for example to ensure the health and safety of the individual or other occupants. • Where the accommodation is occupied by service users under the age of 18 and the property is block funded by the County Council. • Hightown is temporarily decanting a tenant to another Hightown property in order to carry out repair works, where the rent will remain payable on the original tenancy.
3.5.3	<p>Assured Shorthold Periodic Tenancies will be used where: -</p> <ul style="list-style-type: none"> • The accommodation is intended to last between 6 months and 2 years. • The scheme is designed to provide temporary accommodation and may be ended when the occupant no longer meets the criteria for the type of accommodation. • The individual has a care or support package to be reviewed, which may involve the accommodation being inappropriate thereafter. • Where the resident has clear and defined support needs. • The accommodation is provided as an intermediate rent product, or a market rent is being charged.
3.5.4	<p>Starter tenancies will be used where:-</p> <ul style="list-style-type: none"> • The applicant is a new general needs tenant who does not hold a secure, assured or fixed term tenancy from a social landlord when they are offered a general needs tenancy with Hightown. • The property is being let under the Housing First scheme.
3.5.5	<p>Assured tenancies will be used in general needs housing where:-</p> <ul style="list-style-type: none"> • where the tenant has successfully completed a Starter tenancy, or where an applicant for housing is moving from an existing assured, secure or fixed term tenancy from a social landlord.
3.5.6	Secure Tenancies: have not been granted to new general needs tenants since 15 th January 1989. Secure tenancies will only be granted under mutual exchange or a current Hightown secure tenant transfers to another property owned by Hightown. They may have the Right to Buy.
3.5.7	Equitable Tenancy: An equitable tenancy will be used in general needs in exceptional circumstances where an applicant for housing is aged 16 or 17. Any request from a nominating Local Authority to grant an equitable tenancy must be referred to the Head of Housing.

3.5.8	Demoted Tenancy: Hightown can apply to Court to demote an existing assured or secure tenancy to a demoted tenancy, which has the same rights as an assured shorthold tenancy, and less protection from eviction. Demoted tenancies are used as a tool to manage anti- social behaviour. If the court agrees to a demotion a written tenancy agreement that explains the tenant's rights and responsibilities during the demotion is provided to the tenant. After a year, if Hightown has not applied for possession of the demoted tenancy, the tenant is automatically entitled to a new assured tenancy (even if they were a secure tenant before).
3.6	Succession Rights Hightown does not grant additional contractual succession rights through the tenancy agreement. However, some older tenancy agreements do provide for additional rights for family members. Where the needs of vulnerable household members may only be met by the property and are considered to constitute exceptional circumstances, a discretionary succession right may be granted.
3.7	Exceptions It may not always be possible or appropriate to provide housing with a form of tenure as described in this policy, for example for management reasons. In such circumstances the appropriate Director may approve the use of an alternative form of tenure as an exception prior to the agreement being issued.
3.8	Master Copies Master copies of agreements are not to be amended other than to include resident, property, and rent and service charge details. Any amendments to the agreements must be agreed with the Director of Care and Supported Housing or Director of Housing, and be checked by an approved solicitor.
4.0	Tenancy Management
4.1	Hightown is committed to ensuring that residents are able to fully benefit from their homes. Hightown recognises some residents may be vulnerable and may need support or assistance to maintain their tenancies.
4.2	Hightown provides a range of services to a diverse group of customers, including applicants for our services and people living in general needs, shared ownership, leasehold, intermediate rent, and retirement housing, and living in or using our care and supported housing services.
4.3	Hightown has a range of policies and procedures which contribute to effective tenancy management.
4.4	Allocations and Lettings.
4.4.1	Time and effort will be put into meeting, interviewing and preparing new residents when they apply for a tenancy.
4.4.2	Hightown will ensure that applicants for housing are aware of the type of tenancy being offered and that the tenure is appropriate to the type of housing and the personal circumstances of the applicant for housing.
4.4.3	Where support needs are identified, staff will make appropriate referrals for support, where available.
4.4.4	New tenants will have the terms of their tenancy fully explained to them before they sign the tenancy agreement.

