

Tenancy Policy

Date Reviewed	February 2022	Next Review Date	February 2024
Consultation	Completed	Reviewed By	Head of Housing
EIA	Completed	Responsible Officer	Jay Gill
DPIA	N/A	Approval By	Executive Team

1. Purpose

The purpose of this policy is to set out for customers, staff, and local authorities how BCHG grants each type of tenancy for housing. It provides general guidance on tenancies that will be offered for each type of housing. It is a regulatory requirement that all Registered Providers (RP) should have a Tenancy Policy in place from April 2012 even if fixed term tenancies are not to be offered from that date.

2. Scope

The policy sets out our approach for rented properties for general needs, (Social Rent and Affordable Rent), Older Persons Housing, Supported Living and Rent to Buy. The Policy does not cover Extra Care Housing, shared ownership, and properties for outright sale.

3. Definitions/Abbreviations

BCHG	Black Country Housing Group
AST	Assured Shorthold Tenancy
CORE	Continuous Recording of lettings system
RP	Registered Provider
RSH	Regulator of Social Housing
GDPR	General Data Protection Regulation

4. Related Policy / Procedure and other Documents

Lettings Policy
 Rent Setting Policy
 Service Charge Policy
 Income management Policy
 Mutual Exchange Policy
 Home Ownership Policy
 Eviction Policy

5. Roles and Responsibilities

The Deputy Chief Executive is responsible for overseeing the implementation of this policy and reporting to Board as required. The Head of Housing will be responsible for any reviews and updates of the policy and ACRM's will be responsible for ensuring the correct tenancy agreements are granted.

6. Policy Statement

The policy outlines the types of tenancies that are offered by BCHG and in what circumstances. We will comply with the regulatory requirements to maintain the security of tenure of existing tenants with a lifetime tenancy.

A description of each tenancy types that BCHG may offer is set out in Appendix 1 of this policy.

The policy is prepared and will continue to be monitored in line with Local Authority strategies and the Tenancy Standard published by the Regulator of Social Housing.

We will ensure that in handling the personal data of our customers we will abide by the UK GDPR Data protection rules.

7. Policy Details

The types of tenancies we offer are as follows: -

Assured Non-shorthold Tenancies (Social Rent & Affordable)

Periodic assured non shorthold tenancies were created under the Housing Act 1988 and will offered in most cases to all new customers moving into General Needs, Retirement Living and Supported Living accommodation, with long stay provision. Providing the tenant does not breach the tenancy conditions, they will usually be able to stay in their home for the rest of their life. Assured tenancies will be offered on either social rent or affordable rent and is determined by S106 agreements.

Secure Tenancies (Fair Rent)

Secure tenancies were issued to tenants that began their tenancy before 15th January 1989 and right are contained in part 4 of the Housing Act 1998. BCHG have just under 100 secure tenancies and will only grant a new secure tenancy to existing customers wishing to transfer where the secure tenancy rights will transfer with them.

Assured Shorthold Fixed Term Tenancies (Social Rent & Affordable)

Assured Shorthold fixed term tenancies will be granted where a periodic agreement is not appropriate. This will include time limited supported housing tenancies such as Rough Sleepers Accommodation Programme, rent to buy tenancies under the new Affordable Housing Programme 2021-26.

Mortgage Rescue (Properties bought between 1st March 2010 to 1st January 2013)

Any properties under the mortgage rescue scheme will be offered an Assured Tenancy with an intermediate rent.

7.1 Data Processing

Personal Data: The tenancy agreements will include name and date of birth of all members living in the household. A copy of the Tenancy Agreement will be kept on SharePoint in the tenancy folder and any hard copy will be destroyed.

Data Protection: No sensitive data will be contained in the tenancy agreements.

Data Integrity: Each tenant will check accuracy before signing the tenancy agreement

7.2 Legal and Regulatory Considerations

[The Tenancy Standard](#), which is part of the Regulatory guidance, requires RPs to publish a Tenancy Policy, which outlines our approach to tenancy management. The Standard sets out that RPs should issue tenancies that are compatible with the.

