



Tenancy Policy

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For the full version history of this policy, see the back page	

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1.0 Introduction and Scope

1.1 Our Regulator, requires that Gentoo as a Registered Provider publish a Tenancy Policy from April 2012. Gentoo is the largest social landlord within the City and responsible for the management of around 29,000 properties.

1.2 This document is the Gentoo Tenancy Policy, which aims to clearly set out the tenure options available to our customers. It also sets out how we will support tenancies to be sustainable and prevent unnecessary evictions, and the rights we grant on a discretionary basis.

1.3 The scope of this policy covers:

Gentoo Group	X
Gentoo Homes	X
Gentoo Developments	
Gentoo Genie	

1.3 It applies to:

General Needs rented properties	X
Supported Housing	X
Sheltered Housing	X
Leasehold/Shared ownership	X
Rent to Buy properties	X
Market rented properties (domestic)	X
Temporary Accommodation	X
Stock owned but not managed by the Group	X
Communal Areas, including those relating to Leasehold/Shared Ownership properties	X
Commercial Property (offices, depots etc)	X
Stock managed by Gentoo on behalf of a third party	X
Garages and outbuildings	
Remote plant (district heating, electrical pumps etc)	
Curtilage	

2.0 Links to Strategy and the Business Plan

2.1 Our vision and values set the direction and shape the culture of our organisation.

2.2 Gentoo's **vision** is:

Great Homes – Strong Communities – Inspired People

2.3 Our vision The Group's **values** are:

- Do the right thing
- Make a difference
- Keep learning
- Work together
- Give all you've got

2.4 For this 2020 Business Plan, the Group's Board and Executive Team have refreshed Gentoo's strategic aims, centred on the following **themes**:

- Place
- People
- Perform
- Partner
- Pride

2.5 These "5P's" have been developed to articulate the delivery of our vision via the following strategic **aims**:

- Provide homes and services that enable our tenants and communities to succeed **(Place)**
- Invest in people and communities to help realise opportunities and release potential **(People)**
- Be well governed and financially resilient, operating efficiently and responsibly, investing wisely to fulfil our social purpose **(Perform)**

2.6 The above aims will be supported by the following **enablers**:

- Work with others to influence and generate sustainable change **(Partner)**
- Harness the collective passion and energy of our people to support the city's plan **(Pride)**

2.7 This Policy operates within our Vision and Values and links to the Rent Setting Policy, Vulnerability Policy, Allocations Policy and Procedures, Tenancy Management Policy and the Suspensions Policy.

3.0 Regulation and Legislation

3.1 The Director of Housing will ensure this policy has regard to all legislation, regulation and best practice. This policy helps to fulfil the RSH Regulatory code, in particular the Tenancy Standard. The regulation and legislation applicable to this policy is attached at Appendix 1.

4.0 Our Tenancy Policy Aims

4.1 In order to meet Gentoo and customers' aims and objectives, the Tenancy Policy has the following specific goals:

- **Providing support for those in greatest housing and social need, in line with our charitable objects.**

- Providing housing to those in necessitous circumstances upon terms appropriate to their means and disabled or chronically sick persons in need of rehousing. Examples include those who are homeless, overcrowded, living in poor housing conditions, those who need to move for medical or welfare reasons and those who need to move to avoid hardship.
- **Promoting greater choice of tenure for prospective and existing customers**
- Giving people a greater choice by making a variety of properties available and providing advice on a wide range of housing tenure, products and services.
- **Promoting greater mobility for customers**
- Making housing mobility more flexible so that it is possible for tenants to move to a property that better meets their specific needs and aspirations and working with partners regionally and nationally to provide additional mobility and choice.
- **Creating more mixed and sustainable communities**
- Helping to create safe, prosperous and cohesive communities where a variety of people want to live and work.
- **Making better use of the housing stock**
- Working to improve how Gento and our partners match people and properties so that, for example, adapted accommodation is prioritised for people with the relevant needs.
- **Maintaining a system which is open and transparent** Providing regular and accurate information to people about how many properties are available by which tenures and how they are
- being made available which enables customers to make informed decisions on their best housing options.