4.4.5	Residents will be contacted after 6 weeks to make sure that they have understood all aspects of their responsibilities. Advocates will be involved where appropriate to support people to understand all aspects of their tenancy. Tenancy agreements can be produced in different formats to meet individual needs.
4.4.6	Starter tenancies are granted to new tenants in general needs homes who are not transferring from a current secure, fixed term or assured social housing tenancy. A higher level of monitoring and support will take place during the Starter Tenancy period.
4.5	<p>Mutual Exchange</p> <p>Hightown offers a mutual exchange service which offers Assured tenants the ability to move by swapping their home with another eligible tenant.</p>
4.6	<p>Anti-Social Behaviour (ASB)</p> <p>Hightown will be proactive in seeking effective solutions where ASB occurs. The approach to anti-social behaviour is reviewed biennially, in consultation with residents, and procedures underpin case management.</p> <p>Hightown will work in partnership with third party agencies to prevent and tackle anti-social behaviour in the neighbourhoods where we own homes, focussing on both preventative action, and appropriate remedies where ASB does occur. We will refer residents to other appropriate agencies and support them to access that assistance where necessary.</p>
4.7	<p>Domestic Abuse</p> <p>Hightown is committed to assisting tenants experiencing domestic abuse. The Domestic Abuse Policy sets out how we will support victims of domestic abuse and the potential actions to be taken with regard to the tenancy, including support to help the victim/survivor to sustain their tenancy if that is their wish.</p>
4.8	<p>Rent Arrears</p> <p>The provision of a dedicated team to deal with arrears ensures that staff have knowledge of welfare benefits and financial issues. The Rent Collection and Arrears Recovery policy and related procedures are designed to ensure that residents receive support at an early stage if they have difficulty paying their rent, and problems are dealt with before they become overwhelming. Support is given from the start of the tenancy, with staff contacting housing applicants prior to sign-up to advise on methods of payment, arrange for the rent to be paid in advance in line with their tenancy agreement and ensure residents claim benefits in a timely manner. A wide range of payment methods are offered, and a range of information is given regularly in newsletters to help residents maximise their income. Hightown's Financial Inclusion Officers work directly with residents, and we will work with other agencies, both statutory and voluntary, making referrals where necessary to help sustain tenancies.</p>
4.9	<p>Resident Involvement</p> <p>Resident involvement plays a vital role in helping ensure that residents have a stake in their home and neighbourhood. Hightown offers a wide range of ways in which residents can have their voice heard, so that policies and services can be developed that meet the needs of residents. A Strategy is produced every two years in consultation with residents to ensure that resident involvement activities remain current and relevant.</p>

4.10	<p>Equality and Diversity Policy</p> <p>Hightown will ensure that no residents are disadvantaged because of diversity characteristics, the Equality and Diversity Policy is periodically reviewed. Profiling of residents will continue so that services are responsive to individual needs. Staff will ensure that as far as possible residents have access to services that meet their individual needs.</p>
4.11	<p>Tenancy Fraud</p> <p>It is important that Hightown ensures that properties are occupied only by the people to whom they were let, so that the maximum number of people in housing need can be assisted. Where tenancy fraud is discovered action will be taken to recover the property.</p> <p>Hightown is committed to ensuring that tenancy fraud is detected and dealt with. Measures will be taken before allocating a property, including identity verification and obtaining photographs of all new tenants. General needs tenancies are audited on a rolling programme. A 'hotline' number and dedicated email address are available for residents to anonymously report suspected tenancy fraud.</p>
4.12	<p>Under-occupation</p> <p>Information regarding household make-up is kept as up to date as possible. This information is used to address under-occupation by working with residents to make more efficient use of stock.</p>
4.13	<p>Supported Housing</p> <p>Hightown operates a number of supported housing schemes which provide housing and support to vulnerable people to enable them to develop the skills required to manage a tenancy independently. Hightown also runs a floating support scheme in St Albans which gives sustained support to assist people for a period of time, helping them to manage all aspects of their tenancy to give them the maximum chance sustaining their tenancy.</p>
4.14	<p>Asset Management Strategy and Neighbourhood Management Policy</p> <p>To maintain homes and grounds in good condition, regular estate and stock condition inspections are undertaken in a programmed way. Hightown will maintain its homes and grounds in a condition that helps foster residents' pride in where they live and to provide an incentive for people to manage their tenancies in a way that contributes to their neighbourhood.</p>
4.15	<p>Monitoring</p> <p>A range of tenancy management key performance indicators are monitored, along with details on the number of involved residents, and the impact of resident involvement initiatives. Key policies are reviewed by staff and residents periodically.</p>
5.0	<p>Legal/Regulatory Background</p> <p>Housing Act 1985 Housing Act 1988 Housing Act 1996 Social Housing Regulation Act 2023 Housing and Regeneration Act 2008 Immigration Act 2014 Anti-Social Behaviour, Crime and Policing Act 2014 Prevention of Social Housing Fraud Act 2013 Domestic Abuse Act 2021</p>

	<p>Equality Act 2010</p> <p>The Regulatory Framework for Social Housing in England</p>
6.0	Role and Responsibilities/Authority
6.1	The Director of Care and Supported Housing and Director of Housing will ensure that Hightown has standard tenancy and licence agreements drawn up containing the legal and regulatory requirements, taking solicitor's advice where changes to tenancy agreements are proposed. Funding agreements may require Hightown to make lenders aware of any changes to standard agreements.
6.2	Staff involved in the allocation and letting of properties will make every effort to ensure that residents understand the agreements they sign.
6.3	Tenancy management services are provided by Housing Officers, Home Ownership Officers and Care and Supported Housing Staff, with support from their line managers. Other frontline staff, such as Income Recovery Officers, Financial Inclusion Officers, Tenancy Sustainment Officers and Property Services Inspectors also have a role in dealing with aspects of tenancy support.
7.0	<p>Policy/document References:</p> <ul style="list-style-type: none"> • Tenure Management Procedure • Starter Tenancy Procedure • Fixed Term Tenancy Procedure • Tenancy Changes Procedure • Allocations and Lettings Policy • Anti-Social Behaviour Policy • Asset Management Strategy • Neighbourhood Management Policy • Domestic Abuse Policy • Mutual Exchange Procedure • Tenancy Audit and Unauthorised Occupation Procedure