

**BUSINESS SUPPORT**  
**OVERVIEW AND SCRUTINY COMMITTEE**  
**20 SEPTEMBER 2011**

**SUCCESSION POLICY**

Report from: Deborah Upton, Assistant Director Housing and  
Corporate Services

Author: Marc Blowers, Head of Service Improvement

**Summary**

To advise Members of the recently developed and formalised policy with regards to Tenancy Succession in accordance with Section 87 of the 1985 Housing Act.

**1. Budget and Policy Framework**

Section 87 of the 1985 Housing Act sets out the legislative framework under which Secure Tenancies may be succeeded on the death or termination by a previous Tenant.

**2. Background**

2.1 Following a report to the Audit and Standards Committee on 29 March 2011, Members requested that Officers set out clearly the terms and legislative framework under which occupants residing in a Council owned property may succeed to a secure tenancy on the death or termination by an existing tenant.

2.2 What is Succession?

When a tenant dies there may be another member of the family with the right to take over the tenancy. This is called 'succession' and involves the husband, wife, civil partner, common law partner or a close relative of the deceased.

2.3 To succeed, the successor must have lived in the tenant's home as his or her main place of residence (only or principal home) at the time of death. Unless the successor is the husband, wife or civil partner of the deceased, he or she must have lived at the property with the tenant throughout the 12 month period ending with the tenant's death.

- 2.4 There are many families on our Housing Register, waiting for two, three and four bedroom homes to become available. Therefore, when a tenant's death causes 'under-occupation' of a property (unused bedrooms), the Council is keen to make best use of it by re-housing any surviving relatives in a smaller property.
- 2.5 Successor tenants are often happy to move to smaller accommodation which is easier to look after and cheaper to run. If a successor tenant refuses an offer of "reasonable alternative" accommodation with fewer bedrooms, the Council usually takes legal action. This starts by serving a "Notice of Seeking Possession" which must be done not less than six months and not more than 12 months after the death of the previous tenant. If the successor still refuses to move, the Council will apply to the Court for possession of the property. The Court will only grant possession if it is satisfied the Council has offered reasonable alternative accommodation to the successor.
- 2.6 A tenancy can only have one succession. In other words, a spouse or relative does not have the right to succeed to a tenancy if the deceased tenant was also a successor. A tenant who has become a sole tenant on the death of a joint tenant is treated as a successor (so that there cannot be a further statutory succession after a tenant has succeeded to a tenancy as a result of the death of a joint tenant) However, in some cases, where the rules of succession are otherwise met, the Council may still be prepared to offer the surviving relative a tenancy of their own.
- 2.7 The policy document attached at appendix A outlines Housing Services policy on applications for succession to tenancy. A qualifying applicant can succeed to a tenancy following the death of a tenant.
- 2.8 During the summer Officers have developed the policy and production of an easy to read leaflet for issue to customers for them to understand clearly the circumstances in which they may succeed to a tenancy.
- 2.9 Residents of the Tenancy Forum considered and reviewed the policy. Members of the Housing Services Scrutiny Panel have also approved the final version of this policy.

### **3. Options**

- 3.1 There are no specific options to consider as legislative framework sets out the policy.

### **4. Advice and analysis**

- 4.1 The formalisation of this policy and wide publication will ensure the framework and guidance is clearly set out to customers and supports staff in their duties.
- 4.2 A Diversity Impact Assessment screening form has been completed and is attached to this report, showing that it is unnecessary to proceed to a full diversity assessment.

## 5. Risk management

| <b>Risk</b>   | <b>Description</b>  | <b>Action to avoid or mitigate risk</b>               |
|---|---|---|
| Failure to ensure effective implementation of Succession Policy | Failure to effectively manage and implement policy could result in property being illegally occupied. | Tenancy Audits to be undertaken to check on occupancy |

## 6. Consultation

- 6.1 The policy has been consulted upon with members of the Tenancy Forum and Housing Services Scrutiny Panel.

## 7. Financial and legal implications

- 7.1 There are no specific financial implications. The legal framework in relation to this policy is set out in sections 87-89 of the 1985 Housing Act.

## 8. Recommendations

- 8.1 That Members note the policy as at appendix A and support its wide publication to residents.

### Lead officer contact

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### Background papers

Housing Act 1985





## Succession Policy

### 1. Policy statement

In the event of the death of a tenant, Medway Council Housing Services is committed to dealing with applications for succession as efficiently and sensitively as possible. This policy intends to clarify in what circumstances a tenancy will pass to another on death, in accordance with the law.

