

## Tenure Policy

Policy Category	Housing
Policy Reference Number	HG_GRP_HSG_135
Version Number	4.7
Date Effective From	08 April 2025
Applicable to	Colleagues, volunteers and agency workers working in operations (rented and supported, including new models of care services)
Policy Owner	Regional Director
Policy Author	Policy Business Partner
Approved by	Board
Equality Assessment	March 2020
Next review of policy due	31 March 2026
Distribution	Internal: All Home Group colleagues, volunteers and agency workers. Communicated via Home World Intranet, Workplace and Leadership portal (  External: Summary on Home Group website. Full policy available on request to Home Group policy team
Key search terms	Tenure; tenancy; tenancy fraud; subletting; assignment; assignation; mutual exchange; succession; decants, ending tenure, support, services and contracts, EA
<ul style="list-style-type: none"> <li>For the full version history of this policy, click <a href="#">HERE</a> (see back page)</li> <li>Please avoid referring to printed versions of this policy or saving it on shared/ individual drives. All policies and supporting resources can be found under 'Policy and Procedures' on the intranet. Printed and saved versions may quickly go out of date- contact <a href="mailto:policy@homegroup.org.uk">policy@homegroup.org.uk</a> for support and advice</li> <li>Some hyperlinks to internal resources may not work if accessed externally. Contact <a href="mailto:policy@homegroup.org.uk">policy@homegroup.org.uk</a> if you require access to additional resources highlighted in the policy</li> </ul>	

## 1.0 Tenure policy statement

We support all of our customers to lead independent lives in homes they aspire to live in and communities they want to be a part of. This policy helps us deliver key elements of our customer promise which are to:

- Provide you with a safe place to live
- Deliver a reliable repairs service
- Care about you
- Help communities grow
- Tell you where your money goes
- Work together with you and our partners

We work together with our local authority partners to meet the housing needs of the communities we work in. We pay due regard to local authority tenancy strategies to help us meet the needs of local communities whilst delivering the right outcomes for Home Group's customers. We work together with customers to support them to remain in their homes and offer appropriate advice and support to fulfil the conditions of their tenure agreements.

We offer a range of tenure types to ensure that we are using the most appropriate form of tenure for our customers in both rented and supported housing services. We are committed to promoting equality, preventing unlawful discrimination and making sure that customers are informed and appropriately supported whether signing up, changing or ending their tenure agreement.

We offer lifetime tenancies to most new general needs customers across Home Group in order to support our commitment to helping communities grow and enabling customers to feel settled and secure in their homes. Where a more flexible form of tenure is needed to meet local needs and ensure that social housing is provided to those who most need it, we offer five year fixed term tenancies, where this is consistent with the local authority tenancy strategy.

### Value for money

We aim to offer the most appropriate tenancy based on individual circumstances to make the best use of housing stock. We also offer starter tenancies to encourage positive behaviour which helps us to deal with anti-social behaviour which can otherwise damage communities and make customers' lives a misery as well as costing significant sums of money to deal with. Starter tenancies enable us to support customers to sustain their tenancies and avoiding high turnover in our stock.

Wherever possible Home Group will continue to make the best use of resources and advances in digital technology to support our application and management of tenancies.

### Ending tenancies

Tenancies end for lots of different reasons. The decision to move on to a new home or service might be made by the customer themselves or by us and sometimes it's for reasons outside of our control. In all cases, we will end tenancies in line with this policy and our written guidance and procedures.

### Supporting vulnerable customers

We work right across Home Group to support vulnerable customers.

We refer vulnerable customers in general needs housing to support services where applicable and available. We take into account the needs of households - for example in relation to age, disability or illness, and households with children. We offer specialist housing for older people and a range of adapted and specially designed properties for people with disabilities where available and where appropriate.

We have specialist supported housing, which offers additional support to meet the individual needs of eligible customers.

## 2.0 Policy scope

This policy sets out Home Group's approach and standards for practice with regard to offering, managing and ending tenure agreements across the Group. It has been written in response to customer and colleague feedback around these key issues.

