Tenancy policy

Policy purpose
The purpose of this policy is to inform colleagues, residents, Board and Committee members of Anchor Hanover Group’s policy on granting different types of tenancy. It also outlines how we will support tenants to maintain their tenancy, prevent unnecessary evictions and tackle tenancy fraud.

Anchor Hanover Group aims to grant the maximum security of tenure possible to tenants of its retirement housing, (be this sheltered or extra care) and general needs housing unless one of the exceptions as identified below applies.

Scope of the document
This policy applies to Anchor Hanover Group’s rented housing only. It is relevant to all those responsible for, or involved in, the letting and management of tenancies.

Roles and responsibilities
The practical application of this policy is the responsibility of the Managing Director of Housing Operations.

Anchor Hanover Group tenancies
Anchor Hanover Group has the following types of tenancy agreements:

a) Secure tenancies
These are tenancies created before the application of the Housing Act 1988 which introduced assured tenancies for the majority of new housing association tenants. Secure tenancies are similar to assured tenancies but grant additional/different rights and protection in a number of areas, (most significantly on rent setting). Secure tenancies are no longer issued by housing associations and the only Anchor Hanover Group tenancies which are secure will be those where the original tenancy commenced before 15 January 1989.

b) Assured non-shorthold tenancies
Anchor Hanover Group will provide all new and transferring tenants with an assured non-shorthold tenancy unless one of the exceptions outlined below applies. Many of the statutory rights and obligations of these tenancies will be based on those set out in the Housing Act 1988, (as amended). Other contractual rights and obligations may vary based on the date the tenancy was entered into with Anchor Hanover Group or one of its predecessors, (Hanover Housing or Anchor Trust) or whether the tenancy is for social or affordable rent.

Secure tenancies and assured non-shorthold tenancies offer the most security of tenure and as such are also often referred to as ‘lifetime tenancies’
Exceptions to use of a ‘lifetime tenancy’
Prior to the 1 April 2012 it was a regulatory obligation on housing associations to provide tenants with the most secure form of tenancy. With the enactment of the Localism Act 2011 this changed and since that date housing associations have had freedom to provide new tenants with a ‘non-lifetime’ fixed term, assured shorthold tenancy.

Anchor Hanover Group will use non-lifetime tenancies in the following circumstances;

a) Where the nature of the accommodation or any legal agreement covering the property means that occupation by any tenant has to be time limited for example short-life accommodation awaiting disposal

b) Where a tenant has to be moved out into temporary accommodation to allow Anchor Hanover Group to carry essential works or undertake a planned refurbishment. In these circumstances, whilst there is an intention that the tenant moves back, a licence agreement will be issued

c) Where an agreement with another provider or developer insists that probationary/probationary tenancies are to be applied

d) Where the Managing Director of Housing Operations has determined that starter/probationary tenancies are to apply on locations as a result of concerns over anti-social behaviour and/or community cohesion

With probationary/probationary tenancies it will be the practice of Anchor Hanover Group to issue an assured shorthold tenancy of 12 months which will then convert to a lifetime tenancy, (assured non-shorthold) if the tenant conducts the tenancy for the initial starter/probationary period in a satisfactory manner.

If the tenant fails to conduct the starter/probationary tenancy in a satisfactory manner Anchor Hanover Group may look to give notice to end the tenancy or to extend the term to 18 months. Reasons for either action will be provided to the tenant along with the opportunity to request a review of the decision.

Licence to occupy
A licence only gives a person permission to occupy a property and as such, unlike a tenant, grants the occupier no legal interest in the land or property. Licensees therefore have much have less security than tenants. One aspect of this is that it is much easier to end a person’s occupancy of a property.

Other than when decanting a tenant into temporary accommodation Anchor Hanover Group will not use a licence for any of its own residents. Licences will however be used;

- For residents of any Almshouse or Trust which we manage or for which we are the corporate trustee
- For colleagues whose occupancy of a property is tied into their employment with Anchor Hanover Group – in these circumstances the terms of the licence will usually be set out in the Accommodation Agreement they entered into with Anchor Hanover Group and which is linked to their contract of employment.
Tenancy sustainment
Anchor Hanover Group aims to ensure that all residents are supported in sustaining their tenancy. On many retirement housing locations Anchor Hanover Group employs on-site or visiting managers to provide housing related support to tenants; the aim of this support being to help residents to live independently and to maintain their tenancy.

Anchor Hanover Group also offers tenants advice and assistance with welfare and housing related benefits.

Our primary aim and concern is to support and sustain tenancies so when dealing with serious breaches of the tenancy agreement we will always consider and, where appropriate, utilise other avenues as an alternative to legal action and possible eviction. However, we do recognise that in some circumstances there may be no other alternative but to pursue legal action to re-possess a customer's property.

Tenancy fraud
Anchor Hanover Group is committed to investigating and dealing with any case of tenancy fraud which may become known to the organisation. This may lead to eviction or other appropriate action against the perpetrator of the fraud.

Retirement housing locations are often relatively small in size. This fact combined with the existence of on-site or visiting managers means that the likelihood of tenancy fraud is less than with other forms of housing.

Tenancy Succession
The tenancy of an assured tenant will automatically pass onto the spouse of the tenant as long as there was no previous succession and they were living in the property as their only or principal home at the time of the tenant’s death.

For the avoidance of doubt Anchor Hanover Group will allow any person who was living with the tenant as his or her husband or wife to be treated as a spouse.

Only one succession to a tenancy is permitted.

Where there is no legal successor Anchor Hanover Group will allow another family member to take up a tenancy at the property if;

- they are of a qualifying age, and;
- are not under-occupying the property, and;
- did not, in our opinion, contribute to any breach of tenancy by the late tenant, and;
- have lived at the property for at least 12 months prior to the death of the tenant.

Equality and diversity
We are committed to respecting diversity in all aspects of our work and meeting our obligations under the Equality Act. In line with this, we welcome feedback on any aspect of this policy where there is a question over its adherence to the above legislation.
Data Protection
We are committed to applying this policy in line with the General Data Protection Regulations as set out in our Data Protection Policy.

Commitment and review
The Group Board looks to the support and professionalism of staff at all levels in making this policy truly effective. This policy statement, along with other related supporting policies and procedures in use, will be regularly reviewed and revised as and when necessary.

Approved by Anchor Hanover Group Board on 19th December 2018.

Regulatory and legal references
- Housing Act 1980
- Housing Act 1988 (as amended)
- Regulator of Social Housing Tenancy Standard 2015
- Localism Act 2011