5.0 Equalities Statement

- 5.1 We are committed to the principles of diversity and inclusion throughout the organisation and aim to:
- Meet the needs and choice of people from all backgrounds.
 - Ensure that our services are relevant, responsive and sensitive to the needs of our existing and future customers.
 - Ensure that all sections of the community in which we work have equal access to our services.
- 5.2 Our Tenancy Policy will ensure that customers are treated as individuals and with fairness and respect. An Equality Assessment has been completed for this Policy.

6.0 Roles and Responsibilities

Roles	Responsibility
Director of Housing	Is accountable for ensuring effective implementation of this Policy
Head of Operations Head of Property	Is responsible for adequate resourcing and having effective processes in place to implement this Policy
Neighbourhood Operations Manager Residential Manager	Is responsible for ensuring that this Policy is adhered to and that all staff are appropriately trained
Housing Management Staff Residential Management Staff	Should have an awareness of this Policy and act accordingly

7.0 Escalation

- 7.1 Where a Board has concerns about significant issues in any area of compliance with this Tenancy Policy they must escalate these concerns to the Director of Housing.
- 7.2 Where a member of staff has concerns about significant issues in any area of compliance with this Tenancy Policy, they must escalate these concerns through their line management structure, ultimately to Group Executive Team.
- 7.3 Where a member of staff continues to have concerns about significant issues in any area of compliance with this Tenancy Policy, they should refer to the Group Whistleblowing Policy and Toolkit for further guidance.

8.0 Tenancy Strategies

- 8.1 Where available, we take account of local authority tenancy strategies to help us meet the needs of local communities whilst delivering the right outcomes for our customers. In producing this policy we have consulted with the local authorities where we have homes.

9.0 Gentoo Tenancies

- 9.1 We offer a wide range of tenancy types, to meet our charitable objects and to promote greater choice to existing and potential customers. Prior to a property being made available Gentoo decides which tenancy type is

appropriate based on a number of factors, including the current housing market and individual household needs.

9.2 **Social Housing Tenancies (Assured Tenancies)**

We have social housing stock of around 29,000 properties, the vast majority of which are located in Sunderland. These tenancies are let on a lifetime basis in accordance with our Allocations Policy and Procedures. They are subject to a 12-month probationary 'starter' period.

For social stock, Gentoo operates a Banding System for Allocations. The Banding System is based on people's housing need and circumstances. This incorporates our Nominations Agreement with Sunderland City Council, Middlesbrough Council, and South Tyneside Council in assisting them in discharging their statutory and contractual housing duties. Our nominations agreements with Durham County Council and Northumberland Council see our stock in these areas allocated through their respective banding systems for Allocations.

Some properties may be directly let to customers in exceptional circumstances, see Allocations Policy for further detail. All other properties are advertised through Gentoo's Banding System.

For further details of the Gentoo Allocations Scheme, please contact your local Housing Office.

Our Assured Tenancies enjoy several rights and responsibilities e.g. right to succeed, for more information please refer to the Tenant's Handbook.

Our Tenancy Agreements state the rent and any charges applicable, such as service charges. These will be increased and decreased in line with our Rent Setting Policy.

9.3 **Social Housing (Assured 'Shorthold' Starter Tenancies)**

As part of Gentoo's drive to support our customers to sustain their tenancies, we have permission from our regulator to use Assured Shorthold 'Starter' Tenancies. The adoption of Starter Tenancies has been agreed with our regulator, our customers and the Local Authority.

Starter Tenancies are issued to tenants who are new to Gentoo Group and last for a fixed period of one year, although in certain circumstances this may be extended for up to a maximum of a further 6 months. This includes tenants who have transferred from another Council or Housing Association.

Tenants who are re-housed through transferring with Gentoo will retain their former tenancy status and will not be signed to a Starter tenancy. This also applies to Supported Housing Tenants (i.e. Small Group Homes), in line with regulatory guidance and good practice.

