



POLICY

SUCCESSION

Wellhouse - The Place to Be

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Reviewed by: Housing and Customer Service
Manager

We can produce this document in different formats, for instance, in larger print, Braille or audio-format; we can also translate this document into specific languages, as appropriate.

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Linked Policies/Procedures

1.	Equalities and Diversity Policy
2.	Openness and Confidentiality
3.	Customer Engagement and Participation Policy
4.	Complaints Policy
5.	Data Protection Policy
6.	Scottish Secure Tenancy Agreement (SST)

1. Vision and Values

WELLHOUSE – THE PLACE TO BE.

Our succession policy supports our vision of Wellhouse as an attractive place where people feel safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community. It does this by setting out our rules on succession.

The policy is underpinned by our strategic values of Trust, Honesty, Integrity, Excellence, Accountability and Sustainability.

2. Governance

Wellhouse HA is a community controlled Registered Social Landlord and is managed by our Management Committee.

Our succession policy has been approved by the Management Committee. and they will monitor its implementation, to ensure that it delivers against our strategic aims, promotes our strategic values, delivers against our agreed service standards and that outcomes comply with legislation.

3. Policy Aims

The aim of this policy is to set out how we will manage succession rights to a Wellhouse Housing Association tenancy, as set out in the Housing (Scotland) Act 2001 and as amended by the Housing (Scotland) Act 2014 and the Association's revised Scottish Secure Tenancy Agreement.

4. Equal Opportunities Statement

We aim to ensure that all our services provide equality of opportunity. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

We will promote equality and diversity throughout our succession policy and related procedures by:

- providing accurate and clear information to applicants about our succession policy
- using interpreters for people from black and minority ethnic groups, or for disabled people, as appropriate

- responding to the different needs and service requirements of individuals (including those with protected characteristics)
- monitoring services related to succession applications to ensure that we prevent any form of discrimination, as well as promoting awareness of equal opportunity matters

5. Legislation

The following legislation is relevant to this policy:

- The Housing (Scotland) Act 1987 (as amended)
- The Housing (Scotland) Act 2001 & 2010
- The Housing (Scotland) Act 2014
- Homelessness etc. (Scotland) Act 2003
- Equality Act 2010
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2022
- Data Protection Act 2018
- Human Rights Act 1998
- Freedom of Information (Scotland) Act 2002

6. Scottish Housing Charter

The Scottish Government's Social Housing Charter came into force in April 2012, was reviewed in 2019 and 2022. The Charter sets out the standards and outcomes that Registered Social Landlords should achieve.

There are 4 outcomes under the Charter that are especially relevant to our succession policy. These are:

Outcome 1 Equalities

Social landlords perform all aspects of their housing services so that:

- they support the right to adequate housing
- every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services

Outcome 2 Communication

Social landlords manage their business so that:

- tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides

Outcome 3 Participation

Social landlords manage their businesses so that:

- tenants and other customers are offered a range of opportunities that make it easy for them to participate in, and influence their landlord's decisions at a level they feel comfortable with

Outcome 11 Tenancy Sustainment

Social Landlords ensure that:

- tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations

7. Policy

Succession

Succession is the passing of a tenancy from a tenant who has died to another person who becomes the new tenant – known as the “successor”. Succession cannot take place unless a tenant dies. If there is no person qualified to succeed to the tenancy, or if every person who is qualified does not wish to succeed, the tenancy is terminated.

If a tenant dies and a member of the household applies for the tenancy, we will consider them for the tenancy under the provisions of the Housing (Scotland) Act 2001 and the amended provisions of the Housing (Scotland) Act 2014.

The law is very clear on who is eligible to be a ‘qualified person’ and can therefore succeed to a tenancy. It also specifies the order in which each category is given priority.

Where there is a joint tenancy, the tenancy automatically remains with the other joint tenant(s). In all other circumstances the order is: -

Level One

- The tenant's surviving spouse, co-habitee or civil partner. In the case a partner or co-habitee, the house must have been the person's only or principal home throughout the period of 12 months ending with the tenant's death.
- Any surviving joint tenant, if the property was their only or principal home at the time of the tenant's death.

A partner or co-habitee is a person living with the tenant as husband and wife or in a relationship with the tenant where persons are of the same sex.

The Association must have been notified of and have given consent to the proposed successor's residency in the property.

If more than one person qualifies for the tenancy as a Level One successor, they should, in the first instance, decide among themselves who will become the tenant. If they cannot agree, the Association will decide who will become the tenant

Level Two

If no-one qualifies at Level One, or a qualified person does not want the tenancy, then the tenancy may be offered to a member of the tenant's family, providing that he or she is aged at least 16 at the date of the tenant's death and

- the person has used the property as their only or principal home throughout the period of 12 month's ending with the tenant's death.
- The Association must have been notified of, and have given consent to the proposed successor's residency in the property.
- If more than one person qualifies for the tenancy under Level Two, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide who will become the tenant.

