

Portfolio Holder for Housing

Item

August 2020

Report of	Assistant Director Place and Client	Author	Suzanne Norton (01206) 282249
Title	Revisions to Relationship Breakdown Policy and Succession Policy		
Wards affected	All		

1. Executive Summary

- 1.1 The Relationship Breakdown Policy and Succession Policy have been reviewed and revised as part of our ongoing programme of reviewing and refreshing housing policies. Neither policy has been reviewed since it was adopted in January 2014. The review provided the opportunity to ensure the policies were up to date with current legislation, that the aims of the policies were still fit for purpose and reflected current procedures.
- 1.2 The policies were reviewed by officers from Colchester Borough Council (CBC) and Colchester Borough Homes (CBH) with responsibility for ensuring the policy is implemented. The review concluded that there were no significant changes required to the policy, therefore a simple refresh has been undertaken to provide clarity and ensure continued functionality with current procedures and working practices.

2. Recommended Decision

- 2.1 To approve the refreshed Relationship Breakdown and Succession Policies.

3. Reason for Recommended Decision

- 3.1 All policies should be reviewed regularly, usually a minimum of every 3 years or sooner if a significant or legislative change is required. Neither the Relationship Breakdown nor Succession Policy have been reviewed since they were adopted in January 2014. It is important that each policy is reviewed and refreshed to ensure it is fit for purpose; providing tenants with clear and understandable guidance on the support available when relationships breakdown and eligibility to succeed to a tenancy.

4. Alternative Options

- 4.1 To continue with the adopted policies from January 2014.

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5. Background Information

5.1 Relationship Breakdown Policy

The Relationship Breakdown policy was adopted in January 2014 to inform the Council's tenants of their legal rights for housing when a relationship with a partner breaks down, where there is no violence, threatened violence or coercion involved.

5.2 The policy also gives guidance on how joint tenants can deal with conflicts over property rights and what action can be taken by the Council once the tenant and partner have decided on the property rights issues.

5.3 The policy has been implemented successfully since being adopted in January 2014. The review and refresh provided an opportunity to refine the policy and to ensure its continued functionality. The core principles remain unchanged and these are;

- Each case will be considered on an individual basis due to the varied and complex circumstances of individual households.
- Both parties will be advised, at the initial enquiry stage and throughout the case, to seek independent legal advice, and be made aware of the implications of ending their tenancy.
- The relevant legislation will be followed in all cases.
- In all cases, any decision on eligibility for social housing will be made with regard to the Gateway to Homechoice Allocations Policy due to the limited number of homes available to applicants. In line with homelessness legislation the Council will not have a duty to rehouse people that are not in priority need.
- To identify the exact circumstances of individual households and the alternative courses of action available to them, tenants will be encouraged to contact the Housing Options Service for advice and assistance to enable households to make informed decisions.
- Where domestic abuse is a feature of the relationship breakdown, the Colchester Borough Homes Domestic Abuse policy alongside appropriate legislation and best practice will be followed.
- Where there are children involved, the aim will be to accommodate the adult who has custody/residence order for the children. Advice and assistance will be offered to the partner who does not have custody/residence order of the children. If possible, tenants will be made a direct offer of a suitable property, matching their current property in size and amenity.
- Tenants will be eligible for disturbance costs to cover the costs of moving, for example removal costs, costs for connection of services.
- Tenants who need to permanently move are eligible for a home loss payment. The amount for this is set by the Secretary of State.
- If there are multiple tenants moving from a site, for example a sheltered scheme, they will be prioritised for rehousing based on their tenancy start date at the property they are being asked to move from.

5.4 The policy allows for appeals against the decision; the specific requirements of the appeals process are detailed in the policy.

5.5 The refreshed Relationship Breakdown Policy is attached to this report as Appendix A.

5.6 Succession Policy

The Succession Policy was adopted in January 2014 to ensure cases of succession are dealt with in accordance with current legislation, statutory guidance and good practice. The policy is compatible with the Gateway to Homechoice Allocations Policy and ensures the best use of the Council's housing stock.

- 5.7 The policy covers requests from a partner or family member to take over the tenancy upon the death of the tenant, if they are resident at the property and if it was their only or principle home at the time.
- 5.8 The policy has been implemented successfully since being adopted in January 2014. The review and refresh provided an opportunity to refine the policy and to ensure its continued functionality. The Succession Policy is principally defined by legislation and there is little in the way of discretionary powers, where discretion is permitted the policy sets out the Council's position.
- 5.9 The principles applied when considering requests to succeed to a property when a tenant dies are:

Upon the death of either an Introductory or Secure tenant **one succession** will be granted to either;

- A partner or spouse of the tenant as long as they lived at the property with the deceased at the time of death.
 - A spouse or civil partner, or a person living as though they were civil partners, and were living at the property with the deceased at the time of death.
 - And only for tenancies which began before 1 April 2012 - A member of the tenant's family (where the tenant had no partner or spouse living at the home) who lived with the tenant at the home as his or her main or only home for at least twelve months before the tenant's death. Family members include parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces. We call these people "eligible successors".
- 5.10 The policy sets out how, in cases where the "eligible successor" (excluding spouse, partner or civil partner) is living in a home that is larger than their housing need, or the property has been adapted for the deceased tenant and the successor does not have a need for those adaptations, or properties where the Council specifies the minimum age of the person that can live in them and the successor is younger than that age, the eligible successor is required to move to a more suitable property. This is in line with the Gateway to Homechoice Allocations Policy and ensures that the Council makes the best use of its housing stock.
- 5.11 The policy allows for appeals against the decision; the specific requirements of the appeals process are detailed in the policy.
- 5.12 The refreshed Succession Policy is attached to this report as Appendix B.

6. Equality, Diversity and Human Rights implications

- 6.1 The Council completes Equality Impact Assessments (EQIA) for policies, procedures and practices that have an impact on customers and employees. The EQIA for the Relationship Breakdown Policy and Succession Policy have been reviewed and updated alongside the policy and the revised EQIA's have been published and can be viewed here, <https://www.colchester.gov.uk/info/cbc-article/?catid=equality-impact-assessments&id=KA-03059>

7. Consultation

- 7.1 Consultation was undertaken with CBC and CBH officers whilst reviewing and refreshing the policy.
- 7.2 Following the review of the policy no changes have been made that will impact tenants affected by the policy, therefore no additional consultation has been undertaken with tenants on this occasion.

8. Publicity Considerations

- 8.1 The policy will be communicated to staff of CBC and CBH, tenants affected by the policy.
- 8.2 Good communication with tenants is vital; CBH provide a “Relationship breakdown” leaflet and an “Ending your tenancy – death of the tenant” leaflet which are published on the CBH website, <https://cbhomes.org.uk/you-and-your-home/your-tenancy/changes-to-your-tenancy/> .
- 8.3 All policies are available on the CBC website at, <https://www.colchester.gov.uk/info/category/?id=policies> , a link to the Council’s website will be available on the CBH website.

9. Standard References

- 9.1 There are no particular references to the Strategic Plan; financial, health, wellbeing and community safety; health and safety; risk management or environmental and sustainability implications.

Appendix A

Refreshed Relationship Breakdown Policy

Appendix B

Refreshed Succession Policy