

Tenancy Policy

Responsible Officer	Executive Director of Customer Services
This policy is applicable to	Karbon Homes
Approved by	KMT
Date approved	24/06/21
Frequency of review	Every 3 years
Date of next review	June 2024
Implementation date	June 2021
Key related documents (policy, procedure, customer literature)	Rent policy Allocations and Lettings Policy Assignment and Mutual Exchange Policy Succession Policy Tenancy Fraud Policy Vulnerable Residents Tenancy Management Policy Complaints, Compliments & Suggestions Policy
Sources of best practice or guidance used in developing this policy	

Version control			
Version number	1	Author of Policy	Kath Glen
Equality Impact Analysis (see note 2)	Initial	Equality Analysis Date	April 2021
Privacy Impact Analysis (see note 2)	Initial	Privacy Analysis Date	

Document change history		
Version	Date	Changed sections

Consultation	
Consultation Group (if applicable)	Date of Consultation (if applicable)
Staff	December 2020
Union(s)	NA
Customers	NA
Human Resources / Organisation Development	NA
Health and Safety Working Group	NA
Other stakeholder (please state)	NA

Policy statement

Karbon Homes is committed to providing clear information to customers about the types of tenancies used and the circumstances in which they are used.

The Tenancy Policy provides a framework which enables Karbon Homes customers to receive a tenancy which is appropriate for their housing need and financial circumstances. The policy ensures that affordable housing is accessible and that customers receive advice and assistance to access the range of tenancies on offer to ensure they have the right home at the right time.

Risk policy is designed to control

This policy ensures that Karbon Homes has a robust policy framework in place to enable it to use different forms of tenancy when allocating and managing social, affordable and market rent properties. This policy mitigates the reputational risk associated with the failure to allocate and manage tenancies in accordance with legislative and statutory frameworks.

Abbreviations

RSH Regulator of Social Housing

1.0 Purpose of policy

- 1.1 This policy sets out the type of tenancies that Karbon Homes uses, the circumstances in which they are used and outlines Karbon Homes' approach to tenancy management.

2.0 Objectives

- 2.1 To ensure Karbon Homes:

- Makes efficient use of the properties it owns or manages
- Meets the needs of individual households
- Makes tenants aware of their responsibilities
- Applies a consistent and fair approach to offering and sustaining tenancies
- Meets the needs of Local Authority Tenancy Strategies
- Fulfils the requirements of the Localism Act (2011) and any other relevant legislation

- 2.2 The policy meets the requirement of the Regulator of Social Housing that registered providers publish clear and accessible policies which outline the organisation's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackle tenancy fraud.

- 2.3 The Tenancy Policy sets out:

- The types of tenancies Karbon Homes will grant

- Where tenancies are granted for a fixed term, the length of that term
- The circumstances in which Karbon Homes will grant tenancies of a particular type
- Any exceptional circumstances in which Karbon Homes will grant fixed term tenancies for a term of less than five years following any probationary period
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered, the type of tenancy offered, or a decision not to grant another tenancy on the expiry of the fixed term
- Karbon Homes 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
- The advice and assistance which will be provided to tenants on finding alternative accommodation in the event that Karbon Homes decides not to grant another tenancy
- Karbon Homes policy on granting discretionary succession rights, taking account of the needs of vulnerable household members

