

1. This policy sets out the types of tenancy we will offer our customers and the circumstances in which we will offer them. The policy applies to The Guinness Partnership including Guinness Care and Guinness Housing Association.

The Guinness Policy

2. Our policy is that we will:
 - Meet all applicable statutory and regulatory requirements in relation to the form and use of tenancy agreements or terms of occupation. We will also meet requirements set out in local authority nominations agreements, planning consents, deed titles, loan covenants or stock transfer agreements;
 - Ensure tenancies are granted in a fair and transparent way;
 - Offer tenancies or terms of occupation which are compatible with the purpose of the accommodation and make best use of our homes whilst taking customer needs and the sustainability of the local community into account; and we will
 - Normally offer Periodic Assured (“Lifetime”) Tenancies. We may offer other types of tenancy agreement depending on the circumstances (of either the individual or the home) as set out in the detail below.

Background

3. The types of tenancies we can offer, and the circumstances in which we can offer them, are largely determined by law and regulation. This policy meets the legal requirements set out in the Housing Act 1988, which established Assured Tenancies, our main form of tenancy. It also meets subsequent changes in legislation and supports meeting the requirements set out in Regulator of Social Housing’s Tenancy Standard.
4. The Required Outcomes of the Tenancy Standard are set out in Annex 1.
5. Key terms used in this policy, including descriptions of the different types of tenancy agreements, are defined in Annex 2.

Further detail

Our tenancy offer

6. We will offer a range of types of tenancies and licences in different circumstances. The main tenancy type we offer is Periodic Assured Tenancies (often known as “Lifetime Tenancies”). These tenancies are the most secure type we can offer most of our customers. Depending on the circumstances of the customers, and the type of home, we may offer other types of agreement:
 - Periodic Assured Shorthold Tenancies (which may in some cases be a “Starter Tenancy” which then converts into a “Lifetime Tenancy”);
 - Secure Tenancies;
 - Equitable Tenancies (tenancy agreement equivalents granted to customers under 18 years of age); and
 - Licences.
7. We do not currently offer new Fixed Term Assured Shorthold (“Fixed Term”) Tenancies to social tenants.

8. We will provide prospective customers with information about the type and terms of the tenancy or licence agreement they are offered. In particular, we will explain:
- The terms and conditions of their tenancy or licence, including their rights and responsibilities; and
 - How to end their tenancy or licence.

A. Tenancies offered to customers new to social housing

Starter Tenancies

9. We will offer a Periodic Assured Shorthold Starter Tenancy to customers who do not currently hold a social housing Assured or Secure Tenancy. Starter Tenancies will be for a 12 month probationary period. The tenancy will be reviewed and will convert to a Periodic Assured Tenancy after the 12 months has expired, unless there are unresolved tenancy issues concerning anti-social behaviour or other serious tenancy breaches. If this is the case, we may serve notice to end the Starter Tenancy before the end of the 12 months, or extend the Starter Tenancy for a further six months. Starter Tenancies will not last for any longer than 18 months in total. This is explained in our Starter Tenancy Policy. There are exceptions to Starter Tenancies being offered to new Guinness customers as set out in paragraphs 14 - 20 below.

