

Tenancy Breach Policy

Policy owner	Sam Taylor – HSH Operations Manager
Confidentiality	C1
Distribution list	HSH Operational Staff, HSH Board of Trustees, HSH Tenants
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1. Overview

This policy sets out how HSH will identify, manage and resolve breaches of tenancy agreements. The aim is to provide maximum rights and security of tenure for HSH tenants, offering support to sustain tenancies wherever possible, protect communities, and ensure compliance with the Regulator of Social Housing's Consumer Standards.

It is important to stress that eviction proceedings will always be seen as a last resort but, if necessary, it is vital that the correct procedure is followed. Eviction is a complex legal process that is challenging for anyone to go through.

Hawes Street Housing will take care to ensure that all communication with its tenants is clear, accessible and delivered in ways that the person can understand.

2. Policy Scope

This policy applies to all HSH tenants in general needs accommodation. It covers all breaches of tenancy agreements, including but not limited to rent arrears, anti-social behaviour, property condition issues, and other contractual obligations.

3. Regulatory and Legal Framework

This policy supports compliance with the Regulator of Social Housing Consumer Standards, particularly:

- Tenancy Standard – clear, accessible tenancy agreements and fair management of tenancies;
- Neighbourhood and Community Standard – safe, well-maintained homes and effective management of anti-social behaviour;
- Transparency, Influence and Accountability Standard – fair, timely and tenant-focused decision-making;
- Safety and Quality Standard – protecting tenants and others from harm.

The organisation will also comply with relevant housing, equality, safeguarding and data protection legislation.

4. Principles

Any instance of a tenancy breach will be managed in a practical way to seek the most pragmatic and sustainable outcome for the tenant, community and Hawes Street Housing.

Support will be offered to residents who are responsible for tenancy breaches if it has occurred as a result of a specific area of vulnerability.

Hawes Street Housing will;

- Act fairly, proportionately and consistently,
- Take a supportive and preventative approach to tenancy breaches,
- Make reasonable adjustments where required,
- Safeguard vulnerable tenants,
- Using mediation techniques and services,
- Asking those who are breaching tenancies to change their behaviour and give written undertaking to behave or not behave in specified ways,
- Working in partnership with other agencies including informing and liaising with the police if the alleged breach is, or may be, criminal legal remedies including applying for possession, civil injunctions and Community Protection Notices,
- Issue informal advice or warnings in line with the Warnings & Eviction Policy,
- Use legal action only as a last resort.

5. What Constitutes a Tenancy Breach

The Tenancy Agreement sets out all the contractual responsibilities of the tenant and Hawes Street Housing as the landlord. A breach can occur when either party does not adhere to these responsibilities.

- Rent arrears or persistent late payment;
- Anti-social behaviour, harassment or nuisance;
- Damage to the property or neglect;
- Failure to provide access for inspections or repairs;
- Illegal or immoral use of the property;
- Breach of occupancy conditions.

Proceedings for rent arrears are covered in a separate Rent Arrears and Debt Policy. In the case of serious harassment, nuisance or threatening or violent behaviour, see also the guidance outlined in the Anti-Social Behaviour Policy.

Tenancy Fraud

In relation to social rented homes, examples of tenancy fraud include:

- A tenant not using the home as the only or main home.
- Giving false information, deception or misrepresentation in an application for a property
- False succession activity
- Unlawful subletting – for profit or a friend
- Abandonment of the property and living elsewhere (see also Abandoned Homes Policy)
- Unauthorised exchange or assignment

The Prevention of Social Housing Fraud Act 2013 created specific criminal offences of unlawfully subletting by social housing tenants. The Act gives landlords the powers to prosecute in such cases and enables the Court to order the recovery of any profit made through subletting.

6. Identifying and Recording Breaches

All alleged breaches will be recorded accurately and investigated promptly. Records of alleged breaches will be recorded on the In-Form CRM, along with any tenant correspondence, including warnings, relating to the breach.

Tenants will be informed of concerns in a clear and accessible way and given an opportunity to respond. Records will be kept in line with data protection requirements.

7. Managing Tenancy Breaches

The organisation will aim to resolve breaches early through engagement and support. Actions may include:

- Verbal or written warnings;
- Support referrals or signposting;
- Payment plans for rent arrears;
- Acceptable Behaviour Agreements;
- Increased monitoring or inspections.

Actions taken will be proportionate to the seriousness and persistence of the breach, and in line with the Warnings & Evictions policy.

8. Enforcement and Legal Action

Legal action, including possession proceedings, will be considered only where other reasonable steps have failed or where there is serious risk.

Decisions to pursue enforcement will take account of vulnerability, safeguarding, equality impacts and the best interests of the wider community.

9. Safeguarding and Vulnerability

Where a tenant is identified as vulnerable, the organisation will work with appropriate agencies and make reasonable adjustments. Safeguarding concerns will be managed in line with the organisation's safeguarding policy.

10. Equality and Diversity

This policy promotes equality, diversity and human rights by ensuring that our other residents and neighbourhood are protected from harassment, and to ensure that each resident has the quiet enjoyment of their home and local area, and to respect the experiences of tenants and colleagues whatever their age, gender, ethnicity, religion, disability, sexual orientation or appearance.

The organisation will act in accordance with equality legislation and will not discriminate in the application of this policy. Equality impacts will be considered before taking enforcement action, ensuring that action would not unfairly disadvantage certain individuals.

11. Appeals and Complaints

Tenants have the right to challenge decisions or make a complaint. Complaints will be handled in accordance with the organisation's complaints policy and the Housing Ombudsman Complaint Handling Code.

12. Review and Monitoring

This policy will be reviewed at least every three years or sooner if there are changes in legislation or regulatory requirements.

13. Responsibilities

- The Company Secretary is responsible for the monitoring and review of this policy.
- The Hawes Street Housing Operations Manager is responsible for ensuring the implementation of this policy and supporting procedures for the maintenance of all necessary records on the In-Form CRM system to enable the compilation of regular reports on performance and for the monitoring of performance.
- The HSH Housing Officer is responsible for the day-to-day management and oversight of this policy.