Our Assured 'Shorthold' Starter Tenancies enjoy the same rights except:

- Right to succeed (unless the surviving occupant is a spouse, and therefore does not have to prove 12 month's occupancy)
- Right to exchange their home
- Right to purchase their home
- Right to Compensation for Improvements

Starter Tenancies do not have the Right to Assign, however Gentoo may grant this Right in exceptional circumstances, for example domestic abuse. Legally, starter tenants do not have the right to make improvements, however Gentoo extend these rights to starter tenants as a matter of good practice and to recognise that we welcome people investing in their homes.

Shorthold Tenancies do not have the same security of tenure as with an assured tenancy because the tenancy can be terminated at the end of the fixed term period without establishing one of the grounds for possession set out in Schedule 2 to the Housing Act 1988. However, Gentoo will only seek to terminate the tenancy in this way where there is anti-social behaviour and/or persistent rent arrears. Should there be other serious tenancy breaches, we may make an application for possession in the same way as with any other Assured tenancy.

After the year has ended, provided there are no ASB issues or outstanding rent arrears, the tenancy will automatically convert to an Assured Tenancy, giving the tenant extra rights. If the tenancy has not been managed responsibly, Gentoo can take action as above, including extending the tenancy once for a further period of time, or to end the tenancy within the first year, as a last resort.

Our Tenancy Agreements state the rent and any charges applicable e.g. service charges. These will be increased and decreased in line with our Rent Setting Policy.

9.4 **Affordable Rented Tenancies (Assured Tenancies)**

Gentoo has agreed to let some of our properties as Assured 'Affordable Rent' Tenancies as part of the terms for funding new homes via the appropriate grant regime. This means that Gentoo have agreed to let a proportion of our properties at rent levels of up to 80% of local market rent. The extra uplift from the higher levels of rents will help Gentoo to fund the development of further new homes.

All Gentoo new build homes will be let on an Affordable Rented basis, together with a proportion of our social housing stock that was converted to an affordable rent regime as part of previous grant funding requirements. They will be granted via our Banding Allocations system as stated above or through exceptional circumstances as per our Allocations Policy. The Affordable Rented Tenancies will be granted on the following terms:

- They will be Assured Tenancies, fixed for a lifetime, in order to offer security and stability.

- They will be subject to the 12-month probationary 'starter' period.
- They will enjoy the same rights and responsibilities as our Assured Shorthold and Assured Tenancies. For further details please see the Tenant's Handbook available online at www.gentoo.org.uk or at your local Housing Office.
- Once set, the rent level will increase or decrease in line with regulation while the tenancy continues. The rent level will be reviewed in line with the Gentoo Rent Setting Policy and affordable rented procedure when an affordable rented tenancy ends. A property let at an affordable rent cannot be switched back to social rent levels.

9.5 **Decants**

Where customers move to alternative accommodation during any redevelopment or other works in agreement with us, we will give them a tenancy with no less security of tenure on their return to settled accommodation.

9.6 **Furnished Tenancies**

We have a small number of furnished properties which are medium support accommodation. The properties are let to single people aged between 16-21 years old who are homeless or are at risk of becoming homeless. They are granted on an assured shorthold 6-month tenancy which is automatically renewable at the end of the term until they are moved onto a new Assured tenancy. Termination of these tenancies will be as set out in the Tenancy Agreement. The rent and any applicable charges e.g. service charges will be increased or decreased in line with the Gentoo Rent Setting Policy.

9.7 **Rent to Buy Tenancies (Assured Shorthold Tenancies)**

These are let for a maximum of 5 years at rents above those of social rent but below market rents, currently set at intermediate rent levels which are 80% of market rent. This is to help people to save for a deposit on the property. These will be granted on an Assured Shorthold Starter basis, for an agreed period of not less than 6 months and are subject to a front-end affordability check. Gentoo will advertise these properties as Gentoo 'Rent to buy' properties, any person may apply for these properties and they are let on a 'first come, first served' basis. During that time period, the occupant(s) have the option to buy the property. At the end of the time period, the occupier either buys the property, leaves the property or staircase to part ownership of the property.

