



SUCCESSION, ASSIGNMENT AND MUTUAL EXCHANGE TENANCIES

1. POLICY STATEMENT

- 1.1 Erimus Housing is committed to providing a high quality service to tenants and prospective tenants in relation to succession, assignment and mutual exchange applications
- 1.2 Erimus Housing aims to continually improve services based on customer needs, clear service standards and costs.
- 1.3 Erimus Housing aims to deal with all applications for succession, assignment or mutual exchange sensitively and efficiently and those applicants with a statutory or contractual right to succeed are dealt with promptly.
- 1.4 Erimus Housing will ensure that no individual is socially excluded or disadvantaged in accessing these services.
- 1.5 This policy is designed to illustrate how an ongoing tenancy can pass from one person to another without a new tenancy being created.
- 1.6 Erimus Housing will consider applications for assignment in the following circumstances:
 - Assignment by way of a mutual exchange;
 - Assignment where a court has made a Property Adjustment Order;
 - Assignment to a potential successor

2. REFERENCES

2.1.1 External

Legislation and regulation

- Housing Act 1988;
- Housing (protection of Right To Buy) Regulations 1993;
- Disability Discrimination Act 1995.

Guidance

- KLOE 4 – Income Management;
- KLOE 6 - Tenancy and Estate Management;
- KLOE 7 – Allocations & Lettings;
- CRE Code of Practice on Racial Equality in Housing 2006.

2.1.2 Internal

- Strategic Plan / Strategic Priorities

Related documents

- Choice based lettings policy and procedure;
- Aids and adaptations policy and procedure;
- Service Standards;
- Tenants Handbook;
- Tenancy Agreement;
- Anti-social Behaviour Policy & Procedure;
- Equality & Diversity Strategy;
- Vulnerable Persons Policy.

3. DEFINITIONS

3.1 There are no definitions required.

4. POLICY CONTENT

4.1 Tenants subject to the following tenancy agreement types contain rights, prescribed within those agreements, of assignment:

- Assured Tenancy Agreement for Transferring Tenants;
- Starter/Assured Tenancy Agreement for New Tenants.

4.2 The following tenancy agreements do not contain rights of succession, assignment or Mutual Exchange:

- Contractual Tenancy Agreement (Licence);
- Assured Shorthold Tenancy Agreement.

4.3 Succession

4.3.1 Erimus Housing is committed to dealing with applications for successions in an open and sensitive manner, ensuring staff are aware of personal requirements, relevant legislation and contractual obligations.

4.3.2 Where an application to succeed a tenancy is made by a spouse, partner (including same sex partners) or another family member, Erimus Housing will investigate the circumstances of the succession to determine if it would be permitted within the terms of the Tenancy Agreement.

4.3.3 Where a succession is applied for in relation to a starter tenancy, only a spouse or partner (including same sex partner) would be eligible.

4.4 Assignment

- 4.4.1 Erimus Housing will deal with all applications for assignment promptly, fairly and efficiently.
- 4.4.2 Where an assignment is decreed by the court, we will act in accordance with the courts determination.
- 4.4.3 Where an application is made by a tenant wishing to assign their tenancy to a potential successor, Erimus Housing will investigate the circumstances of the assignee to determine if the assignment is permitted within the terms of the Tenancy Agreement.
- 4.4.4 Where an application for assignment is agreed, Erimus Housing will make the necessary administrative changes promptly. Where an application is refused, we will inform the applicant in writing giving the reason for refusal.
- 4.4.5 Where a court has ordered that the tenancy be assigned as a result of court proceedings, Erimus Housing will accept the assignment as decreed by the court and arrange for the assignment to be effective from the date decreed by the court.
- 4.4.6 Where an application is made by a tenant to assign their tenancy, Erimus Housing will obtain all relevant evidence to confirm length of continuous residence and the reasons for the application.

4.5 Mutual Exchanges

- 4.5.1 Erimus Housing will keep a register of tenants wishing to exchange homes and ensure tenants have access to this register.
- 4.5.2 Erimus Housing will not normally refuse an application for exchange unless:
- Either a tenant is under a Notice Seeking Possession, or legal proceedings have begun following Notice;
 - The property has special features or is designed around an area of disability and the new tenant does not need these features;
 - Either property is too large or too small for either tenant;
 - Where an application is made in relation to a starter tenancy.
- 4.5.3 Provided the tenant is not excluded from exchanging tenancy by virtue of paragraphs 4.2 or 4.5.2 of this policy but where a tenant is in rent arrears or has breached another condition of tenancy, Erimus Housing will give permission for an exchange to proceed subject to the arrears being cleared or any other breach of tenancy conditions remedied.

5. EQUALITY AND DIVERSITY

- 5.1 Erimus Housing recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 5.2 Through the management of succession, assignment & mutual exchanges we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 5.3 To enable all residents to have clear information and equal access to this policy, Erimus Housing publishes clear information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customer's preferences or needs.
- 5.4 The investigation of each application is fully in keeping with our equality and diversity aims and objectives.
- 5.5 Erimus Housing will be accessible, responsive and sensitive to the diverse needs of individuals and officers will be trained to a high standard in valuing and promoting equality & diversity in the delivery of the succession, assignment & mutual exchange policy.
- 5.6 Full details of our approach are set out in our Equality and Diversity Strategy.

6. CUSTOMER INVOLVEMENT

- 6.1 Erimus Housing recognises the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.
- 6.2 Erimus Housing actively involves all customers in at the beginning of decision making processes and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Resident Involvement Strategy.
- 6.3 To demonstrate this commitment, this policy:
 - Will be reviewed in consultation with service users and customers;
 - Involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
 - Publishes information in relation to performance against the aims and standards set down by this policy;
 - Will be developed and reviewed in light of customer feedback, comments and complaints.

7. POLICY MONITORING AND REVIEW

- 7.1 Monitoring

7.1.1 The monitoring of outcomes is essential for Erimus Housing to track the impact of our approach to managing tenancies. Monitoring of the implementation of the policy and the associated procedures will consider the following at monthly intervals with quarterly analysis reporting to Committee:

- The performance against service standards and targets set out in the procedures;
- Customer satisfaction and level of complaints, reviews and appeals;
- Performance in relation to quality and turn around;

7.2 Review

7.2.1 Monitoring results will be used by Erimus Housing to inform future policy review in this area. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- The aims and objectives of the policy being met;
- The current policy outcomes meet the needs and aspirations of our diverse customer base;
- Service users are aware of and understand the policy and believe it to be consistent and fair;
- The policy provides sufficient choice for customers;
- The service offers value for money;
- Partnership arrangements are working effectively.

7.2.2 Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff groups;
- Board members;
- Existing and future service users;
- Resident and community groups;
- Relevant partners, local voluntary agencies and other statutory services as relevant.

7.2.3 This policy will be reviewed on a bi-annually or in line with legislative or regulatory changes.

8. RESPONSIBILITY

8.1 The Managing Director retains the overall responsibility for the implementation of this policy.

8.2 The Group Director of Operations is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.