

# Change of Circumstances Policy (replaces Tenancy Management Policy)

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|--------------------------|---|
| <b>Audience:</b>         | Customers, Stakeholders, Colleagues                 |
| <b>Policy Owner:</b>     | Executive Director: Housing and Customer Experience |
| <b>Policy Lead:</b>      | Director of Neighbourhoods                          |
| <b>Approved by:</b>      | Senior Leadership Team                              |
| <b>Approved date:</b>    | July 2025   |
| <b>Next review date:</b> | July 2028   |

## 1. Purpose and scope of the policy

This policy sets out how we manage changes to your personal circumstances or household – including changes to your name, title or gender, who lives in your home, or who is named on the tenancy. It also covers requests to transfer or inherit a tenancy.

This policy supports our obligations under the Regulator of Social Housing's consumer standards and applies to all rental tenants except those in shared ownership or on an Assured Shorthold (discounted rent) tenancy.

Please check your tenancy agreement for specific conditions.

## 2. Definitions

- **Joint tenancy:** Two people share legal responsibility for a tenancy. Both must agree to any change. We normally allow a maximum of two joint tenants.
- **Assignment:** The legal transfer of a tenancy from one person to another.
- **Succession:** The legal process of inheriting a tenancy when the current tenant dies.
- **Successor:** Someone who inherits a tenancy through succession.

## 3. Policy Principles

- We'll process changes in line with the tenancy agreement and relevant legislation.
- We'll keep you informed throughout and explain any decisions we make.
- We'll apply discretion to allow successors to retain one additional bedroom beyond assessed need, where appropriate.

- If a requested change affects your legal rights, we'll tell you before making any updates. We encourage you to seek independent advice where necessary.

## **4. Policy aims and objectives**

Through this policy we aim to:

- Handle change of tenancy requests efficiently and fairly
- Ensure our staff meet expected professional standards
- Increase satisfaction with how we manage joint tenancies, succession and assignments.

## **5. Policy Actions**

### **5.1 Changing your name, title or gender**

If you've changed your name legally (e.g. by marriage, divorce or deed poll), we can update your tenancy agreement. We'll let you know what documents are required.

If you prefer to use a different name without legally changing it, we can update our records but must continue using your legal name in formal correspondence.

We'll also update your title and/or gender on request as appropriate.

### **5.2 Someone is moving into your home**

#### ***Children***

- Provide a birth or adoption certificate and we'll update your household details.
- If a child is living with you temporarily, we may contact relevant services before updating our records.

#### ***Adults***

- Let us know their name and relationship to you and provide ID (e.g. passport or birth certificate).
- We must carry out a Right to Rent check.

- In most cases, we'll add them to your household record. If we can't, we'll explain why and provide support.

If you describe a partner as a lodger or friend, please note this may affect their rights to inherit your tenancy in the future.

### ***Lodgers***

- Please contact us before renting out a room. We'll usually give permission, unless it would lead to overcrowding or tenancy issues.

### **5.3 Someone has moved out of your home**

Let us know as soon as possible. We'll update our records and advise you of any potential impact on housing benefit or Universal Credit. If we're unsure, we'll help signpost you to the right support.

### **5.4 Adding or removing a joint tenant**

#### ***Adding a joint tenant:***

We do not add joint tenants once a tenancy has started. You may add someone to your household, and with your consent, we can discuss the tenancy with them.

#### ***Removing a joint tenant:***

If both joint tenants agree, we can convert the tenancy to a sole name using a Deed of Assignment.

If there's a dispute (e.g. after a relationship breakdown), it must be resolved through the courts or divorce proceedings, as both parties hold equal rights.

### **5.5 If a tenant dies**

#### ***Succession:***

- In most cases, succession can only happen once.
- A partner (spouse, civil partner, or long-term partner) who lived in the home at the time of death may have the legal right to succeed the tenancy.
- If the deceased was a joint tenant, the surviving joint tenant(s) automatically inherit the tenancy through survivorship.

We'll assess who is eligible to succeed, based on their relationship to the tenant and how long they lived in the home. If the home is too large for their needs, they may be asked to move to a more suitable property.

#### ***Discretionary offers:***

Where no legal right exists, we may offer a discretionary tenancy to someone in the household — for example:

- Where the home has been adapted for their needs
- Where they've taken on care of the tenant's children and need the space

If we can't offer a tenancy, we'll support remaining occupiers to explore alternative options.

## 5.6 Assigning your tenancy

In some cases, you can transfer your tenancy to someone who would be eligible to succeed it if you passed away – provided you haven't already succeeded yourself.

Assignment can also happen as part of:

- A court order (e.g. following divorce)
- A mutual exchange (which we'll help you arrange).

## 5.7 Signposting

We'll signpost customers with lease enquires to the relevant team or external assistance.

## 6. Monitoring, Reporting and Review

We monitor how this policy is applied through regular performance reviews and case audits. This includes:

- Reviewing timeliness and outcomes of tenancy change decisions
- Analysing related complaints and feedback to identify service improvements
- Checking compliance with the Neighbourhood and Community Standard.

We will formally review this policy every three years, or earlier if needed, based on regulatory or service changes.

## 7. Equality, Diversity and Inclusion

This policy supports our obligations under the Regulator of Social Housing's consumer standards and applies to all rental tenants except those in shared ownership or on an Assured Shorthold (discounted rent) tenancy. Please check your tenancy agreement for specific conditions.

This policy will be delivered in accordance with our Equality, Diversity and Inclusion Policy. An Equality Impact Assessment was completed for this policy and considered as part of the approval process.

## **8. Data protection**

This policy supports our obligations under the Regulator of Social Housing's consumer standards and applies to all rental tenants except those in shared ownership or on an Assured Shorthold (discounted rent) tenancy. Please check your tenancy agreement for specific conditions.

This policy will be delivered in accordance with our Data Protection Policy.

A Data Impact Assessment was completed for this policy and considered as part of the approval process.

## **9. Related legislation and regulations**

### **Legislation**

- Children's Act 1989
- Civil Partnership Act 2004
- Equality Act 2010
- Family Law Act 1996
- Gender Recognition Act 2004
- Housing Act 1985
- Housing Act 1988
- Localism Act 2011
- Law of Property Act 1925 section 34
- Matrimonial and Family Proceedings Act 1984
- Matrimonial Causes Act 1973
- Modern Slavery Act 2015
- Prevention of Social Housing Fraud 2013
- Safeguarding vulnerable groups 2005

### **Regulatory Framework**

Regulator of Social Housing – Consumer Standards: Tenancy Standard

## **10. Related policies and procedures**

- Domestic Abuse Policy
- Data Protection Policy
- Ending your Tenancy Policy
- Equality, Diversity and Inclusion Policy
- Homes Lettings Policy
- Mutual Exchange Policy
- Priority Moves Policy
- Safeguarding Adults at Risk Policy

- Safeguarding Children Policy
- Tenancy Fraud Policy

## 11. Customer engagement

We consulted our Customer Advocates on this policy. All respondents agreed the draft was clear and jargon-free. We made changes based on feedback to:

- Clarify who handles relationship breakdowns
- Provide direction for shared owners seeking lease changes.

## 12. Document Revision History

| Date       | Changes approved by                           | Details of changes made  |
|------------|---|--|
| 26/06/2025 | Victoria Asimaki, Head of Strategy and Policy | No substantive changes. Improved clarity, tone and structure to ensure policy meets expectations of a modern, customer-facing policy document. |