



WOKINGHAM
BOROUGH COUNCIL



**Approved by
Tenant Volunteers**

Wokingham Borough Council
Housing Service

Tenancy Policy

Under Review



This is the Tenancy Policy for
Wokingham Borough Council's Housing
Service.

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Accessibility and Translation

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Document Control Information

Title: Wokingham Borough Council Housing Service's Tenancy Policy.

Date: Under Review

Classification: This is a working/live document and is subject to change.

The information in this document is reflective of our statutory requirements and our operational proceedings.

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Tenancy Policy

1. Why a Tenancy Policy?

- 1.1. The Regulatory Standard requires us to publish clear and accessible policies, which outline our approach to tenancy management, including interventions to sustain tenancies, prevent unnecessary evictions, and tackle tenancy fraud. The Regulations specify what should be included in a tenancy policy (see [Appendix 1](#)).
- 1.2. The Regulator requires us to issue tenancies that are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the effective use of our housing stock.
- 1.3. The policy sets out the responsibilities relating to lifetime (secure) tenancies, licence agreements, and introductory tenancies, as well as our approach to tenancy management including interventions to sustain tenancies, prevent unnecessary evictions, and tackle tenancy fraud.

- 1.4. This policy has been produced to ensure effective and efficient management of a limited supply of tenancies that meets customers' expectations and provides value-for-money services in line with legislation and council-wide priorities.

2. The Objectives.

- 2.1. The Housing Strategy 2024 – 2028 “Right Homes, Right Place” includes the overarching aim that, by working with our partners and engaging with our residents and landlords across the Borough, we will help to ensure that we address and understand housing need and help maximise affordable housing delivery where possible. We will build the right homes in the right places, improve the quality, sustainability, and design of our housing stock, and support our residents by developing socially inclusive and healthy communities.
- 2.2. Our housing priorities – what we will do:
- Continue to address and understand our housing needs.
 - Provide suitable accommodation options to our most vulnerable residents.
 - Ensure that homes are healthy, safe, efficient, environmentally sustainable, and well-designed.
 - Create positive social impact which will help promote inclusive growth and develop thriving communities.
- 2.3. We will help to achieve this by offering housing advice, guidance, and support during each tenancy review.

3. Scope

- 3.1. This policy relates to the Tenancy Standard which requires housing providers to grant tenancies that are compatible with the purpose of the accommodation, the needs of the individual household, the sustainability of the community, and the efficient use of stock.

4. Equal Opportunities

- 4.1. This policy will be applied fairly and consistently to all our tenants and potential tenants in line with current Equality Legislation. An Equality Impact Assessment (Stage 1) of this policy has been undertaken.

5. Review

- 5.1. Housing Services will review the policy every three years in line with industry practice and amend to accommodate any changes in the delivery of services or legislation. The review date will be brought forward if there are any changes in legislation that affects the policy.

6. The types of tenancies we offer.

- 6.1. Most tenancies are let on a secure tenancy. The main types of tenancies that we offer are introductory tenancies, lifetime (secure) tenancies, and licence agreements.

A. Introductory Tenancies

Please refer to the introductory

- 6.2. All new tenants of the council, apart from those who are existing tenants of another council or a registered provider, will be granted an introductory tenancy before they can transfer to a secure tenancy when the introductory tenancy expires.
- 6.3. We no longer issue fixed term tenancies. Some residents are on historically issued fixed term tenancies. At the end of their fixed term tenancies, they will transition onto Lifetime (Secure) Tenancy.
- 6.4. An Introductory Tenancy is a trial period lasting 12 months. Introductory tenancies provide an opportunity for new tenants to ensure they understand their rights and obligations under the terms of the tenancy agreement and can maintain their tenancy satisfactorily. If there are no problems during the trial period, the tenancy automatically becomes secure. Introductory tenancies do not have all the rights that a secure tenant does. They do not have the right to:
- Exchange with another tenant.
 - Improve the property.
 - Sublet the property.
 - Succession.

- Buy the property, however the introductory tenancy period will count towards the entitlement period if they choose to buy later, providing the tenant meets the eligibility criteria of the Right to Buy scheme.

6.5. In some circumstances, the introductory tenancy may be extended by a further 6 months, up to 18 months. This will happen if there are concerns about how the tenancy is being conducted; in such cases, notice of the intention to extend the introductory period will be given by the 10th month of the tenancy.

6.6. Where a tenant has not satisfactorily completed an introductory tenancy, a Notice of Intent to Seek Possession will be served. The tenant will have a right to review this decision, as set out in the Introductory Tenancy Policy.

6.7. The Council may apply for a Court Order at any time to end the tenancy if any of the grounds for possession can be proved.

B. Lifetime (secure) tenancy.

6.8. The traditional form of social housing tenancy, once granted, affords the tenant full security of tenure for as long as they wish to hold the tenancy. The tenancy can only be ended if a court order for possession is obtained, usually because the tenant has breached their agreement.

C. Licence Agreements

6.9. The council may grant licenses and excluded licenses where a licensee occupies a room within shared accommodation, or a property is defined as a hostel. A hostel has a specific definition (Housing Act 1985 Section 622), and the licensee must share facilities (such as a bathroom, toilet, cooking facilities). A person on a license does not have the protection of the Protection from Eviction Act 1977 and can be excluded or have their license revoked without a court order.

6.10. Excluded Licence Agreements will be used for supported young people in shared accommodation usually referred by Children's Services.



7. During a Tenancy

- 7.1. We work towards enabling tenancy sustainment as opposed to enforcement. Due regard and consideration are taken to issues of vulnerability and unmet support needs; we will provide a tenancy sustainment service to help support residents where required.
- 7.2. Additional referrals are made when necessary to support agencies and internal panels, particularly when there is a threat of the tenant losing their home.
- 7.3. A range of prevention options is available and can be used as appropriate, including mediation, acceptable behaviour contracts (or equivalent), injunctions, parenting support orders, and referral to youth services.