Emerging changes to legislation and/or regulation mean that this policy may be subject to review out with the normal review cycle. We will consult with our customers in rented and supported accommodation and other stakeholders where we make major changes to the policy.

This policy meets the regulatory requirements for social housing providers in England and Scotland.

This policy is group wide and applies to customers in rented and supported housing services, including in Scotland and Mid-market rent and Live Smart. This policy does **not apply** to Leasehold services (including leasehold retirement and Shared Ownership).

This policy should also be used in conjunction with Home Group's Referrals and Allocations Policy.

## 2.1 Compliance Requirements

This Policy complies with current legislative and regulatory requirements in England and Scotland including, but not limited to:

- Housing Act 1980;
- Housing Act 1985;
- Housing Act 1986;
- Housing Act 1988;
- Housing Act 1996;
- Protection from Eviction Act 1977;
- Housing and Regeneration Act 2008;
- Localism Act 2011;
- Immigration Act 2016;
- Supporting People Quality Assessment Framework (QAF) (England)
- Housing Act 1988, 1996;
- Protection from Eviction Act 1977;
- Landlord and Tenant Act 1954;
- Anti-social Behaviour Act 2003;
- Anti-social Behaviour Crime and Policing Act 2014;
- Criminal Law Act 1977;

- Legal Aid, Sentencing and Punishment of Offenders Act 2012;
- Mental Capacity Act 2005;
- Equality Act 2010;
- Homes and Communities Agency Regulatory Framework 2012
- Scottish Social Housing Charter.
- Housing (Scotland) Act 1987;
- Housing (Scotland) Act 1988;
- Housing (Scotland) Act 2001;
- Housing (Scotland) Act 2010;
- Housing (Scotland) Act 2014
- Rent (Scotland) Act 1984;
- Anti-Social Behaviour (Scotland) Act 2004;
- Adults with Incapacity Scotland Act 2000;
- Private Housing (Tenancies) (Scotland) Act 2016

### 3.0 Standards

#### Standard 1: Our tenure offer

We offer types of tenure which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and which make the best use of our housing stock.

##### Types of tenure offered

We use the following types of tenancy, licence and occupancy agreements (see key definitions below)

In Scotland;

- Scottish Secure tenancies
- Short Scottish Secure tenancies
- Short Assured tenancies (MMR Scotland)
- Private Residential Tenancies (MMR Scotland)

In England

- Assured tenancies
- Assured Short hold tenancies including
  - Starter (probationary) tenancies
  - Demoted tenancies
  - Family intervention tenancies
- Secure tenancies
- Fixed Term tenancies
- Licences (various types)
- Temporary decant license
- Equitable tenancies
- Occupancy agreements (various)
- Supported lodgings agreements
- Garage licences
- Contractual agreements (various)

We may develop occupancy agreements that differ from those above, as we continue to develop new services and work in partnership with other organisations to meet housing and support needs. We may also offer other contractual agreements to meet any new legislative requirements. We make existing customers and prospective applicants who may be eligible, aware of new agreements as these become available.

### Using the correct form of tenure

In order to determine whether a tenancy exists, we will first establish whether the following conditions of tenancy exist

- there are identifiable parties (i.e. a landlord and an occupier)
- there is a defined area of occupation (e.g. a room or a flat/house)
- the agreement must relate to particular period or cycle of time, for example, for 6 months /12 months or for an indefinite periodic tenancy, e.g. from week to week or month to month
- the occupier must have exclusive possession of at least part of the premises and will usually pay a charge for occupation of the accommodation (the rent)

Where conditions of tenancy are not met, a licence may be used instead. We apply the same standards to the management of licences, starter tenancies and fixed term tenancies as we do to all of our tenancies.

Changes to the type of tenure in existing care and support services that are required in order to deliver the most appropriate support services for customers, must be formally approved using the approvals and exceptions process.

Further information on identifying and issuing the correct form of tenure is available in the guidance and resources accompanying this policy

### Security of tenure

In England, we grant customers who were social housing tenants on 1 April 2012 and have remained social housing tenants since that date, a tenancy with no less security when they choose to move to another social rented home. In the situation where the current tenure becomes unsustainable due to affordability, we will offer customers the opportunity to move to a different tenure type or to down grade to a license agreement if necessary to meet their needs.