B. Tenancies offered to existing social housing tenants

Periodic Assured (Lifetime) Tenancies

10. We will offer Periodic Assured Tenancies (“Lifetime Tenancies”) to existing Guinness customers who already hold an Assured or Fixed Term Tenancy when they move to another Guinness home. This includes new tenancies created by a mutual exchange. They will also be offered to existing customers of other social housing providers who hold an Assured or a Secure Tenancy and have remained continuously as a social housing tenant prior to them becoming a Guinness customer. Existing Secure tenants will retain a “Preserved Right to Buy” their home where this applies.
11. Guinness customers who hold Fixed Term Tenancies will have their tenancy reviewed to determine whether we grant a new tenancy. This review will take place not more than nine months and not fewer than six months before the end of the fixed term. We will provide customers with the outcome of the review at least six months before the date the tenancy is due to end. Following that review they will be offered a Periodic Assured Tenancy at the end of the fixed term unless there has been a serious or persistently serious breach of their tenancy agreement.
12. Customers have the right to appeal against the review decision and must request an appeal within 21 days of receiving the letter advising them of our decision. The officer carrying out the review will not have been involved with making the original decision and will be more senior than the officer making the original decision. The outcome of the appeal is final and no further appeals are allowed if we decide not to issue a Periodic Assured Tenancy. We will provide customers with advice on their housing options in that case.
13. Fixed Term Assured Shorthold tenants of other housing associations, and local authority tenants who hold a Flexible Tenancy, who are moving into a Guinness home will also be offered a Periodic Assured Tenancy. This applies regardless of whether their previous tenancy started before or after 1 April 2012 (the date when the provisions in the Localism Act 2011 came into force).

Secure (Lifetime) tenancies

14. We will only offer a new Secure Tenancy to customers who already held a Secure Tenancy with Guinness immediately before they enter into the new contract. The exception to this is where the customer moves to a property that attracts an Affordable Rent. In those circumstances, a Periodic Assured Tenancy will be offered.

C. Tenancy types offered in other circumstances

Periodic Assured Shorthold Tenancies

15. There are some circumstances when we are unable, or we have decided that it is not appropriate, to grant Periodic Assured Tenancies, Starter Tenancies or Secure Tenancies. This is usually for legal reasons or because awarding such tenancies would be incompatible with the purpose of the accommodation being offered, for example customers who:

- Are living in supported accommodation;
- Have limited leave to remain in the UK;
- Are asylum seekers and we have been asked to provide housing by the local authority;
- Are living in temporary accommodation for more than 6 months, such as 'move on' accommodation; or
- Are offered time limited temporary housing as part of an estate regeneration programme.

16. In these circumstances we will offer a Periodic Assured Shorthold Tenancy (a less secure form of tenancy).

Fixed Term Assured Shorthold Tenancies

17. We will offer Fixed Term Assured Shorthold Tenancies for properties let at market rent. The properties being let at market rent will be determined on a scheme by scheme basis.

18. We will not offer new Fixed Term Assured Shorthold Tenancies to customers occupying social housing.

Equitable Tenancies – tenancies for minors

19. We will offer minors an Equitable Tenancy which will be held in trust by a Trustee until the equitable tenant is 18 years old. Guinness will not act as Trustee. New tenancies granted to minors will be an equitable version of the same type that would have been offered to an adult applicant.

20. The Trustee will be required to:

- Sign a Deed of Trust;
- Hold the tenancy until the minor becomes 18 years old;
- Accept service of notices on behalf of the minor;
- Act in the best interest of the minor; and
- Arrange a litigation friend to represent the minor in court if necessary.

21. The Trust will end and the Equitable Tenancy will automatically convert to a standard tenancy when the minor reaches the age of 18. If it is a joint tenancy the Equitable Tenancy will end once the youngest joint equitable tenant reaches the age of 18.

Licences

22. We will only offer Licences in circumstances where a tenancy cannot be offered. This may include to customers:

- That have an existing tenancy for a home from which they have been temporarily moved;
- Who will be living in temporary accommodation for fewer than six months;
- To whom we have agreed to offer a tenancy for another home following an unsuccessful claim for succession, and they are waiting for suitable accommodation; and
- Living in shared accommodation where they do not have exclusive possession of their property or room; or live in shared accommodation where they have exclusive possession of their room, but share other facilities.

23. We will also offer Licences where customers rent garages / parking spaces from us.

Complaints and appeals

24. We will advise customers or prospective customers to follow our complaints policy if they have cause to complain about the way their application, selection, offer or allocation has been handled.

Period of review

25. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. Typically we review policies on a three yearly cycle.

Key legal and regulatory references

- Housing Act 1985
- Housing Act 1988
- Equality Act 2010
- Localism Act 2011
- Regulator of Social Housing's Tenancy Standard 2012.