- ✓ Purpose of the accommodation
- ✓ Needs of the individual households
- ✓ Sustainability of the community; and
- ✓ Efficient use of their housing stock

[Housing Act 1985](#) includes the rights for secure tenants including the grounds for possession

[Housing Act 1988](#) includes the rights for assured and assured shorthold tenants the grounds to prove to gain possession of the property

[Housing Act 1996 \(Section 170\)](#) – sets out the duty of Housing Associations to such an extent as is reasonable in offering accommodation to those in priority need under the Local Authority's Allocation scheme

7.3 Equality Diversity & Inclusion

BCHG recognises that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect, and fairness, regardless of their characteristics.

An Equality Impact Assessment has been carried out on this policy which will be updated in line with policy reviews to ensure there is no discrimination and opportunities to improve equality and access are maximised.

8. Compliance, Monitoring & Reporting

A tenancy obtained by deception will be repossessed. If a copy of the tenancy agreement is misplaced and becomes in the public domain, the name of a person living at the property can be identified and the document could also be fraudulently used as proof of address.

There is a risk of a tenancy agreement being used as part of identity fraud should security and confidentiality not be maintained in line with our Data Protection Policies.

If the information on the tenancy agreement is not securely saved or is leaked in the public domain – the matter will be investigated as per the Data Breach Procedure and addressed through disciplinary procedures where necessary.

Any hard copies of tenancy agreements will be destroyed and saved in a secure location. Once a customer leaves BCHG, any tenancy details including the tenancy agreement will be destroyed after 6 years. A Quarterly audit by the Head of Housing will be conducted to ensure compliance. The ACRM will be responsible for issuing tenancy agreements on any re-let/new let.

9. Tenancy Review

Customers can end their tenancy at any time by giving BCHG 4 weeks' notice to terminate in writing. BCHG will not seek to end the tenancy before the end of the fixed term unless the resident is in breach of the tenancy agreement. Towards the end of a fixed term tenancy BCHG will carry out a review to see whether a new tenancy will be granted. If BCHG are not able to renew the tenancy at the end of the fixed term, advice and assistance will be offered to help the resident explore options for alternative housing where appropriate.

Where BCHG decides to end the tenancy, the resident must be given at least 6 months' notice stating the reasons why and giving them a right to request a review of the decision not to renew. BCHG will then need to give 2 months' notice requiring possession under Section 21 of the Housing Act 1988.

10. Appeals Process

If a customer believes that they have not been offered or granted the correct type of tenancy as outlined in the Policy, they can make an appeal for the decision to be reviewed. The appeal must be in writing. Where the tenancy has started, any request to review should be made within 3 months of the tenancy start and will be decided within 14 days by Head of Housing.

11. Customer Voice

BCHG has committed to consult customer facing policies, we work on a 'no voice no approval' basis and we aim to consult customers at stages where they can influence change. Customer's consultation was undertaken with customers and colleagues.

12. Review

This policy will be reviewed every 3 years or sooner if required.

Appendix 1

Tenancy Types

Tenancy Type	When It is Used	Review Termination	Rent Type
Assured non-Shorthold			
Assured tenancies with no fixed term often referred to as lifetime tenancies.	For all new tenants moving into a BCHG general needs property, older persons accommodation and supported living with long term provision For all current BCHG customers wishing to transfer and already hold an assured tenancy.	Can be ended only on grounds specified in Schedule 2 of the Housing Act 1988 after serving a valid Notice Seeking Possession and securing a valid outright possession order from a court.	Social, Affordable, or Intermediate
Secure Tenancy			
Older lifetime tenancies issued lettings before 15 th January 1989	Only to be issued to existing BCHG Secure customers transferring to a new home	Can be ended only on grounds specified in Schedule 2 of the Housing act 1985 after serving a valid Notice Seeking Possession.	Fair Rent
Assured Shorthold Tenancy – Fixed Term			
Generally known as AST's that have a fixed term	This will include time limited supported housing tenancies such as Rough Sleepers Accommodation Programme, rent to buy tenancies	Can be ended only after the initial 6 months by serving a valid Notice Requiring Possession (S. 21 HA 1988)) with 2 months' notice of intention to terminated or at any point from the start of the tenancy if there are breaches of tenancy, by serving a Notice Seeking Possession Housing Act 1988.	Social, Affordable