

Policy Name	Tenancy Management Policy
Version No.	2
Approval Date	April 2024
Category	<i>Operational</i>
Classification	<i>Public</i>

Tenancy Management Policy	
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Version Control

Version	Date	Description	Updated By	Approved By
1	January 2018	New policy	RK	ELT
2	September 2023	Policy review	RK	ED Ops

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1. Policy Purpose & Aim

As a specialist provider of housing and care for older people, The ExtraCare Charitable Trust (ExtraCare) is committed to ensuring that we grant the most secure form of tenancy agreement to our tenants. The purpose of this policy is to set out how ExtraCare grants new tenancy agreements, the type of tenancy we offer, and our approach to managing existing tenancies.

ExtraCare is committed to meeting housing need and works in partnership with local authorities to participate in relevant nominations arrangements and choice-based lettings schemes to meet housing need. This policy should be read in conjunction with ExtraCare's [Lettings Policy](#) and [Ending A Tenancy Policy](#). In addition to setting out the types of tenancies we grant, this policy also details how we seek to ensure tenancies are sustainable, our approach to promoting mutual exchanges, managing changes to tenancies (succession, assignment), and our approach to preventing tenancy fraud.

2. Objectives

The objectives of this policy are to:

- Ensure consistency of approach across all ExtraCare owned locations;
- Ensure that the most secure form of tenancy agreement is issued and that reasonable measures are put in place to seek to ensure that the tenancy is sustainable;
- Agree with Partner Landlords, for whom ExtraCare act as Managing Agents, that the Partner Landlord issues an Assured (or Secure) Tenancy Agreement;
- Meet legislative and regulatory requirements.

3. Scope of Policy

This policy applies across all ExtraCare owned locations and impacts on tenants and prospective tenants. The policy also applies to locations where ExtraCare is the managing agent carrying out the landlord function. The policy does not apply to ExtraCare locations where the tenancies are managed by a partner landlord, although it is our expectation that the principles of the policy are adopted by the partner landlord.

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4. Responsibilities

Executive Leadership Team	Responsible for approving this policy and any subsequent updates or reviews.
Housing & Resident Engagement Manager	Ensure the implementation of this policy across all ExtraCare owned locations. Take appropriate action where there may have been a breach of this policy.
Regional Operations Managers	Responsible for ensuring that local teams carry out the appropriate assessments to ensure that the tenancy is sustainable through support / signposting to other agencies.
Location Managers	Ensure enactment of this policy by ensuring all location staff, including temporary or agency staff, are fully compliant with it.
Housing Officers	Ensure residents are aware of the policy (through new resident sign up / annual resident visit) and to report any breaches of the policy.
Housing Performance & Standards Officer	Provide advice in relation to implementation of the policy, including assisting with training local housing teams.
Local Housing Teams	Ensure the policy is understood and to seek advice from Housing Officer in any issue relating to the policy.

5. Monitoring & Review

This policy will be reviewed every three years to consider its effectiveness, or sooner if there are any material regulatory or legal changes. Any changes will be consulted on with ExtraCare's Resident Forum.

6. Risk Management

We have an adverse appetite for non-compliance with legal and regulatory requirements and this is reflected in our strategic and corporate risk registers.

Adherence to this policy will ensure that appropriate measures are in place to maintain the privacy, rights, and security of residents. The policy provides a framework to ensure that tenancy agreements are appropriately managed within locations and will help ExtraCare to deliver equity and consistency across locations.

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7. Statement of Commitment

ExtraCare is committed to transparency in its vision of “Better Lives for Older People”. We commit to ensuring this policy is always available as a public document for all residents and potential residents to view. ExtraCare publicises this policy to residents through Resident (‘Street’) Meetings and provides relevant training to staff including Location Managers. Regional Operations Managers ensure this policy is consistently implemented within all ExtraCare residential locations.

8. Additional Arrangements

8.1 Overview

The revised Tenancy Standard 2023 (Regulator of Social Housing) states that landlords should let their homes in a fair and transparent way, support tenants to sustain their tenancy, offer tenancies that are compatible with the purpose of occupation, and support tenants to mutually exchange their home. This policy outlines how each of these requirements will be met.

The Renters (Reform) Bill 2023 proposes the ending of Assured Shorthold Tenancies. Though this form of tenure has been rarely used by ExtraCare in practice, it will be our policy that no further Assured Shorthold Tenancies (or similar, such as Probationary Tenancies) will be issued by ExtraCare, and we will only issue Assured Tenancies in ExtraCare owned locations. Partner landlords will operate in accordance with their own Tenancy Management Policies.

8.2 Letting properties in a fair & transparent way

We are committed to letting our social rent properties in a fair and transparent way, working in partnership with Local Authorities to help them meet local housing need. How we let properties, prioritise, and assess applicants, and offer the right of appeal to those we may decline, is set out in our [Lettings Policy](#).

8.3 Supporting tenants to sustain their tenancy

We have a range of ways in which we support our tenants to maintain their tenancy:

- Access to our specialist wellbeing service within our locations (through Wellbeing Advisors);

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- Access to our specialist Dementia & Mental Health Enabler within locations;
- Access to our Welfare Benefits Advisor, to ensure a tenant is claiming all benefits to which they may be entitled;
- A post-tenancy follow-up visit arranged by the location team within 4 weeks of moving in, to ensure the tenant has settled in;
- Access to daily well-being check service;
- An annual resident visit arranged by the location team to identify any issues with the tenancy; and
- Access to our on-site care service for residents requiring personal care.