3.0 Policy detail

- 3.1 Karbon Homes provides both general needs housing and specialist housing and support services for older people and those living with a range of disabilities and support needs. Karbon Homes will offer the most appropriate type of tenancy or occupancy agreement to meet individual and household needs.
- 3.2 Karbon Homes will engage with customers throughout the life of the tenancy to offer appropriate support, advice and help to sustain tenancies and prevent unnecessary evictions.
- 3.3 Karbon Homes uses the following tenancy and occupation agreements:
- **Starter (Assured Shorthold) Tenancy** – is typically granted to all new tenants. They usually last for 12 months from the start of the tenancy. Provided that the Starter Tenancy period has not been extended or there has not been legal action taken to end the tenancy, the tenancy will be converted to an Assured Tenancy after the initial 12 months.
 - **Assured Shorthold Tenancy** – is granted to tenants receiving floating support or accommodation based support within Supported Housing and to tenants in temporary accommodation managed by a managing agent. In all cases the shorthold tenancy will last for the duration of the support.
 - **Assured Tenancy** - is granted to tenants when they have successfully completed the probationary period of a Starter (Assured Shorthold) Tenancy or to tenants who have transferred to a Karbon Homes property from another housing provider if they have previously had an Assured Tenancy. Tenants in long-term supported accommodation will also be offered an Assured Tenancy.
 - **Assured Protected Tenancy** is held by previous secure tenants of the local authority at the time a stock transfer has occurred and existing Assured Protected

Tenants who transfer within Karbon Homes properties which are eligible for an Assured Protected Tenancy.

- **Secure Tenancy** – is a type of tenancy which was granted to Housing Association tenants who were issued a tenancy before 15 January 1989. This type of tenancy will also be issued to existing secure tenants who transfer within Karbon Homes stock to another property which is eligible for a secure tenancy.
- **Affordable Rent Tenancy (Affordable Starter and Affordable Assured)** - is where a rent is charged at up to 80% of the market rent. The Localism Act 2011 gives social housing providers the discretion to charge affordable rents. An Affordable Starter Tenancy will last for 12 months from the start of the tenancy after which it will convert to an Affordable Assured Tenancy provided that the probationary period has not been extended or legal action has not been taken to end the tenancy.
- **Flexible Tenancy (Fixed Term Tenancy)** – is a tenancy which allows social housing providers to offer prospective tenants a tenancy for a fixed period. The fixed term period is usually for a minimum period of 5 years but in exceptional cases this may be for a period of 2 years in addition to any probationary period. This type of tenancy may be applied to properties managed by Karbon on behalf of another organisation, those properties subject to a lease arrangement and to some larger high demand properties.
After the fixed term period has lapsed there is no obligation for Karbon Homes to offer an extension of the tenancy or offer an alternative property.

If a tenancy is not to be renewed, Karbon Homes will provide advice and support to the customer to help them find alternative accommodation by assisting with completion of housing application forms or assistance to register on the relevant Choice Based Lettings Scheme.

A tenant, or prospective tenant, may appeal against the length of a fixed term tenancy and the type of tenancy offered. If a tenant wishes to appeal the length of the fixed term tenancy or the decision not to renew a fixed term tenancy, they should notify us at the earliest opportunity giving reasons for the appeal. This will be considered by a senior manager not involved in any previous decisions relating to the tenancy. Alternatively, a tenant or prospective tenant can make a complaint about the tenancy type offered in which case the complaint will be considered in line with our complaints process.

- **Equitable Agreements** - people under the age of 18 are unable to hold a legal interest in land including a property. In these cases, and only in exceptional circumstances, an Equitable Agreement is granted until that person is 18 years old, at which point the tenancy will be reviewed and a decision made if it's appropriate to grant an assured shorthold tenancy.
- **Licences** - a licence is used as a temporary measure for a time limited period, for example, when a tenant needs to be decanted (rehoused) for a temporary period. Licences are also used in Supported Housing where there is no exclusive possession.

- **Demoted tenancies** - granted by a Court following breach of an assured tenancy condition arising from anti-social behaviour. A demoted tenancy gives the same rights as an assured shorthold tenancy, but gives fewer rights and less protection from eviction than an assured tenancy. Demoted tenancies usually last for one year and will convert to an Assured Tenancy provided that there have been no further issues.
- **Garage tenancies** - granted to those renting a garage which is not situated within the curtilage of the property.

3.4 Joint tenancies

Applicants for a Karbon Homes property may apply to be joint tenants of the property. Karbon Homes will grant a joint tenancy in most cases and will advise of the reasons why when this is not possible. Tenancies granted to a single tenant cannot subsequently become a joint tenancy.

