

Reading Borough Council Tenancy Policy (for the Council's own housing stock)

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Contents

1. Introduction	3
2. Aims and objectives	3
3. Legal and Regulatory framework	4
4. Tenancy Types	4
5. Joint tenancies	6
6. Major repairs (known as decants) or demolition	6
7. Assignment and Mutual Exchange	7
8. Succession	8
9. Approach to Tenancy Management	9
10. Tenancy Sustainment, Vulnerable Households and Preventing Unnecessary Evictions	10
11. Preventing and tackling Tenancy Fraud	11
12. Exceptional Circumstances	11
13. Communication	12
14. Equality, Diversity and Inclusion	12
15. Complaints	13
16. Reasonable Adjustments	14
17. Links to other Policies	14
18. Implementation and review	14

1. Introduction

This Tenancy Policy applies to Reading Borough Council's housing stock and sets out our approach to providing an effective tenancy management service. It compliments, and should be read alongside the Housing Allocation Scheme, and other housing policies and procedures, which are listed at the end of this policy.

2. Aims and objectives

This policy supports our commitment and common purpose to '*supporting the life that matters to you*' by offering secure tenancies as our primary tenancy type. This approach provides greater stability, and peace of mind for tenants and household members. We are committed to supporting tenants to sustain their tenancies, providing security within their homes and communities. As part of our aim of fostering thriving communities and preventing homelessness, taking possession action will always be a last resort.

This policy also outlines, in a clear and accessible way, the general tenancy management approach in accordance with relevant legislation and regulatory requirements, as well as best practice. It explains how the Council meets The Regulator of Social Housing Tenancy Standard detailing the key aspects of how tenancies are managed.

3. Legal and Regulatory framework

This Tenancy Policy complies with the relevant legislation and regulatory requirements, including (but not limited to) the following:

- Land Compensation Act 1973
- Protection from Eviction Act 1977
- Housing Act 1985, 1988 & 1996
- The Equality Act 2010
- Localism Act 2011
- Prevention of Social Housing Fraud Act 2013
- The Antisocial Behaviour, Crime and Policing Act 2014
- The Social Housing (Regulation) Act 2023

- HMCTS pre-action protocol for Possession Claims by Social Landlords 1996
- The Secure Tenancies (Victims of Domestic Abuse Act 2018)

4. Tenancy Types

Introductory Tenancies

Unless a new tenant (or one party to a joint tenancy) already holds a secure tenancy, or another social housing equivalent such as an assured (non-shorthold) tenancy, Reading Borough Council will grant new tenants an introductory tenancy for a trial period. This allows Reading Borough Council to support new tenants, identify any cause for concern early on and help tenants to understand and keep to the terms and conditions of their tenancy.

Introductory tenancies ordinarily last for a period of 12 months but may be extended to a maximum period of 18 months where there are concerns or issues that warrant further monitoring. Where an extension is considered, tenants will be notified in writing and have the right to request a review. which needs to be within the timescale stated in the written notice. This review must be requested within 2 weeks from the date the tenant is notified of the decision to extend the ordinary introductory period.

Introductory tenants have fewer rights than secure tenants, and these differences are set out in the Tenancy Agreement.

Where tenancy conditions are satisfactorily met during the introductory period, the tenancy will automatically convert to a secure tenancy at the end of the trial period. We will confirm this in writing. Where issues arise, we will work with tenants to provide support and give them the opportunity to put things right where possible.

In circumstances where an individual lacks the mental capacity to enter into a new tenancy agreement, the tenancy may only be granted if there is an appropriate legally authorised person who can sign on their behalf, such as an Attorney under a Property and Financial Affairs Lasting Power of Attorney, or a Court appointed Deputy.

Where a tenancy is transferred through statutory succession, the successor's mental capacity is not relevant to the validity of the succession, as this occurs automatically in law. However, appropriate support and safeguarding considerations will be applied where necessary.

How the Council can end your Introductory Tenancy

Reading Borough Council may service a Notice of Possession, in accordance with the Housing Act 1996 (as amended). This sets out the reasons why we intend to go to court to seek possession and end your tenancy. Tenants have the right to request a review of the decision, which needs to be within the timescale stated in the written notice.

Secure tenancies

A secure (lifetime) tenancy is the main type of tenancy issued by Reading Borough Council. Secure tenants can live in their home permanently providing the terms of the tenancy are not breached.

Secure tenancies will also be granted in the following circumstances:

- Where an existing secure or assured tenant chooses to transfer to a Reading Borough Council social rented home, or because they need to move due to redevelopment works.
- Existing Reading Borough Council tenants who apply to succeed to a tenancy (and meet the legislative and RBC policy criteria) will 'inherit' the existing secure tenancy.
- Where an existing secure or assured tenant must move due to domestic abuse. This would apply to a sole tenant that had lost their security of tenure by leaving the home due to domestic abuse, or to a joint tenant, where security of tenure had been lost by the tenancy being terminated subject to appropriate evidence and safeguarding considerations.
- At the end of any introductory tenancy period, the tenancy will become a secure tenancy unless the Council has gained possession of the dwelling or is in the process of doing so.

