

Draft Tenancy Policy

July 2026



HILLINGDON
LONDON

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For this policy we refer in the main to tenants rather than residents. This is because the word tenant has specific legal significance. Other members of the tenant's household are referred to as residents.

1. Introduction

This policy is designed to show the council's approach, to allocating and managing social housing tenancies.

The policy has been updated following a review of the council's approach to fixed term tenancies and is intended to clearly show what our tenants can expect from us in relation to:

- The type of tenancies we will offer and the different types of tenancy we will use in different circumstances
- Decisions about reissuing a tenancy for the same or for a different property [in relation to larger family housing and adapted housing]
- How prospective and current tenants can seek a review of any decisions we make regarding (a) the tenancy offered or (b) not reissuing a tenancy on their current home [in relation to larger family and adapted housing]
- Offering advice and assistance to those whose tenancy will not be reissued to find another suitable home
- Offering advice and assistance to those whose tenancy will not be reissued to find another suitable home
- Ensuring that our homes are occupied by their legal tenant and how we deal with tenancy fraud

The preferred tenancies now to be used by the council are secure periodic (lifetime) tenancies that offer a tenancy for life with no requirement for the tenant to undergo a review to determine whether a tenancy should be renewed. For homes with significant adaptations [including homes which are purpose built to accommodate wheelchair users] or with four or more bedrooms we will offer a fixed term tenancy for a 5 year period. Larger family housing and adapted housing is in particularly short supply and high demand, and we want to make sure that it remains available for those who need it.

Significantly adapted properties include, but is not limited to, those properties with the following adaptations:

- Ground floor extensions adding accessible bedrooms or bathrooms
- Wet rooms
- Through floor lifts (not stairlifts)
- Widened doorways
- Low level kitchen and bathroom units
- Ceiling tracking and hoists

The council will clearly indicate if a property is considered to be significantly adapted.

Following implementation all fixed term tenancies that come up for renewal will be reviewed in line with the new policy. All new tenancies will be issued in line with this policy.

In developing this policy, we have given due regard to the direction provided by London Borough of Hillingdon's Tenancy Strategy, which can be found on the council's website or provided on request.

2. Aims

We aim to:

- Provide a high-quality housing management service to prospective and current tenants, in accordance with legislation, the Regulatory regime for Social Housing, and best practice
- Respond effectively to the demands placed on our limited supply of social housing, particularly family sized accommodation and accommodation suitable for people with disabilities.
- Make best use of our housing stock and ensure it meets existing and future residents' needs
- Ensure tenants have the right home for as long as they need it
- Support our tenants to enable them to achieve their housing aspirations

3. Our commitments to our Tenants

We will:

- Let homes in accordance with Hillingdon council's Allocations Policy so that we contribute to its aims of:
 - Providing a fair and transparent system by which people are prioritised for social housing
 - Helping those most in housing need
 - Recognising those residents with a long residential history in the borough
 - Making best use of Hillingdon's social housing stock
- Provide clear and accessible information in formats our tenants can understand about the tenancies that we will offer on different properties
- State the tenancy terms and rent level with each available property and ensure the new tenant understands them before they sign-up to the tenancy
- Work to prevent homelessness and increase the availability of homes by:
 - Telling all our tenants about how we can help them to maintain their tenancy successfully
 - Acting promptly where we identify problems that could threaten someone's tenancy
 - Helping tenants to find another home if their existing home isn't suitable for their household as a result of a material change in circumstances

- Providing or enabling advice and assistance to help our tenants find a suitable home if their tenancy isn't to be reissued
- Ensuring that all our homes are occupied by people who are entitled to live there
- Making sure homes are relet as quickly as possible

4. Our approach to tenancies

We understand the importance of a stable and secure home: It offers the platform that people need to be able to get on with their lives, improve their circumstances and achieve their aspirations. Our homes are let at rents that are lower than those charged by private landlords.

We have duties under the Equality Act 2010 to help those that are most vulnerable, including older people, disabled people and children. Our approach helps us to fulfil our duties by enabling more vulnerable people to access and sustain a suitable home.

As people get older, they may need more support so they can retain their independence and health and enjoy their lives. This is offered within our sheltered and extra care housing schemes for older people, and we hope that tenants who need the support we provide can stay in these homes for the rest of their lives.

Some of our homes have significant adaptations to enable disabled people to live independently and with a good quality of life. Adaptations are expensive and demand for them is growing so we want to ensure that every adapted home is occupied by someone who needs the special features.

Our family homes are particularly in demand so we would prefer that they are always occupied by families who need the space they provide. However, stability and the right home are particularly important to children so that they can grow up healthily and achieve well. We want to help children to have an uninterrupted education and upbringing in a decent home.