8. Tenancy Transfers

- 8.1. If a tenant transfers into a WBC property, they will transfer onto the closest matching tenancy type they currently hold. For example, anyone on a secure tenancy will transfer onto a secure tenancy.

9. Right to Buy

- 9.1. Property Secure Tenants may have the Right to Buy (as set out in Housing Act 1985), after a qualifying period. More information is in the Right to Buy Policy.

10. Succession Rights

Please refer to the Succession Policy

- 10.1. Following the death of a tenant, other household members might be left in the family home and wish to take on the tenancy. This is known as succession. Our policy on granting succession to people in these circumstances takes account of:
 - a. government legislation that sets out the various rights applicable to the family members of both existing and new tenants;
 - b. the needs of vulnerable household members, and;
 - c. discretion available to us under the Localism Act 2011 to offer, on a contractual basis, rights that are additional to those specified in the Act itself, should we choose to exercise that discretion.



11. Mutual Exchanges

Please refer to the Mutual Exchange Policy.

- 11.1. Tenants on secure tenancies will have the right to mutually exchange their homes with other tenants.

12. Actions to sustain tenancies and prevent unnecessary evictions

Please refer to the Current and Former Tenant Arrears Policy.

- 12.1. Our rent collection protocols aim to prevent unnecessary evictions and involve proactive work to establish any vulnerability. We routinely provide details of the Citizens Advice Bureau and advise tenants to seek help if they are having difficulties. We fund the provision of Floating Support Services and we can refer tenants to their services if they are having difficulty with preserving their tenancy and/or have problems with rent arrears. The Floating Support Services help tenants to maximise their incomes and ensure any payments we ask for are affordable. The Tenancy Sustainment Officers will also provide support to tenants. At all stages through the arrears recovery process, we seek to comply with the Pre-Action Protocol and form possession claims by making an agreement with tenants.
- 12.2. Generally, unless exceptional circumstances arise, we will ask the Court to make an Order for Possession which is suspended on terms (Suspended Possession Order) to provide the tenant an opportunity to pay off their rent or other arrears.
- 12.3. If a court order is breached, we would use our discretion as to whether to apply for a warrant to evict. However, before we take formal legal steps, we contact all support services to find out if there is any other involvement that we were not aware of or if any service wants to intervene. The final sign off will be with the Service Director of Housing. This sign-off process is to ensure that we have taken all reasonable steps to contact the tenant and given them all opportunities to pay.
- 12.4. As a further measure to prevent inappropriate evictions, we have a monthly Housing Panel made up of housing staff (Tenant Services and Housing Needs and Options) and representatives of the care professions (e.g. Children's Services and Adult Social Care).



The Housing Panel meets to discuss any households that may need joint intervention or where there are urgent or unusual causes for concern. We refer all cases where eviction action is being considered (this includes where there may be vulnerabilities or children living in the property) to the Housing Panel which will review our decision to request a warrant to evict. If the Housing Panel is particularly concerned about a family or household, they may suggest a way forward or suggest particular professional involvement and will ensure that all possible ways to avoid homelessness have been considered.

- 12.5. Once a decision has been made to evict a tenant, we will send a letter to the tenant to say we are applying for a warrant. We again suggest they seek advice from the Citizens Advice Bureau, urgently. If we are able to contact the tenant, we will advise them how to make an application to suspend the warrant and what they need to do in the meantime to give themselves every chance of success in this hearing, for example to make regular payments in the meantime, complete a financial statement, put together an offer to repay what is affordable, and speak with us about what they can expect in the hearing.
- 12.6. We will always ask the tenant to try to clear their arrears in full and suggest that they ask family members or friends for help. If they are able to clear the arrears or catch up with the court order, we no longer have any reason to pursue the eviction. However, we will continue to evict if there is no real prospect of ever recovering the outstanding amount.

13. Tackling tenancy fraud

- 13.1. Social Housing is a national asset and should be allocated to those in greatest housing need. When a tenant no longer requires the property, it should be handed back to the landlord. If this does not happen and the tenant chooses to breach the terms of their tenancy by illegally subletting, assigning their tenancy to another person without permission, or by not using their social housing property as their main home, amongst other breaches, we will take appropriate legal action to take possession of the property.



- 13.2. If a social housing tenancy is obtained fraudulently, we will seek to take appropriate legal action to take possession of the property.
- 13.3. We take tenancy fraud very seriously and actively work to combat it. This includes data matching to flag up a number of tenancies being at risk of Tenancy Fraud and carrying out Tenancy Audits on 'at risk' properties. When we suspect fraudulent abuse of social housing it will normally be investigated, and those people who are found to be responsible may be criminally prosecuted if it is appropriate. In such cases we may also issue possession proceedings.

Appendix 1- Requirements for Tenancy Policy

Taken from The Regulatory Framework for Social Housing in England from April 2012. Homes and Communities Agency (2012) page 24.

Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies, prevent unnecessary evictions, tackling tenancy fraud and set out:

- The type of tenancies they will grant.
- Where they grant tenancies for a fixed term, the length of those terms.
- The circumstances in which they will grant tenancies of a particular type.
- Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, against a decision not to grant another tenancy on the expiry of the fixed term.
- Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness and households with children, including through the provision of tenancies which provide a reasonable degree of stability.



- The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

Appendix 2 – Contact details for the Housing Panel

Housing Manager

Wokingham Borough Council

PO Box 154

Shute End

Wokingham

RG40 1WN

Email: - Housing@wokingham.gov.uk