The rights and responsibilities of secure tenants are set out in the Tenancy Agreement.

How the Council can end your Secure Tenancy

Reading Borough Council may seek possession of a secure tenancy where tenancy conditions have been breached. Where this is necessary, we will apply to the court for a Possession Order and follow due legal process. The Council may seek such an

order on any of the statutory grounds for possession set out in schedule 2 of the Housing Act 1985 (as amended).

5. Joint tenancies

Joint tenancies may be granted where both applicants are eligible for housing as defined by legislation. The tenancies listed above could be granted on a joint tenancy basis. The terms on which joint tenancies are granted are set out in the Housing Allocations Scheme (Section 19.1).

6. Major repairs (known as decants) or demolition

In certain circumstances tenants may need to move temporarily where major repairs or improvements are required that cannot be safely carried out while the property is occupied. In these situations, tenants will be moved to suitable temporary accommodation and will normally return to their home once the work is complete, retaining their original tenancy throughout.

In the case of repairs or improvements, if we move you to a temporary alternative property, you must return to your permanent property when we have completed the repairs. In this situation we will offer you a Decant agreement whilst occupying the temporary home. Further details can be found in our Decant Policy.

If your home must be demolished, we will offer you another suitable home. You may also be entitled to a home loss payment under the Land Compensation Act 1973 (s29).

7. Assignment and Mutual Exchange

An assignment is a legal process where a tenancy is 'transferred' to someone else.

Under section 91 of the Housing Act 1985 (as amended), assignments are granted under the following three grounds:

1. Assignment by way of exchange (mutual exchange)
2. Assignment to someone who would be eligible to succeed the tenancy on the tenant's death.
3. Where a court makes an order ordering that a sole or joint tenancy be transferred to one party, for example, in connection with matrimonial or civil partnership proceedings.

Assigning your tenancy to a person who would qualify to succeed to the tenancy on your death means that there will no further right to succession upon the death of the tenant to whom the tenancy has been assigned.

Council tenants can exchange their homes (referred to as a Mutual Exchange) with another council tenant, or another tenant of an approved landlord, in specific circumstances subject to consent.

Introductory tenants do not have the right to mutually exchange but may be able to assign (transfer) the tenancy to a person who would qualify to succeed to the tenancy on the death of the tenant, in some circumstances.

Secure Tenancies

Secure tenants may be able to assign (transfer) the tenancy to a person who would qualify to succeed to the tenancy on the death of the tenant or by mutual exchange of the property, subject to approval.

Permission

Tenants must request written permission from Reading Borough Council before assigning a tenancy.

The Council can refuse permission to assign a tenancy under the grounds set out in schedule 3 to the Housing Act 1985 or in schedule 14 to the Localism Act 2011, which includes, but is not limited to, the following circumstances:

- a) The Council has started possession proceedings against you. This includes serving the tenant with a Notice of Seeking Possession.
- b) The property has been adapted for a person with disabilities and there would no longer be a person with disabilities living there.
- c) The size of the property is not reasonably suitable to the needs of the proposed assignee and their household.
- d) Consideration will be given to whether the tenant intends to occupy the property as their principal residence.
- e) Consideration will be given to whether the proposed assignee satisfies the eligibility requirements for inclusion on the housing register.
- f) If the council has reason to believe that the tenant is making the request under undue pressure or against their best interests., The Council will take appropriate steps to investigate and safeguard the tenant's rights and welfare in these instances.

8. Succession

Succession is the legal process where a tenancy may pass to another person following the death of a tenant.

Introductory tenants may only be succeeded by someone who would have been eligible for succession, and the new tenancy will also be an introductory tenancy. If someone succeeds to the Introductory tenancy and that tenancy later becomes a Secure tenancy, there will be no further succession rights to that Secure tenancy.

Secure tenancy succession depends on when the tenancy was granted and who is eligible under legislation.

If the secure tenancy was granted **before 1st April 2012** the following family members can succeed in the following circumstances:

- The spouse or civil partner – as long as they were occupying the property as their only or principal home at the time of the tenant's death.
- A member of the tenant's family (which includes cohabitees) – as long as they were occupying the property as their only or principal home at the time of the tenant's death and had resided with the tenant for a period of at least 12 months ending with the tenant's death. Please note this is succession to the tenancy, not necessarily the property.

For Secure tenancies granted on or **after 1st April 2012** the following categories of people can succeed in the following circumstances:

- The spouse, civil partner or cohabitee can succeed to the tenancy as long as they were occupying the property as their only or principal home at the time of the tenant's death.
- On the death of a Joint secure tenant, the surviving Joint secure tenant will become the Sole secure tenant through survivorship. This will be classed as a succession.