The key objectives of the Succession Policy are:

- to investigate and respond promptly and sensitively to applications for succession;
- to allow only one single succession in line with the provisions of the Housing Act 1985;
- to extend the right of succession to introductory tenants providing that:
  - the successor occupied the tenant's property immediately before the death as his/her only or principal home;
  - the tenant was not a successor themselves;
  - any qualifying successor would succeed to the remaining period of the introductory tenancy, which would then become secure at the end of that period;*Please note that an Introductory Tenant would not be required to prove 12 months' residency as by nature they would have a tenancy less than 12 months, unless that tenancy had been extended by notice.*

### Definitions

For the purpose of this policy, the following definitions shall apply:

**Succession** is the process by which a tenancy can be taken over by another person on the death of a tenant.

A **successor** is:

- a partner in whom the tenancy was vested under the succession of a tenancy clause in the secure tenancy agreement;
- a person by whom the tenancy was inherited;
- a person that would have been entitled to succeed had the previous tenant died and to whom the tenancy was assigned;
- a tenant by survivorship when one of two or more joint tenants has died.

The term "**spouse**" is used in s17 of the Housing Act 1988 but for the purpose of this policy it includes:

- a person who was living with the tenant as his or her wife or husband shall be treated as the tenant's spouse. This includes same sex partners.

## **The Civil Partnership Act 2004**

Schedule 8 Section 41 of the Civil Partnership Act has amended the Housing Act to allow succession to persons who have been living with the deceased tenant as a civil partner or as though they were civil partners. There is no requirement for a civil partnership to have taken place.

### **1. Policy**

- 1.1. The Housing Manager will be responsible for the day-to-day implementation of the policy.
- 1.2. The Manager will consider any application for succession received.
- 1.3. In cases where there is more than one eligible successor and agreement cannot be reached between them as to who should succeed to the tenancy, Housing Services will select a successor to the tenancy. The applicant making the request will need to provide substantiating evidence and information to prove they qualify.
- 1.4. The Assistant Director Housing and Corporate Services may approve the granting of a new tenancy where a person with no automatic right of succession makes a claim.
- 1.5. Any person who wishes to claim a tenancy following the death of a tenant must make a claim within one month of the death of a tenant. However, Housing Services may grant an extension of time in special circumstances.
- 1.6. Housing Services will, where possible investigate and respond to an application for succession within ten working days of receipt of a written application.
- 1.7. A successor will take on the original terms and obligations of the original tenancy agreement (including the payment of any rent arrears still owed).
- 1.8. Where tenancies are secure, successions by qualifying family members are protected by law (statutory successions). As statutory successions do not create a new tenancy, the existing rent charge will continue to apply to a successor.
- 1.9. Any rent credits or arrears on a tenancy that has been succeeded to by way of statutory succession continues to be owed by the successor as the tenancy remains continuous and any debt owed by/to the deceased tenant can be claimed from/by the successor.

Any rent credits or arrears belonging to a tenancy succeeded to by way of a contractual or discretionary 'succession', belong to the deceased tenant's estate and cannot be transferred to the successor as this becomes a new tenancy.

### **Joint tenancies**

- 1.10. In the case of the death of a joint tenant the tenancy automatically continues with the surviving joint tenant who will become a sole tenant, retaining all the rights and obligations of the tenancy (including any rent arrears or credits). There is no further automatic right of succession.

### **Succession by a spouse**

- 1.11. On the death of a sole tenant, who is not a successor, the tenancy will pass to the tenant's partner (whether or not married and including a same sex partner).
- 1.12. The partner must have occupied the property as his or her only or principal home at the time of the tenant's death.
- 1.13. An application by the spouse of the tenant to succeed to the tenancy must include formal proof of marriage and residency at the property at the time of the tenant's death.

### **Succession by a non-spouse**

- 1.14. On the death of a sole tenant, where there is no spouse to succeed, a member of the tenant's family may do so providing that s/he has been residing in the property as his/her only or principal home throughout the period of twelve months ending with the tenant's death.
- 1.15. An application by a person qualified to succeed to the tenancy must include formal proof of residency at the property for a period covering the entire twelve months prior to the death of the tenant. Formal proof might constitute benefit documentation, documentation by the tax office, salary pay-slips, medical documentation, etc. It is imperative that the applicant is able to provide proof for the whole 12 months prior to the death of the tenant, and not just part of it. It is important to note that Housing Services will make a decision on the whole of the evidence provided, and not take into account single pieces of evidence. Therefore it may be possible to include amenity bills as part of the evidence, but not as sole evidence.
- 1.16. A family member includes a tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece (s113 Housing Act, 1985). This shall include relationship by adoption.
- 1.17. Where there is more than one member of the deceased's family that has a statutory right to succeed the tenancy they must decide between them who succeeds to the tenancy. If they cannot agree, Housing Services will select a successor to the tenancy.
- 1.18. Where a succession is granted but the house is more extensive than would be reasonably required by the tenant, Housing Services may serve a notice of seeking possession between six and twelve months after the date of the previous tenant's death to repossess the property (Ground 16, Schedule 2, Housing Act 1985). Housing Services will offer suitably sized accommodation to the successor.