Where customers move to alternative accommodation during any redevelopment or other works in agreement with us (referred to as a decant), we will give them a tenancy with no less security of tenure on their return to settled accommodation. Further information is available in our decants guidance which sits alongside this policy.

### Right to rent (England only)

In accordance with the Immigration Act 2014, we carry out right to rent checks on all new residential tenancy agreements in England entered into after the 1<sup>st</sup> February 2016. For anyone who has been granted a temporary leave to remain we will offer them an Assured shorthold tenancy which must be regularly reviewed. We also carry out checks on any new adults over 18 taking on a tenancy through a mutual exchange, assignment, joint tenancy, succession or subletting. Please see the Right to rent guidance under our referrals and allocations policy for more information.

## Standard 2: Charges

Our tenure agreements state the rent or occupancy charge payable, plus any associated payments due, such as service charges. Charges are set out either in the agreement or in an attachment to the agreement.

### **Standard 3: Schedules and appendices to tenure agreements**

We may attach detailed schedules or other appendices to tenure agreements to clarify or provide further detail related to the legal text. In supported housing and care services, these may include house rules specific to the service type. All schedules and other appendices attached to tenure agreements must be written in plain language. House rules in care or supported housing services must be fair, reasonable and appropriate to the service and reviewed in line with our written guidance.

### **Standard 4: Starter (probationary) tenancies (England only)**

We offer starter (probationary) tenancies in general needs and older people's housing in England only. We manage starter tenancies in line with our [starter tenancies guidance](#). Where a new customer moves from a secure or assured tenancy with another social landlord, we offer them a periodic assured tenancy, **not** a starter tenancy. We do not offer starter tenancies to existing Home Group customers, supported customers or to any customers in Scotland.

Starter tenancies usually last for a maximum of 12 months and convert to assured or fixed term tenancies provided that there is no breach of the tenancy conditions. Starter tenancies may be extended to a maximum of 18 months from commencement of tenancy only where the reasons for extending the probationary period have been given in writing to the customer and the customer has had the opportunity to request a review.

Customers have the right to request a review of any decision to extend or terminate the starter period of their tenancy. Requests to review decisions related to starter tenancies must be considered in line with our written guidance and procedures.

### **Standard 5: Offering fixed term tenancies (England only)**

Our primary offer for general needs properties is a lifetime tenancy. In some circumstances we will offer five year fixed term tenancies (in England only) in line with our [fixed term tenancies guidance](#), which is consistent with the Localism Act 2011. We regularly review local authorities' housing strategies to ensure that we align in our tenancy offer and in some areas we may offer fixed term tenancies in agreement with our local authority partners.

We do not offer fixed term tenancies in Scotland or in sheltered or supported accommodation. We do not offer this to customers who are 65 years old or over, or to those who have a disability as defined by the Equality Act.

Applicants and customers wishing to be re-housed in our properties, who were social housing tenants on 1 April 2012 and have remained social housing tenants since that date, will be granted assured tenancies, even if we re-house them in areas where we use fixed term tenancies.



Customers have the right to request a review of their offer of a fixed term tenancy where they believe they should be offered a different type of tenancy or a different length of fixed term. Requests to review an offer of fixed term tenancy must be considered in line with our written guidance and procedures.

### Reviewing fixed term tenancies

We will review our offer of fixed term tenancies where necessary and to take account of legislative changes, legal restrictions and local authority tenancy strategies.

We do not normally offer fixed term tenancies for periods of more or less than 5 years. Where starter (probationary) tenancies are offered the fixed term tenancy will follow on from the end of the starter tenancy period, with the tenancy lasting no longer than six years in total, even where the starter period has been extended.

We aim to renew fixed term tenancies in the majority of cases. On expiry of the fixed term, we will not grant another tenancy in the same property if there has been a breach of tenancy that would normally lead to Home Group undertaking eviction proceedings if the customer had an assured or secure tenancy.

We review tenancies in advance of notifying the customer of our intent to renew the tenancy in line with our fixed term tenancy guidance to ensure that the tenancy will remain sustainable for the customer. Where local authorities ask us to, we will not renew tenancies if the customer is under-occupying by one bedroom or more.

