Tenure Policy

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Confidentiality	C1
Distribution list	HSH Operational Staff, HSH Board of Trustees, HSH Tenants
Sign off date / version	23/09/2026 V2

1. Overview

Hawes Street Housing is committed to granting and managing tenancies in a fair, transparent and lawful manner which supports tenancy sustainment, promotes stable communities and ensure the effective use of social housing stock. HSH will comply with all relevant legislation and the Regulator of Social Housing's Tenancy Standard.

Through the various types of accommodation HSH is involved in operating, it will seek to:

- offer suitable tenancies
- support tenancy sustainment
- prevent unnecessary evictions
- tackle tenancy fraud
- consider the needs of vulnerable households
- contribute to the strategic housing function of the local authorities in which it operates

2. Policy Scope

This policy applies to all social rented homes, applicants, tenants and staff involved in tenancy management. HSH operates a range of accommodation through managing agents and third parties, it is expected that those partner organisations will hold their own Tenure Policy which will be in keeping with this policy.

3. Regulatory & Legal Framework

- Housing Act 1985/1988
- Protection from Eviction Act 1977
- Homelessness Reduction Act 2017
- Social Housing Regulation Act 2023
- Regulator of Social Housing Standards
    - Tenancy Standard – requires registered providers to let homes in a fair, transparent and efficient manner, provide suitable terms of occupation and clearly set out the types of tenancy and occupancy arrangements that will be used.
    - Transparency, Influence & Accountability Standard – requires registered providers to ensure tenants can access information needed to hold landlords to accounts.
    - Consumer Standards Code of Practice 2024
- Equality Act 2010
- UK GDPR & Data Protection Act 2018

4. Types of Tenure Granted

The type of occupation agreement will be determined by the purpose of the accommodation, household needs, support needs and efficient use of housing stock. HSH reserves the right to determine the most appropriate occupation arrangement for each scheme and service. HSH will not provide fixed term tenancies.

HSH may grant a range of licenses and tenancies where appropriate including, but not limited to:

- **Assured Tenancies** will generally be granted for Hawes Street Housing's general needs social housing, where residents occupy their home as their principal residence and are provided with a high degree of security of tenure. They may also be granted for certain forms of specialised supported housing where the accommodation is intended to provide a settled, longer-term housing solution. Residents granted assured tenancies may only be required to leave their home through the appropriate legal process and on specified grounds for possession.

  Hawes Street Housing may grant assured tenancies in homes managed directly by HSH or through managing agents operating on its behalf. In supported housing schemes, the decision to grant an assured tenancy will take account of the accommodation model, the level of support provided, the resident's need for long-term housing and the relevant regulatory requirements including the Regulator of Social Housing's Tenancy Standard.

- **Excluded Licenses** will generally be granted for temporary accommodation and certain forms of supported housing where residents do not enjoy exclusive possession of the accommodation and where HSH, the managing agent or third party provider retains a significant degree of access, control, supervision or service provision. The use of excluded licenses enables accommodation providers to retain the flexibility required to deliver short-term housing services, while ensuring residents receive accommodation appropriate to their circumstances.

  Occupants on excluded license agreements are generally excluded from the security of tenure provision of the Protection from Eviction Act 1977 and may not require a court order for possession once the licence has been lawfully terminated.

- **Protected Licenses** will generally be granted in schemes where accommodation is provided together with support, care, supervision or rehabilitation services and where the legal circumstances do not support the granting of an assure tenancy. These agreements may be used in accommodation managed directly by HSH or by support providers acting as managing agents.

  Protected licenses are commonly used within supported housing pathways where accommodation is intended to be transitional or closely linked to the delivery of support services.

  Occupants on protected license agreements benefit from certain statutory protections under the Protection from Eviction Act 1977, including the requirement for appropriate notice and, in most cases, a court order before possession can be obtained.