## **2. Circumstances where there are no automatic rights of succession**

- 2.1. Where the death of a sole tenant leaves someone in the property without an automatic right to succeed to the tenancy, Housing Services will consider granting a tenancy in certain circumstances at that, or an alternative property (if the current property would be under-occupied or not be suitable to meet their current need) at the discretion of the Assistant Director.
  - 2.1.1. These could include cases where the person is:
    - a non-qualifying member of the tenant's family but has lived at the property for at least a year before the tenant's death;
    - a family member of a deceased tenant who was himself or herself a successor;
    - someone who has cared for the deceased tenant, whilst living in the property;
    - someone who has accepted responsibility for the deceased tenant's dependents;
- 2.2. To make effective use of our housing stock any new tenancy offered would be for a property suitable for the applicants needs (for example in cases where an applicant

would under-occupy the deceased tenant's property, an offer of an alternative smaller property may be made).

2.2.1. Housing Services also takes into consideration:

- the size of the existing home;
- the size of the residual family;
- whether the tenant has a live-in career that requires a bedroom;
- whether it has any aids or adaptations;
- the housing need in the area;
- the age of the proposed tenant;
- the needs and wishes of the proposed tenant.

## **Assignment**

**2.3. Secure tenants have the right to assign their tenancy to someone else only under the following circumstances:**

- by way of Mutual Exchange;
- by way of a property transfer made by a court in connection with matrimonial proceedings;
- to assign to a person who would qualify to succeed the tenancy if the tenant died immediately before the assignment.

**2.4. Assignments use up the right of succession and a tenancy can only be succeeded on one occasion. A successor cannot assign a tenancy.**

### Assignment by the Court

2.5. Housing Services will abide by any assignment made by the court. A copy of the court order should be obtained and attached to the tenancy agreement for future reference. It is important to establish whether the assignee is a successor.

### Assignment to someone who would have qualified as a successor

2.6. Examples of where a tenant may wish to assign a tenancy to someone who would have succeeded them include where a person moves into a residential care home or moves to another country. This can only take place if the proposed assignee would qualify as such, and providing that the tenant wishing to assign was not a successor.

## **3. Equality and diversity**

3.1. Housing Services recognises that it operates in a community with wide social diversity, and is committed to providing equal opportunities and valuing diversity.

3.2. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

3.3. To enable all tenant(s) to have clear information and equal access to our available properties, Housing Services publishes clear information in a range of appropriate languages and formats and through a range of media on request. Feedback is also accepted through a variety of different routes to reflect individual tenant(s) preferences or needs.

3.4. Full details of our approach are set out in our Equality and Diversity Policy.



#### **4. Customer involvement**

- 4.1. Housing Services recognises the importance of working in partnership with our tenants to develop and continually improve our services and raise standards.
- 4.2. Housing Services actively involves all tenants in the beginning of the decision-making processes and ensures tenants are empowered to play a part in wider consultation and involvement structures. These are detailed in full in our Resident Involvement Strategy.
- 4.3. To demonstrate the commitment to customer involvement, this policy will:
  - be reviewed in consultation with service users and customers;
  - Involve customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
  - have published information in relation to performance against the aims and standards set down by this policy;
  - be developed and reviewed in light of customer feedback, comments and complaints.

#### **5. Policy monitoring and review**

- 5.1. The service standards that apply to requests to succeed a tenancy are as follows:
  - A decision where possible will be given in writing and within 10 working days of the request.
  - Decisions will be based on the information and evidence provided by the person making the request and the investigations carried out by Housing Services.
  - If further time is needed for investigations to take place a target timescale will be set and communicated to the applicant.
- 5.2. Regular monitoring will take place to ensure that Housing Services is dealing with applications for succession in line with this policy. The number of successions and the percentage of investigations completed on time will be reported to the Head of Housing Management on a quarterly basis via internal reporting.
- 5.3. The results will be used by Housing Services to inform future policy review in this area and drive up service standards.
- 5.4. All reviews will consider whether:
  - the current policy adheres to legislative and regulatory requirements and reflects current good practice;
  - the aims and objectives of the policy are being met;
  - the current policy outcomes meet the needs and aspirations of our diverse customer base;
  - tenants are aware of and understand the policy and believe it to be consistent and fair;
  - the policy provides sufficient choice for customers;
  - the service offers value for money;
  - partnership arrangements are working effectively.
- 5.5. Overall monitoring and review of the policy will be undertaken in consultation with:
  - staff groups;
  - members;
  - existing and future tenants;
  - resident and community groups.
- 5.6. This policy will be reviewed on an annual basis or in line with legislative or regulatory changes.