Level Three

If no-one qualifies at Level One or Level Two, or a qualified person at Level One or Level Two does not want the tenancy, then the tenancy may be offered to a Level Three Successor, if

- they are aged at least 16 at the date of the tenant's death and;
- the person has used the property as their only or principal home throughout the period of 12 month's ending with the tenant's death and;

- they gave up their only or principal home before the death of the tenant and;
- they are providing, or has provided, care for the tenant or a member of the tenant's family and;
- The Association must have been notified of, and have given consent to the proposed successor's residency in the property.

Normally the Association would expect someone who is seeking to succeed to a tenancy as a carer to be able to provide details of the amount and type of care provided along with independent information from either the tenant's GP or social worker/care manager.

If more than one person qualifies for the tenancy under Level Three, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide who will become the tenant.

Adapted or Specially Designed Properties

Where a house has been designed or substantially adapted for the use of someone with particular needs, only spouses, co-habitees, same sex partners, joint tenants or persons with similar needs can succeed the tenancy. Others who would otherwise be eligible to succeed to the tenancy would, therefore, be offered reasonable, alternative accommodation. (Alternative suitable accommodation would be considered taking full account of Part 2 of Schedule 2 of the Housing (Scotland) Act 2001 which defines suitable accommodation)

If someone qualifies for the tenancy but does not want it, they should tell us in writing within four weeks of the death and leave the house within three months. Rent will be charged only for the actual period of occupation.

The tenancy can only be inherited twice under the provisions noted above. If the tenancy has already been inherited twice, the third death will normally end the tenancy. This will not happen if there is a surviving joint tenant whose Scottish Secure Tenancy will continue.

However, if there is still a person in the house who would otherwise qualify to inherit the tenancy under the above paragraphs, the tenancy will continue for up to 6 months after the last death. The tenancy will not be a Scottish Secure Tenancy for that period.

Confirmation of Circumstances Related to Succession

To have the right to succeed a tenancy, the Association must have been notified (in writing) that the applicant had moved in and it was their only or principal home. The qualifying period of 12 months does not begin until the Association has been notified (in writing).

The Association anticipates that the majority of issues relating to succession of tenancy will be straightforward, and that confirmation of the successor's rights will be made with reference to existing tenancy records.

The tenant is required to inform the Association in writing of changes to the household within the requirements of the tenancy agreement.

The Association will accept notification of a change in household in writing. For children residing in the property reaching the age of 16 who were part of the household when the property was allocated and it is their main or principal home, no further action is required.

When the Association receive notification (in writing), we will consider if it is appropriate to grant permission for the person(s) to reside in the property. We will refuse consent if it is not reasonable to do so, including but not exhaustively leading to overcrowding etc. Any period following refusal to reside will not count towards any qualifying period for succession.

Where a person claims to qualify for succession through a relationship with the deceased tenant, then the Association will require the applicant to provide evidence relating to that relationship such as certificates of birth, marriage or civil partnership.

Suitable Alternative Accommodation

Where an applicant does not have the right to succession of a tenancy, the Association has no discretion to grant a succession of tenancy. We will, however, consider if it is appropriate to offer a tenancy in suitable alternative accommodation in the interest of preventing homelessness.

Responsibilities and Delegated Authority

Our Housing Officers are responsible for managing applications for succession.

8. Monitoring and Performance Management

8.1 Monitoring

We have monitoring systems in place to track all succession applications and outcomes. This enables us to demonstrate our compliance with legislation and regulatory standards.

Monitoring the implementation of this policy enables us to assess if we are meeting our stated policy objectives and ensure our practices are subject to

continuous improvement. Monitoring of outcomes allows us to carry out equality checks and ensure our practices are non-discriminatory.

8.2 Performance Management

Our Housing and Customer Services Manager monitors our performance against service standards for processing succession application forms and against Charter Indicators.

9. Consultation

We aim to deliver excellent services, which respond to local needs and reflect what is most important to our customers.

To do that we need our customers to tell us how well our policy is working and help us to make the changes which will improve it. This is done in line with our Tenant Participation Strategy.

10. Complaints

We have a separate complaints policy and procedure. Leaflets and copies of the complaints procedure are available from the Association's office and on our website. We also provide information on how our customers can make a complaint to the Scottish Public Services Ombudsman, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS, telephone 0800 377 7300 or 0131 225 5300 and how to contact the Scottish Housing Regulator.

The Ombudsman will not normally deal with complaints unless customers have followed the Association's complaints' procedure.

11. Review Timeframe

The policy will be reviewed every three years, or sooner, in response to a change in legislation or circumstance. The Housing and Customer Service Manager will be responsible for reviewing the policy.

12. General Data Protection Regulation - UK

The organisation will treat personal data in line with our obligations under the current data protection regulations and our own GDPR Policy. Information regarding how data will be used and the basis for processing data is provided in Wellhouse HA's privacy notice.