Related policies

- Allocations policy
- Decants policy
- Complaints and Compensation policy
- Diversity and Inclusion policy
- Mutual Exchange policy
- Rent policy
- Succession policy
- Starter Tenancy policy
- Tenancy Fraud policy.

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Policy author	Marion James, Housing Policy Manager	
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Version history		
Version number	Review trigger	Brief description of the main changes
2.0	Cyclical review	The tenancy offer no longer includes Fixed Term Tenancies for properties let at a Social Rent or Affordable Rent following the decision to suspend their use for social housing.

Annex 1: Relevant excerpts from the Regulator of Social Housing's Tenancy Standard

1 Required outcomes

1.2 Tenure

- 1.2.1 Registered Providers shall offer tenancies or terms of occupation which are compatible with the purposes 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.

Annex 2: Definitions

Term	Description
Equitable Tenancies	A minor cannot hold a legal tenancy but the law of equity (a specific set of legal rules) allows for the tenancy to be held in trust for the minor until he or she becomes an adult. This tenancy is called an Equitable Tenancy.
Fixed Term (Assured Shorthold) Tenancy	<p>The Regulator of Social Housing's Tenancy Standard enabled housing associations to offer Fixed Term social housing tenancies from April 2012. The Fixed Term Tenancy runs for a specific period of time (in contrast to a periodic tenancy which does not have an end date and can continue indefinitely).</p> <p>Guinness Fixed Term Tenancies run for five years following a probationary period. At the end of the Fixed Term Guinness will offer a Periodic Assured Tenancy unless there have been serious or persistent tenancy breaches. This follows the decision to suspend the issue of this type of tenancy.</p> <p>We may also use Fixed Term Tenancies for properties let at a market rent.</p>
Flexible Tenancies	The Localism Act 2011 introduced Flexible Tenancies for local authorities. A Flexible Tenancy is a form of secure tenancy that is granted for a fixed term of a minimum two years, but in most cases they are usually for a minimum term of five years.
Licences	This gives a person permission to remain in a property on a short-term basis. A licensee has no security of tenure.
Periodic Assured Shorthold Tenancy	<p>The Housing Act 1988 introduced the Assured Shorthold Tenancy for use in the private sector.</p> <p>Unlike the Assured Tenancy, the Assured Shorthold Tenancy only offers security of tenure for an initial period of six months. This means that after this time a possession order can be obtained without the need to prove grounds for possession.</p>
Periodic Assured Tenancy	<p>A tenancy designed for the private sector which was introduced by the Housing Act 1988. These tenancies were offered to housing association tenants after 15 January 1989.</p> <p>These tenancies are used by Registered Providers who give additional rights to their tenants by adding contractual terms. These additional rights are set out in the Housing Act 1988. However, they do not offer the 'Right to Buy' unless this is part of a stock transfer agreement (in which case, some tenants may have the 'Preserved Right to Buy').</p> <p>This tenancy offers security of tenure which means that a landlord is required to obtain a court order and prove grounds for possession if they wish to end this tenancy. It is sometimes referred to as a type of "Lifetime" tenancy.</p>
Periodic Secure Tenancy	<p>A tenancy granted to housing association tenants before 15 January 1989.</p> <p>These tenancies are governed by the Housing Act 1985 and offer the same rights as secure tenants renting from a local authority but with two main differences</p> <ul style="list-style-type: none"> (i) they do not have the 'Right to Buy' and (ii) they are subject to the Fair Rent scheme under the Rent Act 1977.

	<p>This tenancy offers security of tenure which means that a landlord is required to obtain a court order and prove grounds for possession if they wish to end this tenancy. It is sometimes referred to as a type of “Lifetime” tenancy.</p>
<p>Starter Tenancy (Periodic Assured Shorthold Tenancy which converts to a Periodic Assured Tenancy)</p>	<p>The first twelve months of the tenancy is an Assured Shorthold Tenancy which, on successful completion of the first year, automatically converts to an Assured Tenancy. The starter period can be extended for a further six months, making a total of eighteen months.</p> <p>The primary use of starter tenancies is to tackle anti-social behaviour but it can be used to address other serious breaches of tenancy.</p>