## **6. Responsibility**

6.1. The Assistant Director of Housing and Corporate Services retains the overall responsibility for the implementation of this policy.

The Head of Housing Management is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and reviewing, staff awareness and training, policy development and communication to tenants.

# Inheriting a Tenancy (Succession)

Advice and Information for Tenants



This leaflet gives guidance and information about inheriting a tenancy.

| Contents  | Page |
|---|------|
| What is a succession?   |      |
| How do you become a successor?  |      |
| Who is a family member?   |      |
| Can more than one person succeed to a tenancy?                                      |      |
| If a member of my family succeeds to the tenancy, can they stay in the family home? |      |
| What happens if you do not have the right to succeed a tenancy?                     |      |
| Service standards   |      |
| General advice  |      |
| Complaints, comments or compliments   |      |
| Who to contact  |      |

## **What is a succession?**

Succession is a right given under the Housing Act 1985 for secure tenants to pass on their tenancy to their spouse or family member following their death. In the case of family members where there is no spouse qualified to succeed to the tenancy, the family member must have been living with the tenant at the property as his / her only or principal home continuously for twelve months prior to the tenants death.

Tenants with an introductory tenancy also have the right of succession, providing that the successor occupied the tenant's property as their only or principal home immediately before the death of the tenant. Any qualifying successor would succeed to the remaining period of the introductory tenancy, which would then become secure at the end of that period.

There can only be one succession of a tenancy. This means that if the deceased tenant was already a successor in his or her own right, the tenancy cannot normally be passed on again to another person. On receiving a succession claim, we will carry out checks to establish whether or not there has already been a succession of the tenancy.

*In all cases, if you are living with a family member who has died you must inform Housing Services as soon as possible.*

## **How do you become a successor?**

### **Following the death of a sole tenant**

If a tenant dies, provided that they had not inherited the tenancy themselves, it will automatically pass to their spouse on the condition that that the spouse resided at the property as their principal home at time of the tenants death.

If there is no spouse to succeed to the tenancy a member of the family may do so providing that they resided at the property as their principal home throughout a period of twelve months prior to the tenants death.

In both circumstances there is then no further automatic right of succession.

Any rent credits or arrears continue to be owed by the successor as the tenancy remains continuous and any debt owed by/to the deceased tenant can be claimed from/by the successor.

### **Where a joint tenancy changes to a sole tenancy.**

Where a tenancy is held in joint names and one of the tenant's dies, the surviving tenant automatically succeeds to the tenancy as a sole tenant, retaining all the rights and obligations of the tenancy (including any rent arrears or credits). There is then no further automatic right of succession.

#### **Some examples of succession**

##### **Mr & Mrs Smith – joint tenants. Mr Smith dies**

Mrs Smith remains as the sole tenant but she is a “successor” because the joint tenancy has become a sole one and therefore she has no right to pass on the tenancy again in law.

##### **Ms Jones is a sole tenant. Ms Walker is the civil partner of the tenant. Ms Jones dies.**

Ms Walker becomes the sole tenant. She has succeeded to Ms Jones tenancy and therefore once again cannot in law pass on the tenancy

##### **Mr Smith – sole tenant. Mrs Smith dies**

Mr Smith remains a tenant just as before, for example there has been no succession and he is free to pass on the tenancy to a member of the family who has lived with him for 12 months.

### **Assigned tenancy – where a tenancy has been legally assigned.**

Any secure tenant who has not succeeded to the tenancy them self, has the right to assign (pass) their tenancy to their spouse or a family member provided that the spouse of family member would have qualified to succeed to the tenancy if the tenant had died immediately before the assignment. An assignment must be done by a legal document called a Deed of Assignment. Examples of where a tenant may wish to assign a tenancy to someone include when a person moves into a residential care home or move to another

country. Assignments use up the right of succession and a tenancy can only be succeeded on one occasion. A successor cannot then assign a tenancy.

The courts can also order an assignment between married partners and civil partners as a result of divorce proceedings, or dissolution of a civil partnership. This is called a "tenancy transfer". Housing Services will abide by any assignment made by the court.

Your Housing Officer can advise you on assignments. However, you may also want to take legal advice from the Citizens Advice Bureaux or a solicitor as there are a number of matters to consider. For example, if you assign your tenancy you would also lose your right to occupy the property. If you then become homeless the council might not have a duty to re-house you. Assigning a tenancy could also have an effect on the household's entitlement to housing benefit.