We will also consider whether the property remains affordable for the customer and provide appropriate support to help them sustain their tenancy and / or explore alternative housing options where needed in line with Home Group's Income Management and Allocations policies. Affordability will not be used a reason by itself not to renew the tenancy.

### Ending a fixed term tenancy

Before a fixed term tenancy ends, we will provide a minimum of 6 months' notice in writing to the tenant stating either that we propose to grant another tenancy on the expiry of the existing fixed term or that we propose to end the tenancy. We will always offer reasonable information and assistance to the affected customer around their housing options wherever we end a fixed term tenancy. This will include advice on how to find alternative housing, including within Home Group where appropriate.

Customers have the right to request a review of any decision not to renew their tenancy at the end of the fixed term period. We consider any requests to review a decision in line with our written guidance and procedures.

## Standard 6: Mutual exchange and assignment/assignment of tenancy

We offer customers in England and Scotland the opportunity to move home via mutual exchange wherever eligible, in line with our mutual exchange guidance. A mutual exchange enables customers to move by swapping their tenancy with another customer, either a Home Group customer or a tenant of another social landlord. We subscribe to HomeSwapper, an internet-based mutual exchange service which enables eligible customers to gain access to opportunities to exchange their properties. There may be some circumstances where we will refuse to allow a mutual exchange. Further details can be found in our [mutual exchange guidance](#).

Where a customer undertakes a mutual exchange, we will grant them a tenancy with no less security, provided that they were a social housing tenant on or before 1 April 2012 and have remained a tenant of a Registered Provider or local authority since that date. This does not apply where customers choose to move to accommodation let on Affordable Rent terms.

Assignment (England) and assignation (Scotland) are the transfer of the tenancy during the life of the tenant. An assignment of tenancy does not create a new tenancy and in some cases may count as a succession (England only). Customers' rights to assign their tenancies vary according to the type of tenancy agreement. We require customers to apply to Home for permission to assign the tenancy and the application will be processed in accordance with our Assignment/Assignation and Tenancy Changes guidance which follows legal and regulatory requirements.

### **Standard 7: Supporting succession rights**

Succession rights vary according to the tenancy agreement and do not apply to certain types of tenure. However, there can be only one statutory succession in England or two statutory successions in Scotland. We follow clear guidance and processes and in many cases support the rights of spouses, civil partners or family members to succeed to tenancies in the event of the death of a tenant where the law allows us to.

#### **Factors affecting succession rights**

In exceptional circumstances, where an application for succession is made and the individual does not meet the qualifying criteria, we may exercise our discretion to offer them the same or alternative accommodation. This will depend on a number of factors, including (but not limited to):

- The relationship of the individual to the deceased tenant
- How long they have lived in the property
- Any vulnerability issues relating to the individual
- Any breaches of tenancy that the individual may have contributed to
- Any immigration issues and the individual's right to remain in the UK
- The size and nature of the property and any adaptations that have been carried out
- Demand for the property
- Affordability

Occupiers may appeal against our decision to refuse a request for non-statutory succession to a tenancy. Further information on succession can be found in the succession guidance and in tenancy agreements.

### **Standard 8: Tackling tenancy fraud**

We take steps to ensure that our homes continue to be occupied by the customers they are let to in accordance with the requirements of the relevant tenure agreements. We also take relevant action against those who obtain a tenancy through providing misleading or false information. This takes into account customers undertaking a mutual exchange or coming through the nomination route.

We will carry out subletting audits on our properties. Where we suspect unlawful subletting and hotspots where subletting is likely to occur we may choose to carry out additional audits.



We will also work in partnership with local authorities and other agencies in order to prevent, investigate and tackle unlawful subletting

Where the tenancy agreements allows, some customers may seek permission to sublet all or part of their home. We will consider each application carefully and will only refuse when it is reasonable to do so. Customers will require our written permission to sublet.

We will keep records of all visits (whether successful or not), correspondence, telephone calls and other communication with customers where we suspect or are investigating unlawful subletting. We will monitor and report on all identified cases.