4.1 Tenancies for new social housing tenants

We offer a probationary tenancy to any new tenant that does not currently hold a secure or assured tenancy. Probationary tenancies last for one year. Tenants who are not in breach of their tenancy at the end of that term and who have not been found to be in breach of their tenancy over the course of its term will automatically move to whichever tenancy is appropriate for their home and household. Generally, this will be a secure lifetime tenancy, unless the property is of a type for which fixed term tenancies are required.

We use fixed term tenancies in limited circumstances to help to deliver the aims of this policy. Each fixed term tenancy will be formally reviewed before its end date. The review will take place no later than seven months before that date so that the tenant receives at least six months written notice of whether we intend to, either:

- Reissue another tenancy for their current home; or
- Not reissue a tenancy but help them to find another home before or once their current tenancy ends

4.2 Existing social housing tenants

Existing secure tenants (or assured tenants of a housing association) with a tenancy start date prior to 1 April 2012 will retain the statutory rights that they held prior to 1 April 2012. Therefore, if they transfer to a different home in either council or housing association stock, they will automatically be offered another secure or assured tenancy. The tenancies must be consecutive.

If you already hold a council tenancy, unless your home has four bedrooms and/or has been significantly adapted, you will be moved to a secure lifetime tenancy. This will be achieved by issuing a new lifetime secure tenancy at the point that the existing fixed term tenancy ends. For Hillingdon council existing tenants, you will be asked to sign a new tenancy agreement which will include a requirement to carry forward or repay any rent owed on the original tenancy.

For homes that have four bedrooms and/or have been significantly adapted, fixed term tenancies of 5 years will be granted. There are some exceptions to this where secure lifetime tenancies will be granted. These relate to those whose tenancy began before 1 April 2012; victims of domestic abuse; and those who are being permanently decanted. In each of these instances the tenancy granted will have no less security of tenure than their existing tenancy. The tenancies need to be consecutive and are likely to be secure lifetime tenancies.

4.3 Requesting a review

Tenants have the right to request a review of a decision to grant or not grant a tenancy in any of the following circumstances:

- Allocation from the housing register
- To extend or terminate an existing probationary tenancy
- Renewal or expiry of an existing fixed term tenancy. The process for deciding whether to grant a further fixed term tenancy will include consideration of:
 - General tenancy conduct including tenancy breaches for ASB and/or rent arrears
 - Continuing suitability of the property for household size and circumstances

4.4 Tenure terms for different types of properties and households for new and existing tenants

Property type	Household type	Tenancy length	Basis for decision on reissuing tenancy
All general needs properties with significant adaptations	Any with a disabled household member	A new tenant will be offered a probationary tenancy followed by a 5 year fixed-term tenancy. An existing tenant, with a tenancy start date on or after 1 April 2012, will be offered a 5 year fixed-term tenancy. Exceptions: (i) A new letting to an existing secure tenant with a tenancy start date prior to 1 April 2012 will be offered a tenancy with no less security than they already hold. (ii) Where a secure lifetime tenant or member of the person's household is or has been the victim of domestic abuse carried out by another person and the council grants a new tenancy for reasons connected with that abuse, they will be offered a tenancy with no less security than they already hold. (iii) Where a secure lifetime tenant is decanted permanently and is granted a tenancy to an alternative property, they will be offered a tenancy with no less security than they already hold. In any instance other than the above exceptions, where a lifetime tenancy is held a move to a different property which has significant adaptations will mean moving to a 5 year fixed term tenancy. As the move is a matter of choice rather than being mandated by the	Presumption is to renew the fixed term tenancy for a further 5 years, so long as the family still require the adapted home and the tenancy has been conducted satisfactorily.

		council, the option of retaining a lifetime tenancy will not be made available.	
All general needs properties with 4 or more bedrooms: For the purpose of allocating social housing, 3 bedroom parlour type homes are considered to be 4 bedroom homes.	Any household with a housing need for a 4 bedroom property as defined by the Social Housing Allocation Policy	A new tenant will be offered a probationary tenancy followed by a 5 year fixed-term tenancy. An existing tenant, with a tenancy start date on or after 1 April 2012, will be offered a 5year fixed-term tenancy. Exceptions: (i) A new letting to an existing secure tenant with a tenancy start date prior to 1 April 2012 will be offered a tenancy with no less security than they already hold. (ii) Where a secure lifetime tenant or member of the person's household is or has been the victim of domestic abuse carried out by another person and the council grants a new tenancy for reasons connected with that abuse, they will be offered a tenancy with no less security than they already hold. (iii) Where a secure lifetime tenant is decanted permanently and is granted a tenancy to an alternative property, they will be offered a tenancy with no less security than they already hold. In any instance other than the above exceptions, where a lifetime tenancy is held a move to a different property which has four or more bedrooms will mean moving to a 5 year fixed term tenancy. As the move is a matter of choice rather than being mandated by the council, the option of retaining a lifetime tenancy will not be made available.	Presumption is to renew the fixed term tenancy for a further 5 years, so long as the family still have a housing need, as defined in the Social Housing Allocation Policy, for a 4 bedroom home; and the tenancy has been conducted satisfactorily.

