

Policy title:	Tenancy Policy		
Scope:	Aspire Housing		
Policy owner (job title):	Head of Neighbourhoods		
Approver (job title):	Director of Communities		
Date:	May 2025	Review Due Date:	May 2028

POLICY SUMMARY

Aspire Housing is committed to creating great places to live and ensuring that appropriate tenancy types are used to contribute to sustainable communities. This policy outlines the range of tenancies Aspire Housing may grant based on the type of home and differing situations. It applies to all Aspire rented accommodation, including general needs housing (social and affordable rent), housing for older people, supported accommodation, temporary housing and shared ownership.

This Tenancy Policy supports Aspire's commitment to:

- **Legal & Regulatory Compliance** – Adhering to all statutory, legal, and regulatory requirements regarding tenancy agreements.
- **Regulator of Social Housing Standards** – Meeting the Consumer Standards, specifically the Tenancy Standard.
- **Local Authority Agreements** – Complying with nomination agreements, planning consents, deed titles, and stock transfer agreements.
- **Effective Housing Management** – Ensuring the best use of housing stock so customers are matched with the right home at the right time.
- **Addressing Housing Needs** – Managing overcrowding, under-occupation, and making the most of adapted housing for individuals with disabilities.
- **Sustainable & Cohesive Communities** – Supporting tenancy sustainment through interventions that prevent unnecessary evictions and combat tenancy fraud.
- **Supporting Vulnerable Customers** – Providing protection and signposting to support services for those needing assistance in developing tenancy management skills.
- **Creating Opportunities** – Offering housing stability to those seeking a fresh start, ensuring they can access settled accommodation for an appropriate period.
- **Encouraging Long-Term Stability** – Assisting households at different life stages and income levels in achieving their broader aspirations, including employment and mobility.

This policy is aligned with relevant corporate policies and will be updated to reflect any changes. It supports the working principles of our corporate plan, ensuring the delivery of high-quality homes and services.

Responsibility for policy delivery and legal and regulatory compliance sit with Aspire's Chief Executive, Executive Director of People, Director of Communities, Head of Neighbourhoods, Locality Managers and New Homes Manager.

Associated Legislation

- Housing Act 1985
- Housing Act 1988
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Equality Act 2010
- Localism Act 2011
- Data Protection Act 2018
- Social Housing (Regulation) Act 2023

Associated Policies and related documents

- Joint Allocations Policy
- Equality and Diversity Policy
- Data Protection Policy
- Rent Setting and Service Charge Policy
- Rent Payment & Arrears Recovery Policy
- Customer Complaints and Feedback Policy
- Leasehold Management Policy

For the purpose of this policy, we specifically refer to the tenancy holder as **tenant**, and for services which can be accessed by all, the term **customer** is used.

1. POLICY STATEMENT

This policy aligns with our Joint Allocations Policy and outlines our approach to issuing tenancies across Aspire Housing. It applies to all rented properties, including general needs, housing for older people, and supported housing (including social and affordable rent properties).

The types of tenancies we offer, and the circumstances under which they are granted, are largely governed by legal and regulatory frameworks. This policy complies with the Housing Act 1988, which established Assured Tenancies—our primary tenancy type.

If any variances arise between this policy and individual tenancy agreements or addendums, the tenancy agreement or addendum will take precedence. This policy is a requirement of and complies with the Regulator of Social Housing's Tenancy Standard, ensuring that housing providers grant tenancies which are compatible with the purpose of the accommodation; the needs of individual households; community sustainability and efficient use of housing stock.

Aspire Housing has specific age requirements for tenancy eligibility. Individuals under 18 are not eligible, and for Community Living homes, the qualifying age is 55 and over. However, those under 55 with a mobility-related disability may be considered based on their individual circumstances.