### **Standard 9: Squatters and unauthorised occupants**

We take precautions to minimise the risk of squatting and unauthorised occupants. We maintain comprehensive and accurate customer information; encourage them to inform us of any change in their circumstances and tell us if they are going away from the property for any substantial period of time. We carry out tenancy checks to ensure that the legal occupant is residing in the property. Colleagues will be alert to any properties that appear to be illegally occupied. We take measures to prevent our void properties becoming squatted or illegally occupied by minimising void periods and if necessary securing our empty properties. If we discover a squatter or unauthorised occupant in one of our properties we will contact the Police to remove the person/s or where necessary take swift legal action.

### **Standard 10: Bringing a tenancy or licence to an end**

#### **When a customer gives notice**

We set out the statutory requirements for customers to give notice in specified conditions within their tenancy agreement or licence. Where appropriate we will confirm in writing the date on which the tenancy or licence will end.

In certain limited circumstances we may negotiate the tenancy or licence being ended sooner by way of an agreed surrender.

#### **When we serve notice**

We serve correct notices to end tenancies or licences depending on the circumstances and in accordance with our other policies and the law. All notices will be served with an explanatory letter (which includes details of support where appropriate) and where possible, will be served personally to the customer.

#### **Seeking possession of a property**

Seeking possession of a property in accordance with the tenancy agreement or licence will usually be considered on a case by case basis.

When possession is pursued for a breach of the agreement in most cases we require a court order to evict. Where it is applicable we will continue to try to offer support at every stage and also encourage our customers to seek appropriate independent advice to ensure they understand their rights.

#### **Taking court action**

We will take court action to repossess a property as we consider necessary on a case by case basis should the customer refuse to leave when a notice is served.

### Death of a customer

We respond sensitively and respectfully following the death of a customer. We record all deaths in line with incident reporting procedures and in supported services, all deaths are recorded as major incidents. We promptly notify relevant agencies in line with regulatory and contractual requirements. We also notify the next of kin where appropriate and possible.

We determine whether there is anyone legally entitled to succeed to the tenancy in line with our policy and guidance on succession. We end the tenancy or licence in line with legal requirements and written internal procedures. We offer appropriate support to colleagues, bereaved relatives, friends and others close to the deceased.

### Ending tenure due to a major incident

When a property becomes uninhabitable due to flood, fire or other causes, we work with our partners to provide support and guidance to the customer including offering help to find suitable, alternative, temporary accommodation (decant) until their home is repaired. Should the property be destroyed beyond repair within a reasonable timescale, a permanent move to suitable accommodation may be offered (in certain circumstances it may be suitable temporary accommodation that is offered). Where we are unable to make an offer of accommodation we will end the tenancy or licence in line with legal requirements. We will continue to support the customer and work with our partners and stakeholders to secure alternative accommodation. In extreme circumstances where the incident was found to be caused deliberately or unlawfully by the customer, we may seek to recover possession of the property through the appropriate legal channels.

### Abandonment and absence

Where we believe that a property has been abandoned we act promptly and sensitively to investigate these cases. Where there is enough factual evidence that the customer is likely to be no longer living at the property as their main or principal home, we take the necessary legal steps to recover possession. We store belongings that are left behind in line with the law and our internal written procedures.

## Standard 11: Appeals against a decision to end tenure

Some tenancies have a right of appeal, whereby customers can appeal against a decision by Home Group to end the tenancy. These include **starter tenancies**, **Scottish short assured tenancies** and **fixed term tenancies**. Legal notices can be served whilst an appeal is ongoing if necessary.

In certain circumstances when a tenancy is being ended, customers have the right of appeal to a senior manager in Home Group, or sometimes to the organisation that arranges and pays for the service (for example the Local Authority). We advise customers of any right of appeal and signpost them to independent advice when we serve notice to end their agreement.

## Standard 12: Communication

We make every effort to ensure that customers (whether accessing supported or and rented services) understand the agreements they sign. We provide copies of agreements in a variety

of languages and formats to meet the needs of our customers. Where there is a reasonable belief that a customer may lack the mental capacity to understand their tenure agreement, we follow our written guidance in line with the provisions of the Mental Capacity Act 2005 in England and the Adults with Incapacity (Scotland) Act 2000.