5. Review of Tenure Decisions

Where are applicant or prospective resident is dissatisfied with the type of licence of tenancy offered by HSH, they may request a formal review of that decision. The request should meet the following criteria to be considered;

- received by HSH within 14 days of the applicant being notified of the proposed tenure
- include an explanation of why the applicant believes an alternative form of tenure should be granted

Upon receipt of a review request, HSH will arrange for the decision to be reviewed by a manager or authorised officer who was not involved in the original decision, with the appropriate level of authority and competence to review tenancy matters.

The review will consider all relevant information including:

- the applicant's housing circumstances
- the purpose & designation of the accommodation
- the nature & level of any support services provided
- the applicable legal & regulatory requirements
- the provisions of this policy

Further information may be requested from the applicant or relevant internal/external parties where necessary to reach an informed decision.

Following completion of the review, HSH will notify the applicant of the outcome in writing, normally within 28 calendar days of receiving the review request. If a response is likely to take longer, then the applicant should be informed by HSH with the reasons for the delay. The written decision will outline whether the tenure decision has been upheld, varied or overturned and will explain the reasons for the outcome.

The review decision represents HSH's final internal stage of consideration. Where applicants remain dissatisfied, they will be given the option to make a complaint through HSH's Complaints Policy. Following completion of the complaints procedure, complainants may be able to escalate their complaint to the Housing Ombudsman where the matter falls within their jurisdiction.

6. General Principles of Occupation

When occupation is not granted to an individual, HSH will make housing advice, information about the right to appeal and signposting to alternative accommodation available to any unsuccessful applicants.

HSH will consider the vulnerability of their residents and will seek to provide them with stability and security through a range of support interventions. Statutory succession rights will be honoured and discretionary succession requests may be considered based on hardship and vulnerability.

HSH will prevent and investigate tenancy fraud, including unauthorised subletting, false applications and succession fraud.

Qualifying tenants transferring or returning following decant will retain no less security of tenure where relevant.

7. Support to Sustain Accommodation

Hawes Street Housing is committed to supporting its residents to sustain accommodation, recognising that secure and sustainable housing is fundamental to resident's wellbeing and independence. Across its schemes, HSH will adopt a proactive and person-centre approach to support residents to sustain their accommodation.

This will be undertaken through a range of means, including but not limited to:

- Providing clear information about the rights and responsibilities associated with the resident's occupation agreement
- Ensuring residents receive and appropriate induction to their accommodation and the local area
- Offering advice and assistance to help residents understand and comply with the terms of their occupancy agreement

- Supporting residents to maximise their income, including assistance with benefits, budgeting, debt management and access to financial inclusion services
- Providing advice and signposting to specialist agencies for employment, training, education, health & wellbeing and legal support
- Working with residents to identify and address issues that may place their accommodation at risk including rent arrears, anti-social behaviour, safeguarding concerns, mental health concerns, substance misuse, offending behaviour and any other relevant support needs
- Developing person-centred support plans for residents in supported housing, with regular reviews to monitor progress and changing support needs
- Working collaboratively with local authorities, support providers, health services, commissioners and other partner agencies to co-ordinate support and tenancy sustainment
- Providing tailored support where residents have disabilities, vulnerabilities or additional support needs
- Promoting resident engagement and encouraging residents to participate in decisions affectie their housing and support services
- Assisting residents to access community resources and opportunities that reduce social isolation and promote independent living
- Providing appropriate move-on planning and resettlement support for residents occupying temporary or transitional accommodation, or where changes in circumstances mean that their current accommodation is no longer suitable
- Taking an early intervention approach to accommodation management issues, seeking to resolve concerns before enforcement action becomes necessary
- Supporting residents to move towards greater independence and transition to a more secure form of tenure where appropriate
- Ensuring that any enforcement action is proportionate, reasonable and accompanied by appropriate opportunities for support and engagement

8. Monitoring & Review

Regular reviews of occupancy agreements will be conducted across HSH's schemes to ensure consistency of approach, compliance with latest legislation and ensure policies & procedures are applied accordingly. Occupants will be consulted regarding any significant variations to the Occupancy Agreement, the terms of which can only be changed by written agreement between HSH and the Occupant.

This policy will be reviewed every three years or where there is significant legislation change.

9. 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 the operation of this policy across HSH and its various schemes.