Tenancy Types

Aspire will use the tenancy types available to us in the following ways:

Tenancy Type	Who is eligible
Protected Assured Tenancy (preserved rights) No fixed end date—continues indefinitely unless breached. Typically allows tenants to remain for life. Preserved rights following stock transfer.	<ul style="list-style-type: none"> - Customers who were tenants of Newcastle-under-Lyme Borough Council before Aspire Housing took over in 2000. Protected assured residents.
Assured Tenancy (Lifetime Tenancy) No fixed end date—continues indefinitely unless breached. Typically allows tenants to remain for life.	<ul style="list-style-type: none"> - Existing tenants - Tenants transferring from other social landlords. - Tenants over 55 or with a disability living in community living accommodation. - Occupiers paying rent under a shared ownership agreement. - Where restrictive covenants, planning consents, or other restrictions prevent issuing an assured shorthold tenancy
Assured Shorthold Starter Tenancy A probationary tenancy lasting 12 months, which can be terminated at any time if breached (Section 21 notice)	<ul style="list-style-type: none"> - All new tenants, over the age of 18, other than those on a fixed term tenancy or lease

2 Year Fixed-Term Assured Shorthold Tenancy (with a probationary period) Used for our specialist supported housing services	<ul style="list-style-type: none"> - Designed for specific short-term temporary accommodation programs, with the aim of transitioning tenants to a long-term housing solution
Excluded Licence Agreement Used for specialist supported housing services	<ul style="list-style-type: none"> - Applied in short-term temporary accommodation projects in collaboration with a local authority where the objective is to progress tenants toward permanent housing.
Shared Ownership	<ul style="list-style-type: none"> - A Government backed scheme which helps first time buyers and those who currently do not own a home get on to the property ladder. - Customers purchase a share of a property and pay rent on the share they do not own. They are known as leaseholders. - The terms and conditions of their tenancy are set out in their lease. <p>Please refer to our Leaseholder Management policy for further information concerning the management of shared ownership tenancies.</p>

Tenancy Agreements and Sustainment

Aspire Housing ensures that all new tenants receive a written tenancy agreement detailing the terms of their tenancy, including:

- **Landlord Responsibilities** – Our rights and obligations as a housing provider.
- **Tenant Responsibilities** – The expectations for tenants, including rights and duties.
- **Consequences of Breach** – What happens if tenancy conditions are not met.

All key terms are thoroughly explained at tenancy sign-up and information is also provided at application stage. Where appropriate, tenants will receive information about support options to encourage tenancy sustainment. If tenancy conditions are breached, we will only consider legal interventions as a last resort, after all reasonable preventative measures have been exhausted.

Breaches of tenancy will be issued in writing, and tenants will be advised that failure to modify their behaviour could result in legal action and termination of the tenancy agreement—potentially affecting future rehousing opportunities. Aspire will explore support options, including signposting tenants to relevant agencies to help them maintain their tenancy. In addition, written communication can be recorded verbally, to support the tenants' needs if required.

Starter Tenancies

New social and affordable rent tenants moving into general needs housing—unless they hold an existing assured or secure tenancy—will be granted an Assured Shorthold (Starter) Tenancy. This type of tenancy may also be issued to new tenants who have previously held and surrendered a social housing tenancy.

Starter tenancies provide both Aspire Housing and the tenant an opportunity to assess whether the tenancy is appropriate and sustainable. To support this process:

- We conduct home visits within the first eight weeks of tenancy.
- Monitoring continues throughout the 12-month probationary period.
- Additional visits may be arranged if tenants require further support to maintain their tenancy. This need may be identified during the pre-tenancy assessment or at any point throughout the tenancy.

At the end of the 12-month period, a tenant who has successfully conducted their Starter Tenancy will be granted an Assured Tenancy.

Managing Starter Tenancies

If a Starter Tenancy is not managed satisfactorily, Aspire may take steps to end the tenancy in line with legal requirements.

- This may include issuing a Section 21 or Section 8 notice under the Housing Act 1988 to seek possession of the property.
- Tenants will be notified in writing if a decision is made to end their Starter Tenancy, with a clear explanation of the reasons behind this decision.
- Information will be provided on how tenants can request a review of the decision.

Reviews will be conducted by the Head of Neighbourhoods or equivalent, who will assess whether termination of the tenancy is fair and appropriate.

We will grant an Assured Tenancy to tenants who successfully complete a Starter Tenancy.

Licence Agreements

Aspire Housing will offer licence agreements only in limited circumstances, including:

- Where there is an existing tenancy in place for a home and the tenant has been offered temporary rehousing.
- As part of specific short-term temporary accommodation programmes, designed to support and assist customers in developing the skills needed to transition into a longer-term home and tenancy.
- In supported housing arrangements, where Aspire Housing assists a local authority in discharging its homelessness duties.