Through the above measures, we will seek to provide evidence that we offer care, support and supervision to help enable tenant eligibility to entitlement of ‘exempt’ accommodation, under the Supported Housing (Regulatory Oversight) Act, 2023. We will review how we can evidence compliance when guidance for landlords is published (expected spring 2024).

We will consider the specific needs of a tenant in ensuring that support is appropriate for them, making reasonable adjustments where required. This will include consideration of protected characteristics under the Equality Act 2010. This includes accessing language translation services and seeking the involvement of specialist organisations where required.

8.4 Offering tenancies that are compatible with the purpose of occupation

As a specialist provider of housing for older people, and to achieve our mission of ‘better lives for older people’, we grant the most secure form of tenancy for our properties, being Assured Tenancies. We do not grant a less secure form of tenure within any ExtraCare owned location. Partner landlords may offer other forms of tenancy, in line with their own Tenancy Management Policy.

8.5 Mental capacity

Where we identify that a resident may not have mental capacity to be able to enter into a tenancy agreement, we will ensure that an appropriate mental capacity assessment is carried out prior to being offered or granting a tenancy. Where that assessment shows that the person does not have capacity to sign a tenancy agreement, we may accept the following to sign the tenancy agreement on their behalf:

- Lasting Power of Attorney (Property and Affairs)
- Enduring Power of Attorney (with sufficient authority)
- Court of Protection Deputyship – Property and Affairs
- Court of Protection Order (authorising the person acting to sign)

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Prior to offering / signing the tenancy agreement in this way, we will assess whether it is in the best interests of the person to move to the ExtraCare location.

8.6 Supporting tenants to mutually exchange

We promote mutual exchange as an option to all tenants who have expressed a wish to move and to help them to promote or advertise their interest in finding an exchange partner within the location. For residents wishing to move to another ExtraCare location, we will promote their interest for an exchange at the desired alternative location. We will do this by advertising the property in the location newsletter. For those wishing to move to another landlord, we will pay for them to become registered on HomeSwapper, so that they can promote their property for an exchange.

As mutual exchanges for ExtraCare are exceptionally rare, it is not cost-effective for ExtraCare to subscribe to HomeSwapper as a landlord. However, we will pay the individual registration fee for any of our tenants who would like to exchange with another landlord.

As most of our properties are one / two bedrooms, we will not refuse an exchange on the basis that under-occupation may occur. We will allow a single person to exchange to a two-bedroom property, subject to being able to afford the larger property. An exchange is not permitted if the incoming resident does not meet ExtraCare's age criteria for occupation or if the current (outgoing) tenant is in arrears with rent or other charges or is in breach of any tenancy conditions.

Following the exchange, the incoming tenant will take the existing ExtraCare Assured Tenancy by an assignment of the original tenancy agreement.

8.7 Managing changes to tenancies

Succession Rights

Succession is permitted when the partner of a deceased tenant meets ExtraCare's age criteria for occupation and has lived in the property for 12 months or more (and can evidence this to be the case).

In exceptional circumstances, discretionary succession rights may be granted to an individual who is over 55 years old and who has been living in the property for more than 12 months but who is not the partner of the deceased tenant (e.g. their carer), provided they have no other property available to them to live in. We will consider each request according to the circumstances and reserve the right to refuse a request and will outline our reasons for doing so.

Succession rights are not available to people who do not fulfil the above criteria.

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Adding / Removing Tenants

We will consider any request from an existing tenant to add someone to their tenancy agreement in line with our Lettings Policy. We will assess whether the person selected meets our eligibility criteria, and we will carry out an assessment of their housing, care needs and ability to afford the property and all aspects of the potential change in circumstances.

We reserve the right to refuse to add a person to the tenancy agreement as per the criteria in the Lettings Policy.

We will require all the tenants on the tenancy agreement to give their consent in writing for one person to be removed from the tenancy agreement. The tenant(s) should seek legal advice from a solicitor if further guidance is needed.

If we agree to adding or removing someone from the tenancy agreement, we will do this through a variation to the existing agreement, retaining the existing tenancy start date and original agreement. We will not grant a new tenancy in these circumstances.

Further information is contained in ExtraCare's Ending A Tenancy Policy.

8.8 Eliminating tenancy fraud

We will take reasonable steps to check all applicants for rental properties are who they say they are and are eligible to rent the property and this always includes a face-to-face assessment (this may be virtual in the event of a pandemic or similar). We will investigate whether applicants have alternative accommodation options available that meet their housing needs and we will carry out affordability assessments to assess their income details and savings.

Where we receive a nomination or referral from the local authority for a rental property, we rely on the local authority statutory assessment to ensure the person has a right to rent (as a UK citizen or with a permanent right to remain in the UK).

When we process an application for a rental property from our own waiting list or through a direct application, we follow the relevant Home Office Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139304/2023.02.28_Landlords_Guidance.pdf

When ExtraCare grants a tenancy and we subsequently receive evidence that fraudulent information has been provided, we reserve the right to take all lawful steps available to re-possess the property.

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9. Other Relevant ExtraCare Policies & Documents

General	<ul style="list-style-type: none"> • ExtraCare Assured Tenancy Agreement
Related Policies	<ul style="list-style-type: none"> • Lettings Policy • Complaints Policy • Ending A Tenancy Policy
Work Instructions	<ul style="list-style-type: none"> • None required

10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Housing Act, 1996	Regulator of Social Housing, Consumer Standards	Home Office – Landlords Guide to Right to Rent Checks (Feb. 2023)
Landlord & Tenant Act, 1985		Renters Reform Bill, 2023
Social Housing (Regulation) Act, 2023		