9.8 **Market Rented Tenancies (Assured Shorthold Tenancies)**

Market rent is defined as the amount of rent that can be expected for the use of a property, in comparison with similar properties in the same area. These tenancies will be granted on an Assured Shorthold basis, for a period of not less than 6 months and are subject to a front-end affordability check. At the end of the fixed term period the tenancy will be a periodic tenancy and will continue until terminated. Termination

of these tenancies will be as set out in the Tenancy Agreement. Gentoo manage these properties and as such will advertise them as 'Market Rent' properties, any person may apply for these properties and they are let on a 'first come, first served' basis. The rent and any applicable charges are reviewed annually to ensure that any long-term lets are not falling below market rent levels for the location/type of property and are reviewed again at each re-let of the property.

9.9 Licenses

We offer licenses in our specialist supported accommodation for young people (Holmewood) and also in some of our partner supported properties. The licenses, in our supported accommodation for young people, are for 16-21-year old's who have come through the Sunderland young person pathway, called 'The Gateway'. A joint pathway meeting decides which supported accommodation can best meet the needs of the young person, looking at needs, risk assessment and current mix of occupants.

We have agreements in place with a number of partners who offer support to vulnerable people in the City. These agreements allow the support provider to rent the property directly from us and they then house vulnerable people in need of support into the property and provide them with a support package. The managing agent for the property provides a licence agreement to their tenant.

Examples of agreements we have in place are with Leaving Care Services in Sunderland, Sunderland Care & Support, amongst others. The aim is that good quality accommodation is provided for vulnerable people in the City who need security and support and to provide them with a stepping-stone in enabling them to live independently.

10.0 Vulnerable Customers

- 10.1 As part of the Group's vision to build strong communities, we will work to ensure that every one of our customers can access our services and sustain their tenancy. We realise that some vulnerable members of our community may require additional support and interventions, please refer to the Vulnerability Policy for more information. We will support customers to remain in their homes and live as independently as possible and are committed to ensuring that every opportunity has been provided to support them in their tenancies. We consider the needs of those households who are vulnerable by reason of age, disability or illness, and households with children. We offer specialist older persons' housing and have several sheltered housing and extra care schemes which provide support dependent on individual needs. We also have a range of adapted properties for people with disabilities where available and where appropriate.

11.0 Lodgers and Sub-Letting

- 11.1 Our Gentoo Assured Tenancy (this also includes Assured Starter Tenancies) Agreements state that a customer has a right to take in lodgers providing the customer notifies us and does not make the property overcrowded. Permission is not required to take in a lodger.
- 11.2 Our Gentoo Assured Tenancy (this also includes assured Starter Tenancies) states that customers have the Right to sublet **PART** of the property provided they obtain prior written permission from us and they do not make the property overcrowded.

12.0 Transferring Tenancies for Existing Tenants (Assured Tenancies)

- 12.1 We have the following options available to those existing social tenants (Gentoo or from another Registered Provider or local authority), who wish to move:

- **Allocations Scheme**

Existing tenants may choose to move and apply through our Allocations Scheme. They will sign up to a new tenancy on the terms and conditions applicable to the property being made available. For example, if an Existing Assured social tenant chooses to move to an 'Affordable rented' option, they will be bound by the terms and conditions of the applicable affordable rented Tenancy Agreement and rent levels. Further information can be found in our Allocations Policy together with details of any restrictions that apply to transferring tenants.

- **Mutual Exchange**

Gentoo subscribe to an Internet Based Mutual Exchange system and provide customers with support to exchange their property with other tenants both regionally and nationally. Our assured tenants have the right to exchange their tenancy with another assured tenant within the Group, or of another Registered Provider, or with a secure tenant of a local authority. Further information can be found in our Tenancy Management Policy.