Tenancy Sustainment

We work with prospective, new, and current tenants to assess their tenancy sustainment needs and collaborate on solutions. This includes conducting a pre-tenancy assessment during application stage, reviewing the new tenancy checklist at sign up, conducting new tenancy visits, and carrying out Starter Tenancy reviews. We also address emerging tenancy concerns during ongoing interactions.

Some applicants may lack the skills needed to enable them to sustain a tenancy without support. A pre-tenancy assessment allows us to consider the most appropriate property and tenancy type, ensuring appropriate support is in place to provide the best opportunity of tenancy sustainment for the customer.

Where support is needed, we refer customers to in-house services or external agencies for specialist assistance. Through a partnership approach, we foster strong relationships with support organisations and establish service-level agreements where necessary to ensure vulnerable tenants receive effective help.

If we identify concerns regarding the safety of a child or adult, Aspire will act swiftly in line with local authority safeguarding policies and procedures. All Aspire staff receive regular guidance and training to recognise and report safeguarding issues.

Tenancy Changes

Assignment

An assignment is the transfer of a tenancy to another person through a deed of assignment. Starter tenants do not have the right to assign their tenancy. There are three circumstances where an assignment may occur:

- Mutual Exchange – Tenants swap homes with another tenant.
- Assignment under Matrimonial Proceedings – A Property Transfer Order may be issued by the court in matrimonial or civil partnership proceedings or proceedings under the Children's Act 1989.
- Assignment to a Qualifying Successor – A tenancy may be assigned to someone eligible to succeed following the tenant's death.

Assignments typically result in the assignee being treated as a successor, including cases where a joint tenancy transfers to a sole tenancy. Aspire Housing may grant consent for an assignment in exceptional circumstances, using criteria for discretionary succession, as outlined below.

Requests to add another person to a sole tenancy

A person cannot be added to an existing tenancy. However, Aspire may consider accepting the surrender of the current tenancy to allow a new joint tenancy to be

created. Before approving this change, Aspire will conduct pre-tenancy checks to ensure all parties meet the necessary requirements.

Mutual Exchange (Home Swaps)

Aspire Housing complies with the Tenancy Standard set by the Regulator of Social Housing. We support mobility for tenants, increasing housing choices and opportunities for those in need. Starter tenants are not eligible for mutual exchange.

To facilitate home swaps, Aspire:

- Provides access to home swap services, information is provided through our website to guide customers through the process.
- Provide information on potential impact of exchanging a tenancy, this includes variances in terms and conditions and the impact this may have, particularly in relation to Right to Acquire (RTA) and Right to Buy (RTB), changes in rent and service charges.
- Pays the subscription costs to reduce the financial impact when re-housing options are being considered.
- Ensures appropriate support for customers requiring assistance in navigating the system.
- Encourages exchanges that help resolve housing issues (e.g., under-occupation or overcrowding).
- Recognises exchanges that may support employment or reduce service demands (e.g., health and social care needs).

Tenants have the right to exchange their tenancy through:

- Direct exchange – A swap with one other tenant.
- Indirect exchange – A multi-party swap involving more than two tenants.

The Localism Act 2011 protects the security of tenure for social housing tenants with lifetime tenancies that started before 1 April 2012, allowing surrender and re-grant rights for qualifying tenants.

Aspire will not unreasonably withhold consent for mutual exchanges unless a valid ground under Schedule 3 of the Housing Act applies. If this occurs, tenants will be notified within 42 days, including an explanation of the ground and reasoning.

Joint tenants must all agree to the exchange and sign the assignment or re-grant. Mutual exchanges will not be approved if Aspire determines that one party intends to relinquish their new tenancy immediately following the swap, as this may be treated as obtaining a tenancy by deception.

Succession

Under the Localism Act 2011, the only person with the right to succeed to a tenancy is the spouse or civil partner of the tenant. If the successor was already a joint tenant, the succession ends the right for further tenancy transfer.

If the deceased tenant was already a successor, no further succession is permitted.