#### 4.0 Key definitions

Word / phrase	Definition
Assured shorthold tenancy (AST)	Assured shorthold tenancies (ASTs) were introduced in England, along with Assured tenancies, by the Housing Act 1988. Under the Housing Act 1996 there is a presumption that all new tenancies created after 8 February 1997 are assured shorthold unless notice is given to the contrary. ASTs are a form of Assured tenancy, but in Home Group are mainly issued for temporary housing or as starter tenancies (see below). We will use ASTs for LiveSmart (market rented properties in England) and in short term accommodation, such as some supported housing services.
Assured tenancy	Assured tenancies were introduced in England by the Housing Act 1988. By law, new tenancies granted in England after January 15, 1989 which do not satisfy any other criteria in this policy are assured. We issue assured tenancies as the standard occupancy agreement to new customers if their accommodation is intended to be permanent. However, in some geographical areas, the standard tenancy type for new customers in general needs properties will be starter or fixed term tenancies.
Demoted tenancy	Demoted Tenancies are assured or Scottish secure tenancies which have been demoted to assured shorthold or short Scottish secure tenancies for a set length of time by court order. We will use demoted tenancies as part of our actions to tackle anti-social behaviour. Please see the <a href="#">Anti-Social Behaviour policy and processes</a> for more information.
Equitable tenancy	Equitable tenancies are available to persons aged 16 or 17 in England and only in certain circumstances. This is because under 18s in England are unable to hold a legal interest in land and cannot therefore be given an Assured tenancy. There is no requirement for Equitable tenancies in Scotland and 16 & 17 year olds will be offered the same tenancy types as those aged 18 or over in Scotland. <a href="#">See the guidance on equitable tenancies for further information</a>
Family Intervention tenancy (FIT)	Family Intervention Tenancies (FITs), introduced in England by the Housing and Regeneration Act 2008 are tenancies without security of tenure. They may be offered to anyone with an assured or secure tenancy who is subject to a possession order on the grounds of anti-social behaviour or domestic violence, or who could be if they had an assured or secure tenancy. We use FITs to help deliver intensive support for a set period. The support must be outlined in a written behaviour support agreement. The accommodation can be dispersed or purpose-built units, but cannot be the customer's or client's original home.
Fixed term tenancy/flexible tenancy	Fixed Term Tenancies (also known as flexible tenancies) were introduced in England by the Localism Act 2011. They are a form of assured shorthold tenancy and last for a set period. However, they may be renewed at the end of each fixed period.
Garage licence/ lease	<b>We offer garage licences/leases to customers renting garages from Home Group in England/Home Scotland. Garage licences/leases do not cover residential accommodation</b>
Licence	Licences are different from tenancies and offer fewer rights to occupiers. We will offer licences only in circumstances where conditions for the creation of a tenancy are not met (see 'Conditions of Tenancy', above). We will use licences in a variety of different settings including residential care homes, respite care,

