



Tenancy Policy

1. Introduction

The purpose of this policy is to provide a clear framework for the management of tenancies at Rugby Borough Council (RBC). The policy outlines the rights and responsibilities of tenants and RBC, ensuring that tenancies are managed effectively, fairly, and in compliance with all legal and regulatory requirements. It also sets out the approach to tenancy agreements, tenancy sustainment, and enforcement of tenancy conditions.

2. Scope

- 2.1 This policy applies to Rugby Borough Council Homes.
- 2.2 This includes domestic properties (houses, bungalows and flats) including RBC homes being used as temporary accommodation, communal areas of any blocks, independent living schemes and their associated communal spaces.
- 2.3 This policy covers:
 - Tenancy Types: Different types of tenancies offered by RBC.
 - Rights and Responsibilities: The rights and obligations of tenants and RBC under the tenancy.
 - Tenancy Sustainment: Support provided to help tenants maintain their tenancies.
 - Enforcement: The approach to enforcing tenancy conditions, including dealing with breaches of tenancy and anti-social behaviour.
 - Case management: how we manage information relating to a person, tenancy, or property.
 - Succession and Assignment: The rules governing the transfer of tenancies upon death or other circumstances.

- 2.4 Compliance with this policy is mandatory for all RBC staff.

3. Terms and Definitions

- 3.1 RBC is committed to complying with all relevant legislation and guidance, including (but not limited to):

- The Housing Act 1985 and Housing Act 1996 (including tenancy terms, succession rights, and evictions)
- The Landlord and Tenant Act 1985
- The Housing Act 2024
- The Localism Act 2011
- The Social Housing Regulation Act 2023
- The Equality Act 2010 (non-discrimination and equality of access)
- The Rent Repayment Orders (RROs) and Housing Benefit regulations
- The Protection from Harassment Act 1997 (regarding tenant harassment)
- The Anti-Social Behaviour, Crime and Policing Act 2014 (regarding anti-social behaviour)
- The Regulatory Reform (Fire Safety) Order 2005 (relating to tenant safety)
- Data Protection Act 2018
- The Tenancy Standard – Regulator of Social Housing 1 April 2024

4. Policy Principles

- Fairness and transparency: We will apply a fair, transparent, and consistent approach to the management of tenancies.
- Tenant-centred approach: We will ensure that tenant needs are considered in decision-making and that tenants are supported to maintain their tenancies where possible.
- Compliance with legal obligations: We will ensure that all tenancies are managed in accordance with applicable laws and regulations.
- Case management: all information provided or identified while managing a case will be recorded on the housing management system which will be linked to the information relating to a person, tenancy, or property depending on circumstances. All cases will be assessed and managed on a case-by-case basis.
- Prevention of tenancy failures: We will provide support and interventions to help prevent tenancy failures, including early identification of tenants at risk of losing their tenancy.
- Effective tenancy and estate enforcement: Where necessary, we will take reasonable and proportionate action to enforce tenancy conditions to protect the rights of all tenants and maintain community safety.

5. Tenant Rights and Responsibilities

5.1 Tenant rights:

- Right to occupy: Tenants have the right to occupy their property and live in it as their main home.
- Right to privacy: Tenants have the right to privacy within their home and to expect that we will respect their personal space and not enter the property without consent, except in emergencies or for repairs.
- Right to information: Tenants have the right to receive clear and accurate information about their tenancy, including rent charges, tenancy conditions, and any changes to policies or services.
- Right to challenge: Tenants have the right to challenge decisions made by us through the complaint's procedure or the relevant legal routes.

- Right to mutual exchange: Tenants are allowed to swap homes with another social tenant, providing certain conditions are met.

5.2 Tenant responsibilities:

- Payment of rent: Tenants are responsible for paying rent on time and in full. Rent arrears can result in enforcement action, including legal proceedings.
- Care of property: Tenants are responsible for keeping their home and communal areas in good condition. This includes reporting repairs, looking after the property, and not causing damage.
- Adherence to tenancy conditions: Tenants must comply with all conditions outlined in the tenancy agreement, including no anti-social behaviour, no illegal activity, and adhering to any rules relating to pets, parking, and noise.
- Reporting issues: Tenants must report issues that affect the safety or wellbeing of the estate, such as health and safety hazards or damage to communal areas.

6. Tenancy Types

6.1 Introductory Tenancies

- Eligibility: Introductory tenancies will be offered as a probationary period, typically for the first 12 months of a tenancy.
- Purpose: As set out in the Housing Act 1996, the purpose of an introductory tenancy is to give RBC the opportunity to assess the tenant's suitability to remain in the property, based on their conduct and compliance with tenancy conditions.
- Review and Conversion: After 12 months, an introductory tenancy may be converted to a secure tenancy if the tenant has complied with the terms of the agreement. In cases where there have been breaches, we may extend the introductory tenancy by a further 6 months or seek to terminate it through mandatory court action.

6.2 Secure Tenancies

- Eligibility: Secure tenancies are typically offered to tenants who have successfully completed an introductory tenancy or to those with existing secure tenancy rights.
- Rights: As set out in the Housing Act 1985, Secure tenants have the right to live in their home as long as they comply with tenancy conditions, including protection from eviction, the right to pass on the tenancy (succession), and the right to challenge the landlord's decisions.
- Transfer and Assignment: Secure tenants may apply for a transfer to another property, or in certain circumstances, they may be eligible to assign their tenancy to another person.

6.3 Flexible Tenancies

- Eligibility: Flexible tenancies are granted for a fixed term, usually between two to five years, to allow us to review the tenant's circumstances periodically.