All other general needs homes including sheltered, extra care	Age restrictions or other restrictions as apply to specific dwellings/groups of dwellings	Probationary tenancy followed by secure lifetime tenancy	Tenancy does not require to be reissued
Temporary Accommodation	Restrictions as apply to specific dwellings/groups of dwellings	Non-secure tenancy	Tenancy does not require to be reissued

5. Probationary tenancies

We offer a probationary tenancy to any new tenant that does not currently hold a secure or assured tenancy. Probationary tenancies last for one year but can be extended for a further six months. Tenants who have not been found to be in breach of their tenancy at any point over the course of its term will automatically move to whichever tenancy is appropriate for their home and household in line with what they will have been offered before they signed up for the probationary tenancy.

Tenants that are in serious and persistent breach of their tenancy conditions can be given a notice of proceedings for possession, which will include the right to a review of our decision. If no request to review the decision is received, or the decision is upheld following a review, the council will start proceedings in the county court to end the probationary tenancy as soon as the notice ends.

If the council follows the correct procedures for repossessing a property held on a probationary tenancy, the court must grant an order for repossession.

5.1 Extensions to probationary tenancies

Where we have reason to be concerned about a probationary tenant's ability or readiness to comply with their tenancy conditions, we can extend the probationary tenancy up to a further 6 months. In these cases, we will issue a "notice of extension" at least eight weeks before the original probationary tenancy is due to end. This is likely to be applied where tenants:

- Are in rent arrears and have not kept to arrangements to repay arrears, or
- Have caused nuisance to their neighbours and any justifiable complaints are within the last three months, or
- Otherwise have not kept to the tenancy conditions and these occurrences are within the last three months

The notice will set out the reasons for the extension and include information about the tenant's right to ask us to review this decision. If no request to review is received, or if the review has been dealt with and the decision to extend the tenancy upheld, we will formally tell the tenant before the end of the original probationary tenancy that we have extended the tenancy for 6 months.

Provided breaches of tenancy are satisfactorily rectified, the tenant will proceed to their full tenancy entitlement at the end of the extension. Otherwise, we will serve notice on the tenancy and proceed to court for a possession order (as set out above).

At completion of the probationary period tenants will be offered a new tenancy agreement in accordance with this policy. Any outstanding arrears at the end of the probationary period will be transferred to the new tenancy and it will become a term and condition of the new tenancy to repay those arrears.

5.2 Tenancy reviews

In the last year of the fixed term tenancy, we will carry out a formal review that will be in two parts. The first part will review how well the tenant(s) has conducted their tenancy to determine whether we would want to continue to house them. If the tenancy review is satisfactory, a second part will be to review their household circumstances to determine whether the current property is still suitable for their needs.

The tenancy conduct assessment will consider the same factors for extending probationary tenancies as described in the section above i.e. rent arrears; nuisance to their neighbours; or otherwise failed to adhere to tenancy conditions.

Following the review of the fixed term tenancy tenants will be offered a new tenancy agreement in accordance with this policy. Any outstanding arrears at the end of the probationary period will be transferred to the new tenancy and it will become a term and condition of the new tenancy to repay those arrears.

Where the review identifies that the tenant(s) with their household no longer fulfils the criteria for occupancy of their current home, at least six months' notice in writing will be given of our intention not to grant the tenancy.

Where tenants fail to cooperate with the review, for example by not agreeing or keeping an appointment for a home visit or providing evidence of their continuing need for the property, a further tenancy will not be granted.

Where we do not intend to reissue a tenancy, we will include in our decision letter:

- Information on how to request a review of our decision
- Information on the advice and assistance we can offer to the household to find another suitable home.

6. Tenancy succession

The council has a succession policy that deals with the transfer of tenancies in the event of the death of a tenant.

7. Rent levels and other charges

7.1 Social rents

Our current council homes will usually be charged at social rent levels. This is calculated using a formula published by the Government.

Some homes also attract service charges in relation to various services that occupiers would usually have to provide or pay for themselves, e.g. heating, caretaking, communal area cleaning and window cleaning. These service charges will be set annually, based on actual costs.

7.2 Affordable rent

Some new council homes are developed for Affordable Rent either to replace homes that are no longer sustainable, or to increase opportunities to help more people in housing need. These homes may be charged at rents (including any service charges) that are up to 80% of the open market rent in the area but will not be above the maximum level applicable for housing benefit. In practice, affordable rents will be set at a level affordable to local people.