	very short-stay hostels, drug and alcohol services, lodging schemes and refuges. Non-excluded licences are covered by the Protection from Eviction Act 1997 and can only be ended by Home Group via a court order. Excluded licences are excluded from the Protection from Eviction Act 1977. They are used in shared accommodation and do not require a court order to be ended. We offer excluded and non-excluded licence agreements in our supported services.
Occupancy agreements	We offer occupancy agreements for short term, temporary accommodation such as decant accommodation. There are different agreements depending on the nature of the accommodation and the requirements of any referring agencies.
Scottish secure tenancy (Scotland only)	Scottish secure tenancies were introduced by the Housing (Scotland) Act 2001. By law, from 30 September 2002, any tenancies in Scotland which do not satisfy any other criteria in this policy are Scottish secure. Home Scotland will issue Scottish secure tenancies as the standard agreement to new customers if their accommodation is intended to be permanent.
Secure tenancy (England only)	Secure tenancies were introduced in England by the Housing Act 1980 (subsequently, consolidated in the Housing Act 1985). Secure tenancies were offered to customers whose tenancies started before 15 January 1989. Home Group will only use secure tenancy agreements in the following circumstances: <ul style="list-style-type: none"> <li>• When an existing secure tenant of Home Group transfers to another property with Home Group</li> </ul> When a secure tenancy is assigned by mutual exchange. The new, incoming tenant is then secure. This will not apply where a secure tenant exchanges with a tenant on an affordable rent.
Short assured tenancy (Scotland only)	Mid market rented properties in Scotland are let on short assured tenancies within the meaning of section 32 of the Housing (Scotland) Act 1988. Home Group Limited is the landlord with Home Scotland as the managing agent. A short assured tenancy is for a 12 month period. If it does not terminate at the end of the 12 months it will continue until the tenant gives us 2 months' notice or we take legal action to recover possession of the property. These tenancies are also offered when Home Scotland does not own but manages the property on behalf of others.
Private Residential Tenancy (Scotland only)	From the 1 <sup>st</sup> December 2017 any new Mid-market rent properties in Scotland will be a Private Residential Tenancy in accordance with the Private Housing (Tenancies) (Scotland) Act 2016. The Private Residential tenancy does not have an end date and can only be ended either by the customer giving us notice or by Home service a notice to leave based on one of 18 possession grounds.
Short Scottish secure tenancy	Short Scottish secure tenancies were introduced by the Housing (Scotland) Act 2001. They are short term or probationary tenancy agreements which are given to tenants for lets for a trial period, after which the tenancy may be upgraded to a Scottish secure tenancy, or for temporary lets. A support package must also be in place alongside the tenancy. Under certain circumstances, for example, if an Anti-Social Behaviour Order has been granted, a tenancy may be demoted from an SST to a SSST.
Starter tenancy	Starter tenancies are assured shorthold tenancies in England, used for a 'probationary period' at the start of a new tenancy. They normally convert to assured tenancies after 12 months, provided that there has been no breach of the tenancy conditions. They are used for all new social housing tenants in agreement with our local authority partners and customers. We offer a variation on the Home Group standard starter tenancy, depending on the rent charged: for properties let on a 'social' rent versus properties let on an affordable rent. Both agreements are the same apart from the section on how we set the rent.
Supported Lodgings agreements	Supported Lodgings is a unique care and support service for young people. Home Group matches the young person with a private householder, known as

	a 'host', who provides a safe and homely environment that enables the young person to develop their life skills until they are ready to live independently. The supported lodgings agreement is an agreement between the young person and the host and may include an agreement with Home Group.
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Abandonment	If a tenancy agreement has not been legally ended or surrendered in writing (by deed) but the customer appears to have left the property during the tenancy, then this is known as abandonment.
Commissioner	A commissioner is an organisation or body which contracts Home Group to deliver a service.
Delegated Authority	Delegated authority allows one person or group to give the power it has to another person or group for a variety of purposes.
Eviction	Depending on the type of tenancy our customers have we need to follow certain rules before we can evict someone from their home. This usually starts when we serve notice to leave the property. This is because the terms and conditions of the agreement haven't been followed. We usually obtain a possession order from the court to do this.
Licence	Licences are different from tenancies and offer fewer rights to occupiers. We will offer licences only in circumstances where conditions for the creation of a tenancy are not met. We will use licences in a variety of different settings including residential care homes, respite care, very short-stay hostels and drug and alcohol services.
Notice	A notice is served to end the tenancy agreement or licence.
Public Trustee	The Public Trustee may act as executor when requested to do so, but, may also act as administrator of an estate of a deceased person (with or without a will), or as trustee of a trust whether as original or substitute trustee, usually only as a last resort, and in the interests of vulnerable individuals or persons under disability, or where there are differences between executors, trustees, or beneficiaries.
Squatter	A squatter is a person who is living in one of our properties without our consent. We may know who this person is or they may be unknown to us. (England only)
Succession	Succession is a legal term used when a person inherits a tenancy when the tenant dies.
Tenancy Agreement	A tenancy agreement is a contract between a landlord and a tenant specifying the terms and conditions of their rental agreement.
Unauthorised occupant	An unauthorised occupant is someone who the customer has allowed into their property and remains in the property after they have left or died but does not have a right to take over the tenancy. Or, someone who remains in the property after their own tenancy has ended.
Void	A void is an empty property or bed space which is unoccupied and which Home Group have vacant possession of.