Discretionary Succession

Aspire Housing operates a discretionary succession policy for:

- Immediate family members (parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece) or a carer who has lived with the tenant for at least 12 months and has no home to return to on the death of the tenant.
- Joint tenants where one previously succeeded to the tenancy.

Decisions regarding further succession will be based on the tenancy agreement while recognising the vulnerability and housing needs of individuals within the household.

If multiple individuals qualify for discretionary succession, Aspire will ask them to reach a decision amongst themselves. If they are unable to do so, Aspire will determine the new tenant based on length of time spent living with the previous tenant and ability to manage the tenancy.

In cases where a successor qualifies but the property is not suitable (e.g., size, adaptations, or designation for older or disabled customers), Aspire will work closely with the successor and their family to ensure the best use of housing stock.

Tenancy Fraud Prevention

Aspire Housing takes tenancy fraud seriously and implements robust measures to prevent fraudulent occupancy.

Tenant Eligibility & Verification - We take reasonable steps to confirm that prospective tenants are eligible for housing and have the legal right to reside and rent in the UK. All applicant identity information will be securely retained in the tenancy file.

Proactive Fraud Prevention Measures

- Encouraging Reporting: Residents are actively encouraged to report suspected tenancy fraud.
- Electronic Household Records: During tenancy sign-up, we accurately record all household members electronically to maintain transparency.

Regular Tenancy Checks: Aspire conducts routine tenancy checks to confirm legal occupation and proactively identify incidents of unauthorised occupation, overcrowding, under-occupation and identify tenancies where additional support is needed.

Where tenancy fraud is identified, Aspire will take appropriate and necessary action, including pursuing criminal prosecution where required.

Equality and Diversity

Aspire Housing is dedicated to promoting equality, reducing inequality, and eliminating discrimination, ensuring all customers feel valued and supported. This policy has been developed in alignment with our Equality and Diversity Policy to foster inclusive communities and fair access to housing. Where people have specific needs to access the policy, or progress a matter via the policy, reasonable support would be given. By way of example, this may include the provision of the policy in alternate forms e.g. braille, large print or audio versions and ensuring that the process followed was reasonably adapted to reflect the needs of the individual.

We recognise and proactively address the specific needs of all new applicants and tenants, ensuring their individual circumstances are considered.

Our Commitment Includes:

- Preventing disadvantage by addressing barriers related to age, gender, gender reassignment, disability, sexual orientation, marital status (including civil partnerships), pregnancy and maternity, race, nationality, religious or cultural beliefs, or any other unjustifiable criteria.
- Considering additional factors that may lead to exclusion or discrimination, such as health conditions, socio-economic background, literacy levels, and caregiving responsibilities.
- Recognising cultural implications and barriers to tenancy sustainment, ensuring equitable access to support services.
- Providing equal access to our services for all customers, including offering information in various formats where needed.
- Ensuring fairness and respect—treating all customers as individuals, acknowledging their unique needs, and providing tailored support where necessary.

Aspire Housing collaborates with local authority partners to monitor tenancy sustainment, incorporating specific equality monitoring to better understand and respond to customers' needs.

All customers, colleagues, and stakeholders will be treated with fairness and respect. Aspire will actively support feedback through accessible methods, making reasonable adjustments to comply with the Equality Act 2010.

An Equality Impact Assessment has been completed to ensure compliance with Aspire Housing's Equality and Diversity Policy. Further details are available upon request.

2. RESPONSIBILITIES OF EMPLOYEE

Comply with this policy, attend relevant training, and seek advice when necessary.

Maintain continuous professional development, staying informed about housing sector changes relating to tenancy matters.

Request additional or specific training, advice, or support as needed to ensure best practices in tenancy management.

3. RESPONSIBILITY OF ASPIRE

Monitor the impact of this policy, ensuring continuous improvement and alignment with its aim to optimise housing stock and foster balanced, sustainable communities.

Implement procedures and processes, alongside training, to support the successful execution of this policy.

Collaborate with partners and provide a range of support services to assist customers when required.

Complaints: Customers who are dissatisfied with any aspect of Aspire Housing's tenancy services—including access to a tenancy or tenancy-related issues—can pursue a resolution through our Customer Complaints and Feedback process.

This policy will be reviewed in line with its normal schedule of reviewing policies.