There can only be one succession to an Introductory and/or Secure tenancy.

In respect of both Introductory and Secure tenancies, if the property is larger than that reasonably required by the family member succeeding to the tenancy, Reading Borough Council will ask the successor to move to alternative accommodation which is of a size that they reasonably require. If they refuse and/or fail to do so, the Council can take legal action against them. This does not apply to succession by a spouse or civil partner.

9. Approach to Tenancy Management

Reading Borough Council has over 6,500 social rented properties and is committed to ensuring that tenants are well informed about their rights, responsibilities and how to access services. A wide range of information is available to our tenants including information on the website and regular newsletters.

New tenants are advised of expectations at the outset, and early visits are carried out to ensure tenants are supported, and settled into their new home, provided with detailed information on available services, and ensure they understand their responsibilities as tenants.

A tenancy breach may occur when a condition of the tenancy agreement is broken. In all cases our tenants are expected to comply with their tenancy conditions and to engage constructively with the Council, as the landlord, and their neighbours, to prevent and resolve tenancy related concerns. Tenants can refer to detailed guidance on each of these tenancy conditions within their Tenancy agreement.

The Council has a Policy and Procedures on Anti-Social Behaviour and Hate Incidents. We work with the Police and other agencies as a core element of the service's response. This is underpinned with a three-pronged approach of prevention, intervention and enforcement to protect our tenants and foster safe connected communities.

Tenants are informed of the issues which affect them, their homes and their communities, and the Council strives to ensure tenants have a proper say in decision making. Our Tenant Engagement Strategy sets out how we engage with our tenants and what we aim to achieve through this engagement. Our goal is to ensure tenants can share their views and be involved in shaping services, trusting that they can influence decisions about their homes and communities. The strategy sets out the various ways our tenants can get involved to help improve service delivery and foster a culture where tenants feel listened to and respected.

10. Tenancy Sustainment, Vulnerable Households and Preventing Unnecessary Evictions

Every effort is made to support our tenants to sustain their tenancies.

We will provide prospective tenants with essential tenancy information through a structured pre-tenancy process, including access to a pre-tenancy questionnaire and a series of information videos. These resources are designed to clearly communicate key aspects of the tenancy agreement, responsibilities, and available support, ensuring tenants are well-informed and know what to expect prior to signing their tenancy.

Throughout their tenancies, Reading Borough Council will provide ongoing support, including working closely with support workers, assisting tenants to manage their finances through providing access to benefit support, financial advice, energy support and money advice if required. We work closely (on a case-by-case approach) with colleagues in Social Services (Occupational Therapists, Social Workers and Children's Services) and Community Mental Health to identify concerns and agree an appropriate and joined-up course of action where needed, and make referrals to external agencies as appropriate.

We recognise that some tenants may need additional support to access our services. Our Tenant Accessibility Policy sets out how we seek to meet the specific needs of vulnerable tenants, ensuring they receive the appropriate support and adjustments that they need to sustain their tenancies.

Ending a tenancy and seeking possession for a breach of tenancy conditions is always a last resort and is only ever considered after all available support has been offered but has been declined or failed. Once possession is being pursued, support will continue to be offered. Throughout possession proceedings tenants are clearly advised of the seriousness of the situation and of their legal rights.

11. Preventing and tackling Tenancy Fraud

Reading Borough Council takes tenancy fraud seriously. Fraud can result in the unlawful occupation of Council housing, and reduces the availability of homes for legitimate applicants, resulting in them staying in costly temporary accommodation and/or unsuitable housing.

Verification checks are completed when an applicant applies to join the housing register and again at the point of an offer of accommodation. Providing false information or failing to disclose relevant information is an offence under Section 171 of the Housing Act 1996. Information disclosed in applications can be subject to cross departmental verification with our Corporate Investigations Team.

A range of tools and robust processes are in place to identify tenancy fraud, including a fraud hotline (www.Reading.gov.uk/report-a-fraud), regular tenancy

checks (including via a rolling programme of Tenancy Audit Visits) ensuring tenants understand the responsibilities of their tenancy and raising awareness amongst tenants and the community (through newsletters and articles), as well as cross department working with Legal Services, the Corporate Investigation Team and the Council Tax team to investigate reports of tenancy fraud and participating in the National Fraud Initiative (NFI) data matching exercise. The data held by us in respect of our tenancies will be used for cross-system and cross-authority comparison purposes for the prevention and detection of fraud where requested.

Tenancy fraud can result in both criminal prosecution, fines and civil legal action being taken against tenants. The Council can take legal action to end the tenancy, including if the tenant (or somebody acting on their behalf) has been found to have made a statement they know is false or gives us misleading information to obtain a tenancy.