- Purpose: These tenancies are used to manage resources effectively, which includes larger homes and homes with major adaptations.
- Review: At the end of the fixed term, the tenancy will be reviewed to determine whether the tenant's circumstances still require social housing, and a decision will be made about whether to offer another tenancy or ask the tenant to vacate.

RBC does not currently offer Flexible Tenancies however RBC may in future offer flexible tenancies for 4- and 5-bedroom properties and those properties with higher level adaptations.

6.4 Licence Agreements

- Eligibility: Licence Agreements are granted to enable an applicant the right of use and occupation to a dwelling for an agreed period. The Agreement provide basic occupation rights and no security of tenure.
- Purpose: These agreements are used to manage the use of homes for decanting one tenant to another for a period, normally to allow essential major works to be completed which could not be completed with the tenant living in the home, and where temporary housing needs have been identified.
- Review: All licences are reviewed periodically to determine whether the tenant can return home to their substantial tenure, and to address key decisions in the housing need of the tenant.

7. Policy Statement

7.1 We will allocate our properties based on the following principles:

- Need and priority: We will allocate our properties based on an assessment of housing need, priority, and available housing stock. This includes factors such as family size, disability needs, and any urgent medical or social circumstances.
- Fair and transparent process: Our process will be clearly communicated, and applicants will be informed of how decisions are made and the criteria used.
- Equality of access: We will ensure that all applicants are treated fairly and that there is no discrimination based on race, age, gender, disability, religion, or any other protected characteristic under the Equality Act 2010.

7.2 We will support our tenants to sustain their tenancies through providing:

- Support for vulnerable tenants: Tenants who are at risk of losing their tenancy due to personal or financial difficulties (e.g., tenants facing rent arrears, health issues, or domestic abuse) will be provided with appropriate support and referrals to relevant services.
- Financial Guidance: We will offer financial guidance and support to tenants experiencing difficulties with paying rent or managing their finances, including income maximisation and signposting to external agencies such as the Bedworth, Rugby and Nuneaton Citizen's Advice Bureau (BRANCAB).

- Tenancy Health Checks (THC's): Regular visits to tenants' homes to identify any difficulties they are experiencing in relation to their tenancies, and any additional needs.

7.3 We will take action to ensure compliance with tenancy conditions, including:

- Anti-Social Behaviour (ASB): We will actively address anti-social behaviour on our estates, using measures such as tenancy warning letters, Community Protection Warning Notices, behaviour agreements, formal interviews, joint visits with other involved agencies, mediation including working in partnership with the Police, Community Safety Partnership, the RBC Community Wardens, Social Services and other partners, and where necessary, legal action, (e.g., injunctions or eviction).
- Breach of tenancy conditions: Tenants who breach their tenancy conditions (e.g., failure to pay rent, causing damage, or engaging in criminal activity) may be subject to enforcement action, including warnings, eviction proceedings, or legal action.
- Eviction: As a last resort, where tenancy breaches are severe or repeated and where all other options have been exhausted, eviction proceedings may be initiated in accordance with the relevant legal procedures.

7.4 Succession

- Tenants may pass on their secure tenancy to a spouse, civil partner, or other qualifying family member upon their death, subject to the terms of the tenancy agreement.
- A tenancy can only be succeeded to once, if the tenant is already a successor, there can be no further succession.
- We will assess the eligibility of the person wishing to succeed to the tenancy (not property), based on legal and policy criteria.

7.5 Assignment

- Tenants may be allowed to assign their tenancy to another individual in certain circumstances, such as through mutual exchange or where there is a genuine need (e.g., due to illness or domestic violence).
- Tenants may be allowed to assign their tenancy and become joint tenants or remove a joint tenant by mutual agreement and become the sole tenant.
- If the tenancy is assigned for any reason, it cannot be assigned again, unless through mutual exchange.

7.6 Mutual Exchange

RBC Tenants can use HomeSwapper to find another social tenant with whom they propose to swap their home. [HomeSwapper](#)

To apply for a mutual exchange, you need to have a **secure, fixed term assured shorthold, or assured tenancy** that includes the right to exchange.

Some common reasons a mutual exchange request may be refused include:

- Rent arrears or legal action for breach of tenancy (e.g., anti-social behaviour).
- The property you are exchanging has too many or too few bedrooms for your household.
- The property has special adaptations (e.g., for tenants with physical disabilities) and the incoming tenant wishes to remove them.

8. Monitoring and Review

- 8.1 This policy will be reviewed on a three yearly cycle, unless there is a business need, or a change in legislation or regulation which prompts an earlier review.
- 8.2 We will publish this document on our website and our intranet to ensure visibility and access for staff and tenants.
- 8.3 We will provide training to staff who have responsibility for implementing the policy to ensure that it is understood.
- 8.4 As this is a tenant facing policy, we will review the effectiveness of the policy with our involved tenants one year from the implementation of the policy.

9. Related Documents

- 9.1 Tenancy Agreement
- 9.2 Homelessness Strategy
- 9.3 Allocations Policy
- 9.4 Decants Policy
- 9.5 Safeguarding Adults and Children Policy (HRA)
- 9.6 Aids and Adaptations Policy
- 9.7 Anti-Social Behaviour Policy
- 9.8 Domestic Abuse Policy
- 9.9 Hate Crime Policy
- 9.10 Hoarding Policy
- 9.11 Estate Management Policy
- 9.12 Violence Against Women and Girls Policy
- 9.13 Vulnerable Tenants Policy
- 9.14 Mutual Exchange Policy
- 9.15 Tenant Handbook

10. Governance

Effective from	1 October 2025	Expires	30 September 2028
Policy Owner	Housing Services Manager		
Policy Author	Communities and Projects Manager		
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Approved by	Chief Officer – Communities and Homes		
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