## Version history

Version Number	Effective Date	Description of Changes
1.0	April 2013	<p>This is a new group wide policy. In Customer Service, this policy replaces the following policies:</p> <ul style="list-style-type: none"> <li>• Starter tenancies</li> <li>• Succession</li> <li>• Home Scotland Short Scottish Secure Tenancies</li> </ul> <p>In Stonham this policy replaces the following policies:</p> <ul style="list-style-type: none"> <li>• Tenure</li> <li>• House rules and visitors</li> </ul> <p>The principles and standards contained in the pre-existing policies listed above remain unchanged, except for the following:</p> <ul style="list-style-type: none"> <li>• The Care &amp; Support Tenure Policy. The standard on offering the most secure form of tenure appropriate to the accommodation has been amended in line with the new HCA regulatory standards.</li> <li>• The 7 grounds for creation of a short Scottish secure tenancy (SSST) have been summarised, but are shown in full in the SSST guidance</li> </ul> <p>Additional policy standards reflecting new legal and regulatory requirements in relation to working with local authority partners, fixed term tenancies and mutual exchange have been introduced.</p> <p>Any further changes to pre-existing policies will be reflected in the separate processes and additional guidance.</p> <p>The list of accompanying resources is still under review and may change.</p>
1.1	Sep 2013	September 2013- change to policy owner, was Director of Customer Service (North) is now Director of Customer Service (South).
1.2	Jan 2014	January 2014 – amendment to standard 15 for fixed term tenancies to make it clear that it applies to applicants as well as existing customers.
1.3	May 2014	May 2014 – New resources added: floating support agreements for care and support
1.4	May 2014	May 2014 – Deed of Surrender for Customer Service added to resources
1.5	Sept 2014	Sept 2014 – Request to keep pets letter and form added to resources for Customer Service
1.6	Jan 2015	<p>Jan 2015 New resource added – G135x</p> <p>Weekly anyday tenancy start date to mark launch of anyday tenancies in Nov 2014</p>
2.0	April 2016	<p>Policy standard 21 amended to limit succession rights to statutory rights.</p> <p>Policy standard 29 amended to make House Rules schedule non-specific.</p>
2.1	April 2016	Policy updated and refreshed into new policy template and standards condensed. Links updated for new intranet.
2.2	August 2017	<p>Policy reviewed and updated, with following changes 2017</p> <ul style="list-style-type: none"> <li>• amended standard 3 on security of tenure to increase options for customers</li> <li>• extended use of starter tenancies</li> </ul>



		<ul style="list-style-type: none"> <li>reflect requirements of Immigration Act in relation to 'right to rent' absorbed content of 'unlawful subletting' policy</li> </ul>
2.3	1 Dec 2017	Policy amended to include new Private residential tenancy for MMR in Scotland from 1 <sup>st</sup> Dec 2017. Has been added to list of tenure types. Key definitions also updated to reflect the change. – Approved 28/11/2017 by policy owner.
2.4	2 Jan 2018	Re-branded
3.0	1 Sept 2018	Policy amended to reflect the decision to offer all new tenants a five year fixed term tenancy
4.0	June 20	Cyclical review of policy, incorporating Ending Tenure policy, policy now amended to change default tenancy type to lifetime tenancy and for fixed term tenancies now to be used only in line with local authority strategies where necessary.
4.1	23 Feb 2021	Desk top review and risk assessment completed
4.2	23 Feb 2022	Risk assessment completed
4.3	28/7/22	Added date of equality analysis to front sheet. Removed version history for ending tenure
4.4	16/08/22	Added in reference to decants as this has been moved under the Tenure policy. Added in temporary decant license as Tenure type. Removed reference to decants guidance sitting under property management policy.
4.5	July 2023	Changed definition of equitable tenancies in definitions section to reflect decision that they are only offered in certain circumstances.
4.6	27/03/24	Risk assessment completed and signed off
4.7	08/04/25	Risk assessment completed and signed off. Review due later in 2025.