12. Exceptional Circumstances

There may be limited exceptional circumstances when the Director responsible for Housing or duly delegated persons, may exercise discretion in relation to the Tenancy Policy.

Any decision to do so would consider all relevant circumstances, including the demand for, and supply of, accommodation and the general housing circumstances within Reading.

13. Communication

Effective communication is essential to managing tenancy breaches and maintaining good relationships between tenants and Reading Borough Council as the landlord. Reading Borough Council is committed to:

- **Clear Information:** Providing tenants with accessible information about their responsibilities under the tenancy agreement, and how to report concerns.
- **Responsive Contact:** Acknowledging complaints regarding tenancy breaches promptly and keeping complainants informed of the progress and outcomes of investigations.
- **Neutral and Respectful Dialogue:** Ensuring all communications with tenants are handled impartially, respectfully, and confidentially.
- **Engagement:** Encouraging open dialogue and, where appropriate, facilitating mediation between parties to resolve any disputes amicably.

- **Staff Communication:** Ensuring all staff involved in tenancy management are kept informed of procedures and updates to policy.
- **Multi-Agency Coordination:** Communicating effectively with internal and external agencies such as Environmental Health, the police, and social services when their involvement is required.
- **Feedback Mechanisms:** Providing tenants with opportunities to influence and give feedback on how their tenancies are managed to support continuous service improvement.

This policy is accessible to all tenants, as well as Reading Borough Council (RBC) staff, and stakeholders via the Reading Borough Council website and will be updated to reflect any changes.

14. Equality, Diversity and Inclusion

Reading Borough Council is committed to ensuring equal and fair access to our services by considering the individual needs of our tenants, their families, and other members of their household. Whilst working with tenants we will consider these needs and make reasonable adjustments where necessary. We will always treat people with fairness, dignity, and respect.

This policy will be implemented in a way that:

- **Treats all tenants fairly and without discrimination** on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other protected characteristic.
- **Recognises and respects the diverse needs** of tenants, ensuring communication and support are accessible to everyone, including those with language barriers, disabilities, or other vulnerabilities.
- **Ensures reasonable adjustments** are made to accommodate tenants with specific needs or disabilities in relation to tenancy breach investigations and interventions.
- **Provides equal access** to complaint reporting mechanisms and support services for all tenants.
- **Promotes cultural awareness and sensitivity** among housing management staff to support positive and respectful interactions.
- **Monitors and reviews** the policy's impact on different tenant groups to ensure it does not disproportionately affect any particular community.

All our staff are regularly trained in Equality, Diversity, and Inclusion to help them understand when and where we may need to adapt our standard policies, procedures, and working practices to accommodate the unique needs of our tenants.

Our policies set out how we seek to meet the specific needs of vulnerable tenants, ensuring they receive the appropriate support and adjustments that they need to sustain their tenancies.

15. Complaints

Reading Borough Council is committed to handling complaints fairly, promptly, and effectively. We use complaints, comments, and compliments, to help us review and improve our services.

If a tenant has a complaint about any policy or procedure this can be raised through the Council's Complaints Procedure. Further information, including how to make a complaint, is available via the Council's complaints process, linked below.

[Housing complaints procedure - Reading Borough Council](#)

16. Reasonable Adjustments

Reading Borough Council is committed to ensuring that all tenants, including those with disabilities or specific needs, can fully access and benefit from this policy.

To achieve this, we will:

- **Identify and respond to individual needs** by offering reasonable adjustments in communication, investigation, and resolution of tenancy breaches.
- **Provide information in accessible formats** such as Braille, audio, or translated versions, depending on tenant requirements.
- **Offer alternative methods of communication**, including email, text message, or face-to-face meetings, to suit the preferences and needs of tenants.
- **Adjust appointment times or locations** to accommodate tenants with mobility, health, or caregiving needs.
- **Work closely with support workers, advocates, or family members** where tenants require this assistance to facilitate a move.
- Ensure appropriate sensitivity and tailored support when dealing with tenants with **health conditions or disabilities**.
- **Train staff** to recognise and respond appropriately to requests for reasonable adjustments in relation to tenancy management issues.

17. Links to other Policies

- [Allocations-Scheme-2026-final.pdf](#)
- [Antisocial Behaviour and Hate Incident Policy - Reading Borough Council](#)

- Tenant Accessibility and Vulnerability Policy
- Tenant Engagement Strategy 2025 - 2030

18. Implementation and review

This policy will be reviewed every two years, or when there are changes to best practice or statutory requirements, to ensure the policy achieves its objectives and continuously improve services and performance.

It is the responsibility of the Housing and Estate Service Service Manager to ensure that implementation of the Tenancy Policy is monitored. All staff involved in Tenancy matters have the responsibility to read, understand and implement this policy.