8. Allocating our homes

We advertise homes, including any homes let at affordable rents, on the council's choice-based lettings system (Locata) and will offer homes using the council's Allocations Policy. Advertisements for homes will always include the rent (and any service charges).

To make best use of homes and maximise rental income, we will advertise and offer homes as soon as possible after the occupying tenant gives notice that they intend to vacate. This will mean that sometimes an offer will be made while the home is still tenanted, or while post-tenancy repairs are being completed. We will therefore:

- Negotiate with occupying tenants to give access for viewing to prospective tenants
- Agree with repairs contractors how the property will be made available to prospective tenants for safe viewing
- Always accompany prospective tenants as they view the home, and
 - Explain features and facilities
 - Be clear what standard they can expect of a ready to let home
- Tell those who have been offered a property:
 - The anticipated date the property should be available for them to move in, promptly informing them of any variation to this date and
 - What work they can expect to be completed prior to their occupation

8.1 Moving within and outside the borough

We will help to maximise opportunities for tenants who need to move home, either because their household circumstances have changed or because they need to move area for employment or other reasons. As part of this we will proactively support:

- Valid mutual exchanges between tenants of our stock or between our tenants and those of other registered providers.
- Transfers of our tenants where their home no longer meets the household's needs, for example they:
 - Under-occupy by at least one bedroom
 - Are overcrowded
 - No longer need adaptations

- Require adaptations
- Would benefit from more specialist accommodation, e.g. sheltered housing

8.2 Mutual exchanges

The council has a separate policy regarding mutual exchanges.

9. Tenancy fraud

Tenancy fraud includes obtaining a council home by deception (for example, by someone claiming to be homeless when they already own a property) or continuing to claim to be living in a property having already moved out and sublet it.

The council takes fraud very seriously. Anyone caught defrauding the council is likely to lose their tenancy and could lose their right to council housing in the future. We will make necessary checks at the start of a tenancy and will take appropriate opportunities during a tenancy to verify household membership and that the tenant is genuine. Checks can take place at any time during a tenancy, without warning.

The council will check the identify of tenants at the point of tenancy sign-up (including taking photos of new tenants) and will undertake regular tenancy audits (including visiting homes without warning).

10. Helping our tenants to sustain their tenancies

We would like all our tenants to be successful householders and settle into their local community, but we know that this isn't always easy. We will therefore take a supportive approach to helping tenants to:

- Settle into their home
- Provide assistance to claim benefits and to manage household expenses
- Pay their rent on time and keep a clear rent account from the beginning of their tenancy
- Abide by their tenancy agreement, and keep their home in good order
- Be a good neighbour

11. Monitoring and Performance

We will provide twice yearly reports to Housing Operations Group (HRA Operations Group) HRA Operations Group detailing:

- Numbers of lettings for new and existing clients and the types of tenancy granted
- Numbers of fixed term letting specifically and whether they relate to large accommodation with four or more bedrooms or adapted property
- Numbers of probationary tenancies extended

- Number of probationary tenancies replace by fixed term and by secure lifetime tenancies
- Numbers of completed fixed term tenancy reviews and their outcomes
- Pipeline of tenancy reviews to be completed over the following two years
- EDI data where available

12. Training

We will provide all staff responsible for implementing this policy with comprehensive training.

13. Equality and Diversity

We have carried out an Equality Impact Assessment to consider the positive and negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010 and have concluded that implementation of this policy presents no barriers to accessing the service/process or unintentionally disadvantages for “any protected group”. We aim to ensure that all tenants can achieve an equitable outcome.

When required, council officers, as part of our approach to offering reasonable adjustments, will assist tenants by, for example, helping to complete paperwork or offering translation services.

14. Accessibility

We will ensure that tenants’ needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that customers with distinct communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats or providing interpretation or transcription as appropriate.

15. Data Protection and Information Exchange

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us. We will normally discuss this with the party giving us the information, but this may not always be possible.

16. Reviewing our Policy

A review of this policy will be undertaken every five years or sooner if considered necessary or required to remain up to date with legislative and regulatory requirements or best practice developments.

17. Related Policies and Links to Further Information

Tenancy strategy - link

[Social housing allocation policy](#)

Vulnerable Persons & Reasonable Adjustments Policy -Link

Governance			
Effective from:	DD/MM/YYYY	Review Date:	DD/MM/YYYY
Procedure Owner:	Assistant Director – Homes and Neighbourhoods		
Procedure Author:	Head of Housing Strategy and Policy		
Approved by:	HRA Operations Group		
Version Number:	1.01		