



REIDVALE HOUSING ASSOCIATION

Assignment of Tenancy Policy

Policy Approved	30 March 2022
Due for Review	March 2025
Author	Housing Manager

Purpose:	The purpose of this policy is to set out Reidvale Housing Association's approach to Assignment of Tenancy
Guidance:	The Association is a company under the Co-operative and Community Benefit Societies Act 2014, and a company regulated by the Financial Conduct Authority (FCA). Statutory Guidance The Scottish Housing Charter Requirements of the Scottish Housing Regulator
Regulatory Compliance	Standard 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay. Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
Linked Policies	Allocation Policy Equality & Diversity Policy Anti Social Behaviour Policy Void Management Policy Rechargeable Repair Policy Arrears Recovery Policy Privacy Policy
Financial Impact	Low
Risk Assessment	Low
Equalities Impact Assessment	Yes
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1. INTRODUCTION

- 1.1 Reidvale Housing Association is a community based housing association operating in the South Dennistoun area of the east end of Glasgow with the aim of providing good quality, affordable, rented accommodation for those in housing need whilst promoting a balanced community.
- 1.2 The Association owns 898 properties within the area of operation. The majority of our properties consist of rehabilitated flats with a smaller proportion of properties build circa 1990.

2. AIMS AND OBJECTIVES

- 2.1 The aim of this policy is to outline Reidvale Housing Association's (RHA) approach in the event of a request for an assignation of tenancy.
- 2.2 The circumstances of each case will vary and the Association's response will be dependent on these circumstances.

3. LEGAL AND REGULATORY FRAMEWORK

- 3.1 Reidvale Housing Association is a registered society under the Co-operative and Community Benefit Societies Act 2014, a registered social landlord and regulated by the Financial Conduct Authority (FCA).
- 3.2 We are regulated by the Scottish Housing Regulator (SHR). Their Regulatory Framework sets out seven Standards of Governance and Financial Management. Relevant to this Policy are particular elements under these Standards:

Standard 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.

Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

- 3.3 The rights to an assignation of tenancy arise from provisions contained within the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014 and the terms of the tenancy agreement. The legislation sets out the principles that should guide the practice of social landlords in relation to managing applications for an assignation of tenancy.

The 2014 Act changed some of the rules around when a tenancy can be assigned.

To ensure rights of assignation are protected the tenant must have told the landlord that the person they wish to assign the tenancy to had moved into the household at the time they did so.

4. ASSIGNATION OF TENANCY POLICY

4.1 Conditions for approval

If a tenant wants to assign their tenancy (pass the tenancy to someone else), this needs the consent of Reidvale Housing Association. Section 12(2) of the 2014 Act outlines the following requirements:

- the house must have been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to pass the tenancy to someone else; and
- the person the tenant wishes to pass the tenancy to must have lived at the property as their only principal home for the 12 months before the tenant applies; and
- the 12 month period cannot begin unless the landlord has been told that the person is living in the property as their principal home. The landlord must have been told that by the tenant, a joint tenant, or the person the tenant now wishes to pass the tenancy to.

4.2 Refusing permission to assign a tenancy

4.2.1 Reidvale Housing Association can refuse permission to assign a tenancy if it is reasonable for the Association to do so. Section 32 of the Housing (Scotland) Act 2001, amended by Section 12(2) of the 2014, specifies the reasons for refusal.

4.2.2 Where the house has been designed or substantially adapted for a person with special needs, if someone qualifies for the tenancy and does not have special needs requiring accommodation of that kind, RHA have the right to terminate the tenancy and offer that person suitable alternative accommodation. Section 15 of the Housing (Scotland) Act 2014 Act allows any social landlord to ask a sheriff to grant an order to end the tenancy of an adapted property that is not being occupied by anyone who needs the adaptations. This only applies where the landlord requires the property for someone who does need the adaptations. If this situation happens RHA would give the resident notice before applying to the sheriff. RHA would offer suitable alternative accommodation. The resident would be able to ask the sheriff to consider whether the landlords actions were reasonable and to challenge the suitability of the alternative accommodation.

4.2.3 In order to ensure compliance with the statutory provisions, the Association will request satisfactory evidence from persons applying for assignation of a tenancy with regard to their occupancy of the property as their principal home.

The issue concerning whether or not a house is a person's principal home is a question of fact and each case requires to be assessed on its merits. Types of factors to be taken into account are as follows:

- information about another tenancy for example, as provided by other landlords.
- information from official sources such as employer or medical records.

- information from other agencies/depts such as Social Work or DWP.
- information from neighbours, relatives, etc

The Association will deal with all matters in a sympathetic manner but reserves the right to seek the opinion of a doctor, social worker or other professional as appropriate.

4.3 Change of occupancy

Reidvale Housing Association has a responsibility to remind tenants formally that they are required to notify the Association of when a change of occupancy occurs.

4.4 Appeals

If any applicant is unhappy regarding the outcome of their application for an assignation of tenancy they may appeal to the senior management team of RHA to request a review of their application.

4.5 False Information

Should the Association discover that an application for an assignation of tenancy has been granted on the basis of false information then the Association may commence legal action with a view to repossessing the tenancy.

5. STAFF TRAINING

- 5.1 Reidvale Housing Association will ensure that all staff who are required to undertake work in the assignation of tenancy process receive appropriate and regular training.

Clear procedures and guidelines will be maintained to ensure consistent and equitable treatment of applicants seeking an assignation of tenancy.

6. EQUALITY AND DIVERSITY

- 6.1 Reidvale Housing Association is an equal opportunities organisation. We are committed to providing an environment of respect, understanding, encouraging diversity and eliminating discrimination. No person or group of persons applying for housing and housing services will be treated less favourably than any other persons or groups of persons because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

7. COMPLAINTS

- 7.1 Although we are committed to providing high levels of service, we accept that there may be occasions where a service user may not be satisfied with the service received from the Association. We value all complaints and use this information to help us improve our service. Any service user, complying with the procedure, but remaining dissatisfied with any aspect of the service they have received have the right to submit a complaint to the Association in accordance with the Complaints Handling Procedure.

8. GDPR

- 8.1 Reidvale Housing Association will treat your personal data in line with our obligations under the current General Data Protection Regulation and our Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

9. POLICY REVISION

- 9.1 The Association undertakes to carry out a comprehensive review of all aspects of this policy at least every three years. The review will take account of legislative changes, new policy guidance, best practice advice and the views of service users.