## **Who qualifies as a member of the family?**

The law defines a "family member" as:

- parent;
- grandparent;
- child;
- grandchild;
- sibling;
- uncle or aunt;
- nephew or niece;
- adopted child or step child;
- unmarried partners (heterosexual);
- unregistered same sex partners. Same sex couples can now formally register their relationship under the Civil Partnership Act 2004. Once registered, they are then known as civil partners.

The applicant making the request will need to provide substantiating evidence and information to prove they qualify.

## **Can more than one person succeed to a tenancy?**

No -Where more than one family member is eligible they should reach an agreement between themselves as to who inherits the property. If they cannot then Housing Services will select a successor to the tenancy.

## **If a member of my family succeeds to the tenancy, can they stay in the family home?**

If the member of the family succeeding is the spouse they have the right to remain in the family home. However if the successor is anybody else (including an unmarried or unregistered (same sex partner) the council reserves the right to ask him or her to move, if the property is larger than they need. For example a single person left in a three bedroom flat or in a two bedroom house, in view of the limited supply of accommodation for families.

Housing Services will take into consideration:

- the size of the residual family;
- whether the proposed tenant has a live-in career that requires a bedroom;
- whether the property has any aids or adaptations;
- the housing need in the area;

- the age of the proposed tenant;
- the needs and wishes of the proposed tenant.

## **What happens if you do not have the right to succeed a tenancy?**

Where the death of a sole tenant leaves someone in the property without an automatic right to succeed to the tenancy, Housing Services will consider granting a tenancy in certain circumstances at that, or an alternative property (if the current property would be under-occupied or not be suitable to meet their current need).

This could include cases where the person is:

- a non-qualifying member of the tenant's family but has lived at the property for at least a year before the tenant's death;
- a family member of a deceased tenant who was himself or herself a successor;
- someone who has cared for the deceased tenant, whilst living in the property;
- someone who has accepted responsibility for the deceased tenant's dependents;

## **How do you make a claim for succession?**

Any person who wishes to make a claim for succession following the death of a tenant must make a written claim within one month of the death of the tenant. However, Housing Services may grant an extension of time in special circumstances.

*In all cases, if you are living with a family member who has died you must inform Housing Services as soon as possible.*

## **Service Standards**

The service standards that apply to requests to succeed a tenancy are as follows:

- A decision where possible will be given in writing and within 10 working days of the request.
- Decisions will be based on the information and evidence provided by the person making the request and the investigations carried out by Housing Services.
- If further time is needed for investigations to take place a target timescale will be set and communicated to the applicant.

## **General advice**

Please note:

Under the Civil Partnership Act 2004, succession rights now extend to same sex relationships provided they are registered as Civil Partnerships.

The Councils full succession policy is available to view on the housing website [www.medway.gov.uk/housing](http://www.medway.gov.uk/housing)

If you wish to receive any further advice or more detail on the matters covered in this leaflet please contact Housing Services, contact details can be found on the back of this leaflet.

If you see a solicitor you should check with them whether or not a charge will be made for advice.

You can also seek free independent legal advice/information from the Citizens Advice Bureaux.

### Medway Citizens advice

Address: 5A New Road, Chatham, Kent ME4 6BB

Tel Num: **01634 888182** 9.30am-12.30pm & 1pm-4.30pm

Email: [advice-medwaycab@hotmail.co.uk](mailto:advice-medwaycab@hotmail.co.uk)

Website: [www.medwayadvice.org.uk](http://www.medwayadvice.org.uk)

### Making a compliment, comment or complaint

If you have had a positive experience of Medway's Housing Services please let us know. If, however you are unhappy with the service you have received and you want to make a complaint or suggestion contact us using one of the methods below:

Address: Service Improvement Team  
Housing Services, Medway Council  
Gun Wharf, Level 2  
Dock Road, Chatham, Kent  
Kent  
ME4 4TR.