- **Under Occupation**

Gentoo operates an Under Occupation Policy. This aims to make best use of stock and maximise customer income. We will engage with the customer on an individual basis to discuss their specific requirements and provide advice and support as to their housing options.

For further details, please contact your local Housing Office.

13.0 Suspensions Policy

13.1 Gentoo operates a Suspensions Policy under which applicants can have their application suspended by ourselves. Some examples of reasons applicants could be suspended include:

- Unacceptable behaviour
- Breach of tenancy and covenant, for example non-payment of rent.

If an application is suspended, then they would not be able to express an interest in Gentoo properties and would not be offered a Gentoo tenancy until their suspension is lifted. A customer will be able to appeal against this suspension, see the Suspensions Policy for further information.

14.0 Access to Housing: Local Authority

14.1 Local Authorities provide free, confidential and impartial advice for people in housing need. This covers issues such as:

- Homelessness
- Statutory overcrowding
- Unfit properties, medical needs, domestic abuse, severe harassment (non-Gentoo tenants)

14.2 The Local Authority will work to try and assist customers to find alternative solutions in a more managed and sustainable way.

15.0 Managing Tenancies

15.1 Gentoo has a suite of policies, toolkits and procedures with regard to how tenancies are managed on a day to day basis. This includes regular visits and checks to minimise the risk of tenancy fraud. Working with our partners, we can also offer a range of services to help people sustain their tenancy. Gentoo will only ever evict people as a last resort.

For further information, please contact your local Housing Office.

16.0 Monitoring and Review

16.1 Gentoo has robust monitoring arrangements in place to ensure that the objectives of the policy are met.

16.2 We will monitor personal information from customer applications and the Allocations Scheme overall to ensure it is meeting our aims and

objectives and to continuously improve our services. To do this, we will monitor the following:

- Housing management performance i.e. relet times and terminations

- Residential Management i.e. relet times, arrears, void numbers, net yield and gross yield
- Support mechanisms
- Equality and diversity data
- Tenancy sustainment

- Expressions of Interest
- Mutual Exchange
- Customer satisfaction

16.3 We will provide monitoring reports at least annually to our customers, Community Engagement Forum and Senior Leadership Team.

16.4 Gentoo will continue to review the appropriateness of the policy and respond to changes such as legislation, demand and supply and other strategic issues. We will fundamentally review this Policy in 2023.

Signed

Signed

Susie Thompson
Director of Housing
Gentoo Group

Louise Bassett
Executive Director
(Corporate Services)
Gentoo Group

Version Control

Version	Reason	Issuer	Date
2.0	Amended format	Sarah Treadwell	29/3/18
3.0	Policy Review	Samantha Humble	30/09/2020
3.0	Approved by ED Corporate Services and Director of Housing.	Susie Thompson	16/10/2020

Appendix 1- Regulation and Legislation

Tenancy Standard

1.2.1 Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

1.2.2 They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

2.2.1 Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and 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, and 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 if they decide not to grant another tenancy.
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

2.2.2 Registered providers must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.

2.2.3 Before a fixed term tenancy ends, registered providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on the expiry of the existing fixed term or that they propose to end the tenancy.

2.2.4 Where registered providers use probationary tenancies, these shall be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review.

2.2.5 Where registered providers choose to let homes on fixed term tenancies (including under Affordable Rent terms), they shall offer reasonable advice and assistance to those tenants where that tenancy ends.

2.2.6 Registered providers shall make sure that the home continues to be occupied by the tenant they let the home to in accordance with the requirements of the relevant Tenancy Agreement, for the duration of the tenancy, allowing for regulatory requirements about participation in mutual exchange schemes.

2.2.7 Registered providers shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

2.2.8 Registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

2.2.9 Registered providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

Legislation

- Protection from Eviction Act 1977 *
- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Housing Act 2004
- Housing and Planning Act 2016
- Localism Act 2011

*This is not an exhaustive list