3.5 Tenancy Agreement

Tenants have a right to occupy their home and a tenancy will generally only be ended by Karbon Homes if one or more of the conditions in the tenancy agreement have been broken or if the tenant no longer occupies the property as their sole or principal home.

3.6 Rents charged

Rents for all properties will be set and reviewed in line with Karbon Homes Rent Setting Policy.

3.7 Ending tenancies

Tenants are required to give 4 weeks' notice to terminate their tenancy except in exceptional circumstances, for example, admission to residential care, the death of the tenant, internal transfers or where there is a reciprocal agreement with other housing providers. Termination of a joint tenancy submitted by one tenant ends the tenancy for all joint tenants.

3.8 Succession

There is only one right to succession in law. Where this has been exercised Karbon Homes may grant a new tenancy of the property in exceptional circumstances. Some tenants may have additional rights of succession in line with their tenancy agreement. Rights of succession are further explained in Karbon Homes Succession Policy.

3.9 Allocations and lettings

Karbon Homes complies with all legal and regulatory requirements when letting and allocating homes. Further detail is available in Karbon Homes Allocations and Lettings Policy.

3.10 Tenancy fraud

Karbon Homes will not tolerate social housing tenancy fraud and will take appropriate action where it is identified as outlined in our Tenancy Fraud Policy.

4.0 Customer Vulnerabilities

- 4.1 This policy is applied in line with Our Approach To Vulnerability Policy. Everyone matters. We want people to be treated fairly, have equality of opportunities, freedom, respect, and access to our services. We will offer support, reasonable adjustments, and adaptations to remove barriers. We will discuss with our customers what is reasonable and appropriate. In delivering this service we may need to escalate a particular case – if we do then customer vulnerabilities will be considered as part of the decision-making process.
- 4.2 We will support people with vulnerabilities to deliver this service. We will work alongside external agencies such as social services, the police and fire services and other appropriate agencies to help and support people with vulnerabilities in the delivery of our services but also to ensure we meet our statutory and regulatory requirements as a social landlord. Details are provided in the appropriate areas in this policy. All our customer policies are available on the website.

5.0 Monitoring and Review

- 5.1 This policy will be reviewed at least every 3 years. The review will be brought forward if there are significant changes to good practice, regulatory or legislative requirements.

6.0 Equality and Diversity

- 6.1 This policy is applied in line with Karbon's Equality and Diversity Policy and the associated legislation including the Public Sector Equality Duty and Equality Act 2010. At Karbon we aim to eliminate discrimination, promote equality of opportunity, foster good relations and define the nine protected characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.
- 6.2 However, we like to go even further. Beyond these protected characteristics we also take into consideration additional factors such as socio-economic status and language barriers which may also play a part. Our vision is for everyone to be treated fairly, have equality of opportunities, freedom, respect and access to our services.
- 6.3 To help us achieve this, we will work to improve accessibility for all, offering reasonable adjustments, adaptations and discussing ways that we can work to remove any barriers. A reasonable adjustment involves making a change to the way that we usually do things.
- 6.4 All of our customer policies and key information are made available on the Karbon Homes website. These platforms have an easy to use assistive tool that supports

accessibility to our information. This includes translation, audio, changes to the size of text, ruler and screen mask. We also aim to make our information and services more accessible by using Plain English in our communication and offering sign language and language interpreters where required.

- 6.5 We work together to look at options and agree what adjustments would be reasonable in your individual circumstances. If you would like to find out more, please get in touch with the team.

7.0 Data Protection and Privacy

- 7.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the UK General Data Protection Regulation, the Data Protection Act 2018 and other associated legislation. This is clearly set out in the Data Protection Policy for the Karbon Homes Group which, along with its associated procedures, must be followed throughout the operation of this procedure.

8.0 References

- 8.1 There is a requirement for each registered provider to publish their tenancy policy to comply with the Regulator of Social Housing (RSH) regulatory standard.