Phone: 01634 333065

Email: [housing.complaints@medway.gov.uk](mailto:housing.complaints@medway.gov.uk)

### Who to contact:

#### Housing Services

Address: Housing Services,  
Medway Council, Gun Wharf, Level 2  
Dock Road, Chatham, Kent  
ME4 4TR

Phone: 01634 333601 (Mon-Fri, 8am-8pm and Sat, 9am-1pm) or free phone 0800 0730073

Email: [housing@medway.gov.uk](mailto:housing@medway.gov.uk)

Website: [www.medway.gov.uk/housing](http://www.medway.gov.uk/housing)

Minicom: 01634 333111

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This information can be made available in other formats  
from **01634 333333**

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If you have any questions about this leaflet and you want to speak to someone in your own language please ring **01634 335577**

|         |        |        |        |             |        |             |        |
|---------|--------|--------|--------|-------------|--------|-------------|--------|
| ভাংলা   | 331780 | हिंदी  | 331783 | کوردی       | 331841 | فارسی       | 331840 |
| 中文      | 331781 | ਪੰਜਾਬੀ | 331784 | ଏଓହ୍‌ଶାହ୍‌ବ | 331786 | Русский     | 332374 |
| ગુજરાતી | 331782 | Polski | 332373 | اردو        | 331785 | Lietuviškai | 332372 |



## Diversity Impact Assessment: Screening Form

|   |   |  |  |
|---|---|--|--|
| <b>Directorate</b><br><br><b>Business Support</b>                         | <b>Name of Function or Policy or Major Service Change</b><br><br><b>Succession Policy</b>   |  |  |
| Officer responsible for assessment<br><br>Costa Vaggus                    | Date of assessment<br><br>31 <sup>st</sup> August 2011  | New or existing?<br><br>New                    |  |
| <b>Defining what is being assessed</b>                                    |   |  |  |
| <b>1. Briefly describe the purpose and objectives</b>                     | The key objectives of the Succession Policy are:<br>*to investigate and respond promptly and sensitively to applications for succession.<br>* to allow only one single statutory succession in line with the provisions of the Housing Act 1985.<br>* to extend the right of succession to introductory tenants providing that:<br>- the successor occupied the tenant's property immediately before the death as his/her only or principal home.<br>- the tenant was not a successor themselves.<br>- any qualifying successor would succeed to the remaining period of the introductory tenancy, which would then become secure at the end of that period (unless the introductory period was extended by providing a notice of extension . |  |  |
| <b>2. Who is intended to benefit, and in what way?</b>                    | Family members living in Medway Council housing stock. Tenants To make effective use of Housing Services stock and provide clear guidance to tenants on the process and procedure of inheriting a tenancy.  |  |  |
| <b>3. What outcomes are wanted?</b>                                       | In the event of the death of a tenant, Medway Council Housing Services is committed to dealing with applications for succession as efficiently and sensitively as possible. This policy intends to clarify in what circumstances a tenancy will pass to another on death.   |  |  |
| <b>4. What factors/forces could contribute/detract from the outcomes?</b> | Contribute<br><br>Clear Guidance on the Succession Policy.<br><br>Staff awareness and understanding of scheme.  | Detract<br><br>Poor publication of the scheme. |  |
| <b>5. Who are the main stakeholders?</b>                                  | Medway Council Tenants, Medway Council.   |  |  |
| <b>6. Who implements this and who is responsible?</b>                     | The Assistant Director of Housing and Corporate Services retains the overall responsibility for the implementation of this policy.  |  |  |

|  |   |
|--|---|
|  | <p>The Head of Landlord Services is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.</p> <p>The Housing Manager will be responsible for the day-to-day implementation of the policy.</p> <p>The Manager will consider any application for succession received.</p> |
|--|---|

| <b>Assessing impact</b>   |   |                               |
|---|---|-------------------------------|
| <b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?</b> | YES   | Brief statement of main issue |
|   | NO  |                               |
| <b>What evidence exists for this?</b>   | <b>(See chart 1 below)</b>  |                               |
|   | <p>To enable all residents to have clear information and equal access to our available properties, Housing Services publishes clear information in a range of appropriate languages and formats and through a range of media on request. Feedback is also accepted through a variety of different routes to reflect individual tenant's preferences or needs.</p> <p>The scheme will be monitored for uptake by customers by ethnic origin and reviewed on an annual basis. However, given the relatively small percentages of non-white ethnic groups it may be some months before we see patterns emerging.</p> <p>Customer satisfaction is monitored through the BME Housing Needs survey and New Tenants survey to ethnicity.. The scheme will be available in alternative languages and formats.</p> <p>Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> |                               |
| <b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>           | YES   | Brief statement of main issue |
|   | NO  |                               |
| <b>What evidence exists for this?</b>   | <b>(See chart 2 below)</b>  |                               |
|   | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>A wide range of customer satisfaction and monitoring is undertaken through the BME Housing Needs Survey and New Tenants Survey and has regard for disability.</p> <p>The scheme will be monitored for uptake of customers who have a disability on an annual basis. This will identify any trends pointing to particular groups of tenants that may have more difficulty accessing the scheme.</p>   |                               |

