



Tenancy Policy

Reference	Tenancy Policy	Version	1
Staff affected	All staff	Issue date	April 2022
Approved by	Board	Review Date	April 2025
Lead Officer	Leah Montia		

1. Scope

- 1.1 This policy sets out in broad terms the type of tenancies that we will grant, how we will seek to sustain tenancies and how we look to tackle tenancy fraud.
- 1.2 We shall offer tenancies or terms of occupation, which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of our housing stock.

2. Policy Statement

- 2.1 The aim of our policy is to contribute towards achieving our vision of improving people's wellbeing by providing safe, secure, warm, homes that meet their needs. We are committed to provide homes for a diverse range of people and this is within a wider context of investing in neighbourhoods and supporting local communities to flourish.

3. Staff Responsibilities

Director of Operations

- 3.1 Overall responsibility for this policy and its implementation rests with the Director of Operations.

Head of Housing Operations

- 3.2 The Head of Housing Operations will ensure that staff receive the appropriate training and support to effectively achieve the objectives of this policy.
- 3.3 The Head of Housing Operations is required to authorise the use of any form of tenancy that does not provide long-term security of tenure.

Neighbourhood Manager

- 3.4 The Neighbourhood Manager is responsible for ensuring the implementation of this policy on a day to day basis.

Housing Operations Team Officers

- 3.5 Arches new homes officer is responsible for the implementation of this policy on a day-to-day basis as set out in their job description and primarily through the issuing of new tenancy agreements and as instructed by the Neighbourhood Manager or Head of Housing Operations.

4. Fixed Term Tenancies

- 4.1 Having considered the tenancy strategies of the local authority areas where we operate and the impact that a lack of security of tenure can have on individuals wellbeing, we will not use fixed term tenancies. We firmly believe that security of tenure plays an important role in creating settled communities, supporting individuals and families to live fulfilling lives and improving the life chances of young people.
- 4.2 Whilst we do not offer fixed terms tenancies, we will proactively look to assist local authorities in addressing the demand for larger family homes by helping those people who wish to move to a smaller home, also known as downsizing, achieve this through our internal transfer list as set out in our Access to Housing Policy.

5. Types of Tenancies Offered

- 5.1 We will only offer one of three types of tenancy:

Assured Periodic Tenancies

The majority of our new tenants will be issued with an assured periodic tenancy. This form of tenancy provides a high degree of security and can only be ended by Arches by way of a Court Order following a proven breach of tenancy.

Secure Tenancies

Secure Tenancies are held by tenants whose tenancy with Arches or another Registered Provider commenced prior to 15th January 1989. A secure tenancy may continue to a successor following the death of a tenant, a mutual exchange, an order of the Court following a break up

of marriage, or a transfer of an existing secure tenant between Registered Providers.

As with an assured periodic tenancy, a secure tenancy is a secure form of tenancy and can only be ended by Arches by way of a Court Order following a proven breach of tenancy.

Assured Shorthold Tenancies

In the following circumstances, an Assured Shorthold Tenancies will be issued:

- To tenants moving to a rent to home buy product.
- To tenants where the property has been offered to a third party such as the local authority or another registered provider for short stay accommodation.
- To tenants where they are supported by a supported housing managing agent.

An assured shorthold tenancy does not have the same level of security as either an assured periodic tenancy or secure tenancy and can be brought to an end by service of a prescribed form of notice.

6. Sustaining Tenancies

- 6.1 We will ensure that all new tenants are provided with clear information regarding the terms of their tenancy and the consequences of failing to keep to those terms. We support new tenants in the early weeks of moving into their new home, through a comprehensive post allocation home visit within the first six weeks of the tenancy.
- 6.2 We are committed to having high visibility in our neighbourhoods with housing management staff regularly undertaking estate visits to enable us to more effectively identify tenancies that are at a higher risk of failing.
- 6.3 We will intervene at an early stage when we become aware of breaches of tenancy agreements. Following investigations, we will seek to ensure that tenants receive appropriate support to sustain their tenancy to help them keep their home. Where the tenancy breach is significant or early

intervention and support has not remedied the breach we would seek to end the tenancy through the Court in line with the relevant internal policy and legislation. Any action to end a tenancy will be proportionate and reasonable, and the decision to carry out an eviction approved by the Head of Housing Operations or Director of Operations.

- 6.4 Tenants in supported housing will have a support plan identifying the type of support needed. We will refer vulnerable residents in general needs housing to the most appropriate support service.
- 6.5 Where tenants have rent arrears, we will seek possession only where all preventative methods have been reviewed and exhausted.
- 6.6 Where we identify a tenant as being vulnerable we will work with health and social care partners to help ensure that they can continue to sustain their tenancy and live independently for as long as possible.

7. Tenancy Fraud

- 7.1 We are committed to tackling incidents of tenancy fraud, which presents a serious challenge to Registered Providers. Social housing is a valuable asset that provides security and stability to people in housing need.
- 7.2 Tenants who benefit from social housing have an obligation to act within the terms of their tenancy agreement and will be subject to severe penalties should they commit fraud. We have a duty to make best use of public resources and ensure our housing stock is properly managed.
- 7.3 For the purposes of this policy, tenancy fraud includes the following:
 - Unlawful Subletting
 - Non-occupation
 - Key Selling
 - Fraudulently Obtaining Social Housing
 - Wrongly Claimed Succession
 - Unauthorised Exchange and Assignment
- 7.4 Where we suspect that tenancy fraud is taking place, we will investigate further using a range of methods, including but not limited to the following:

- Home visits to check the details of each adult occupant against the details that we hold on our electronic systems and house files.
- Home visits may with the tenant's consent, include looking in each room of the property and checking wardrobes, fridges and cupboards for evidence of occupancy.
- Checks on benefit applications.
- Using credit reference agencies to trace individuals and establish residency (this will only be used in conjunction with other evidence and not in isolation).

7.5 If we find that tenancy fraud has taken place, we will take such measures necessary through the Court to terminate the tenancy. We will apply for Court costs to recover any costs incurred by us to recover the tenancy.

7.6 In addition to taking action to terminate the tenancy we will report the fraud to Local Authority so that they are able to consider whether they wish to pursue further legal action under the Prevention of Social Housing Fraud Act 2013

8. Review

8.1 This Policy shall be reviewed and updated every three years or if there are any significant changes to current legislation, regulations or codes of practice or guidance.

9. Governance and Assurance

9.1 Monitoring of the implementation of this policy will be the responsibility of Board of Management.

10. Equality and Diversity

10.1 All involved will recognise their ethical and legal duty to advance equality of opportunity and prevent discrimination on the grounds of; age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

11. Publicising this Policy

11.1 This policy will be publicised on the Arches Website.