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|--|--|-------------------------------|
|  |  |                               |
| <b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>                | YES  | Brief statement of main issue |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The policy will be monitored for uptake from customers by gender by using the tenants profiling information. This will identify any trends pointing to particular groups of tenants that may have more difficulty accessing the scheme.</p>   |                               |
| <b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>        | YES  | Brief statement of main issue |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The policy will be monitored for uptake from customers by sexual orientation and reviewed on an annual basis. This will identify any trends pointing to particular groups of tenants that may have more difficulty accessing the scheme.</p> <p>Work is being undertaken to identify and implement Good Practice in Lesbian, Gay, Bisexual and Transgender Housing.</p> |                               |
| <b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b> | YES  | Brief statement of main issue |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p><b>(See chart 3 below)</b></p> <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The policy will be monitored for uptake from customers by religion and belief and reviewed on an annual basis. This will identify any trends</p>  |                               |

|  |  |                               |
|--|--|-------------------------------|
|  | pointing to particular groups of tenants that may have more difficulty accessing the scheme.   |                               |
| <b>12. Are there concerns there <u>could</u> be a differential impact due to people's age?</b>   | YES  | Brief statement of main issue |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The policy will be monitored for uptake from customers by age and reviewed on an annual basis. This will identify any trends pointing to particular groups of tenants that may have more difficulty accessing the scheme.</p>                               |                               |
| <b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</b>   | YES  | Brief statement of main issue |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The policy will be monitored for uptake from customers who are transgendered or transsexual and reviewed on an annual basis. This will identify any trends pointing to particular groups of tenants that may have more difficulty accessing the scheme.</p> |                               |
| <b>14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?</b> | YES  | If yes, which group(s)?       |
|  | NO   |                               |
| <b>What evidence exists for this?</b>  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>Housing Services recognises that it operates in a community within which there is wide social</p>   |                               |

|   |   |   |
|---|---|---|
|   | diversity, and is committed to providing equal opportunities and valuing diversity. |   |
| <b>15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?</b> | YES   | Brief statement of main issue   |
|   | NO  | <p>This policy will be available to all Council tenants. Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>The Policy will be available to all Council Tenants.</p> |
| <b>What evidence exists for this?</b>   |   |   |

| <b>Conclusions &amp; recommendation</b>  |     |   |
|--|-----|---|
| <b>16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?</b>       | YES | Brief statement of main issue   |
|  | NO  | <p>Regular monitoring will take place to ensure that Housing Services is dealing with applications for succession in line with this policy. The number of successions and the percentage of investigations completed on time will be reported to the Head of Housing and the Assistant Director on a quarterly basis.</p> <p>Through the Tenancy Succession policy we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.</p> <p>To enable all residents to have clear information and equal access to our available properties, Housing Services publishes clear information in a range of appropriate languages and formats and through a range of media on request. Feedback is also accepted through a variety of different routes to reflect individual tenant's preferences or needs.</p> |
| <b>17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?</b> | YES | Please explain  |
|  | NO  |   |
| <b>Recommendation to proceed to a full impact assessment?</b>  |     |   |

|           |  |
|-----------|--|
| <b>NO</b> | <b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b> |
|-----------|--|

# CHARTS

Chart 1 Ethnicity

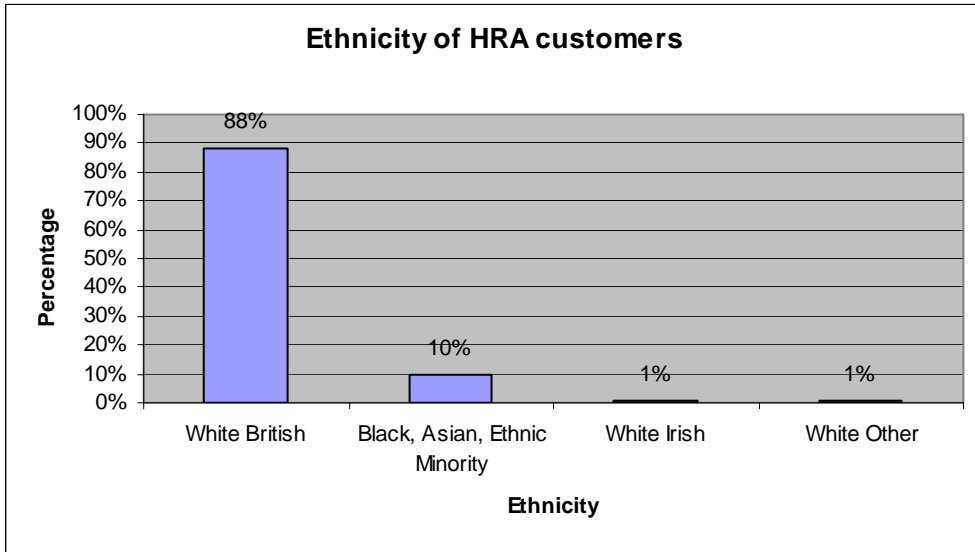


Chart 2 Disability

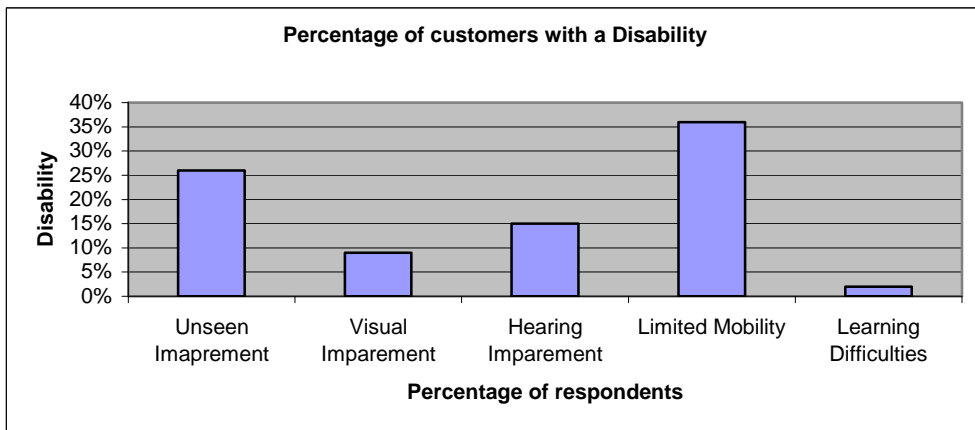
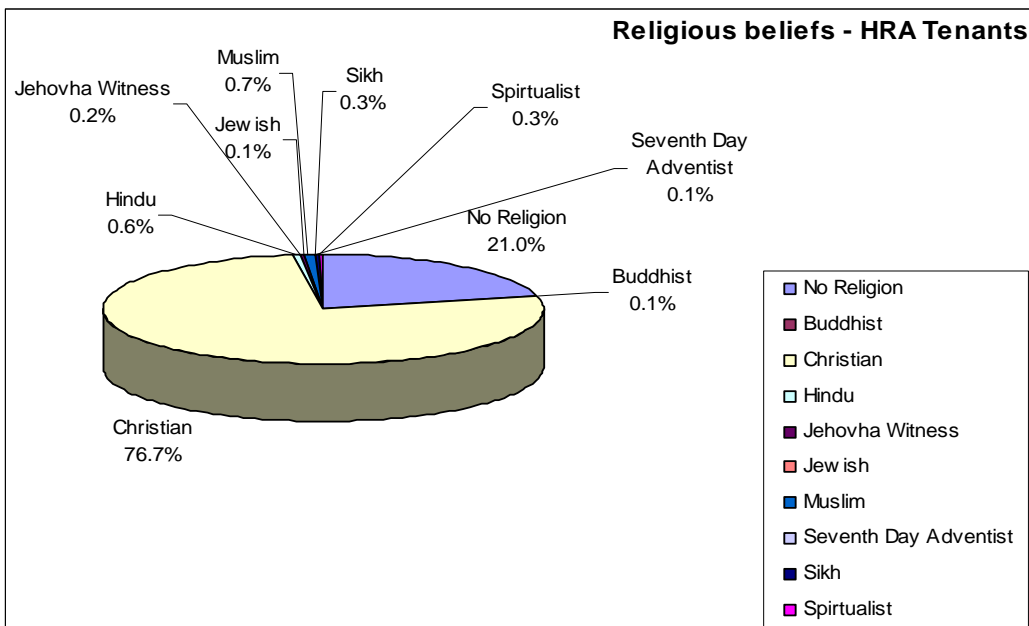


Chart 3 Religion





| <b>Action plan to make Minor modifications</b> |  |                            |
|--|--|----------------------------|
| <b>Outcome</b>                                 | <b>Actions (with date of completion)</b> | <b>Officer responsible</b> |
|  |  |                            |
|  |  |                            |
|  |  |                            |
|  |  |                            |

| <b>Planning ahead: Reminders for the next review</b>   |                              |  |
|--|------------------------------|--|
| <b>Date of next review</b>   | 31 <sup>st</sup> August 2012 |  |
| <b>Areas to check at next review (e.g. new census information, new legislation due)</b>                            |                              |  |
| <b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b> |                              |  |
| <b>Signed (completing officer/service manager)</b>   | <b>Date</b>                  |  |
| <b>Signed (service manager/Assistant Director)</b>   | <b>Date</b>                  |  |

*NB: Remember to list the evidence (i.e. documents and data sources) used*