

**ROTHERHAM METROPOLITAN  
BOROUGH COUNCIL'S STRATEGIC  
TENANCY POLICY 2025 - 2030**

<b>1</b>	<b>INTRODUCTION</b>	Page 3
<b>2</b>	<b>BACKGROUND</b>	Page 3
<b>3</b>	<b>LOCAL STRATEGIC CONTEXT</b>	Page 4
<b>4</b>	<b>HOUSING IN ROTHERHAM</b>	Page 4
<b>5</b>	<b>THE USE OF FIXED TERM/FLEXIBLE TENANCIES</b>	Page 5
5.1	Type of tenancies issued by RMBC	
5.2	Larger family homes	
5.3	Adapted properties	
5.4	Individuals who do not have indefinite leave to remain but can still receive social housing	
5.5	Issuing fixed term tenancies	
5.6	Granting a further tenancy	
5.7	Mutual exchanges	
5.8	Existing tenants transferring to adapted properties or larger family homes	
5.9	Tenants fleeing domestic abuse	
<b>6</b>	<b>APPEALS AND MONITORING</b>	Page 9
6.1	Complaints	
6.2	Monitoring	
<b>7</b>	<b>EQUALITIES</b>	Page 9
<b>8</b>	<b>CONSULTATION</b>	Page 9

## **1 INTRODUCTION**

Rotherham Metropolitan Borough Council (RMBC) is committed to improving access to suitable accommodation. The Council tries to make the best use of its housing stock and ensures that vulnerable tenants live in suitable accommodation. This Strategic Tenancy Policy sets out how the Council will continue to achieve these outcomes.

There are significant changes taking place in social housing policy and this document underpins the basis for the changes which the Council will implement and gives guidance to registered provider partners who are active in the borough.

This Tenancy Strategy has been drawn up in consultation with our registered provider partners, stakeholder organisations, elected members, tenants and residents, and community groups.

## **2 BACKGROUND**

The Localism Act 2011 introduced flexibilities which allow registered providers (including local authorities and registered social landlords) increased flexibility in the way they allocate and provide tenancies.

This document sets out Rotherham Metropolitan Borough Council's position in relation to its housing tenancy agreements, and guidance to which registered provider partners should have 'due regard,' in relation to:

- The types of tenancies granted across the Borough.
- The length of fixed term tenancies, when used.
- Circumstances under which a further fixed term tenancy will be issued.
- Circumstances under which a permanent secure tenancy will be issued at the end of a fixed term tenancy.
- The impact fixed term tenancies will have on mutual exchange.

The majority of tenancies issued by social landlords are either assured tenancies, issued by registered social landlords, or periodic (also known as lifetime) tenancies, issued by local authorities. Provided that the tenancy conditions are met, these two types of tenancy provide long term security of tenure to social housing tenants. Nonetheless, households needs and circumstances change over time and the immediate need which informed the original allocation of a property may not be relevant in the future.

This tenancy strategy has been written in a way to ensure that it is flexible enough to meet the challenge of making the best use of valuable council housing whilst continuing to support sustainable communities.

## **3 LOCAL STRATEGIC CONTEXT**

Rotherham's Strategic Tenancy Policy has been developed within the context of the Borough Council's overarching strategic objectives for housing, as set out in:

- Rotherham's Neighbourhood Strategy, 2018 – 2025
  - People from different backgrounds have the chance to interact.
  - Vulnerable people are protected.
- Rotherham's Housing Strategy, 2022 - 2025:
  - Priority 5 - Supporting people to live independently.

## 4 HOUSING IN ROTHERHAM

The Council owns and manages a housing stock of 19,936 of which 38% are 3 bedroomed houses.

	Bungalows	Bedsits	Flats	Houses	Maisonettes
Total	4,818	76	5,124	9,707	211
%	24.17%	0.38%	25.7%	48.69%	1.06%

In addition, there are approximately 5,000 homes owned and managed by registered providers of social housing in Rotherham.

There are currently over 7,000 people on the Housing Register in Rotherham. The register includes people already in council housing wishing to move as well as new applicants. Demand outstrips supply and there are particular shortages of four bedroomed houses, bungalows, and adapted properties.

## 5 THE USE OF FIXED TERM/FLEXIBLE TENANCIES

Supporting sustainable neighbourhoods is a key priority for Rotherham. The Council's policy is that secure and assured tenancies should remain the norm for the great majority of social housing tenants. Large scale use of fixed term tenancies would promote transience and undermine neighbourhood sustainability. For this reason, the widespread use of fixed term tenancies would not be welcome in Rotherham, either for council properties, or for properties owned by Rotherham's registered provider partners.

RMBC understands there may be a small number of specific instances when a fixed term tenancy could be an appropriate tool with which to manage housing more effectively and alleviate some of the pressure on the stock of Rotherham's social housing. Should a registered provider adopt a policy to issue fixed term tenancies, it is anticipated that RMBC is notified of the reasoning, length of term, and number of properties to which the decision relates.

### 5.1 The types of tenancies granted by RMBC

This Council favours the use of periodic (lifetime) or 'long term' tenancies and currently issues 4 types of tenancy agreement:

- a) 12-month introductory tenancies to new housing tenants.
- b) Periodic, lifetime tenancies to existing tenants who:
  - transfer/downsize, and
  - who have satisfactorily seen out the period of their introductory tenancy

without incident or breach of tenancy conditions.

- c) Demoted tenancies which are created when Court makes a demotion order against a tenant with a fixed term or periodic tenancy agreement; demoted tenancies are used to manage antisocial behaviour and offer similar rights to an introductory tenancy.
- d) Fixed term tenancies, sometimes referred to as flexible tenancies.

There are three circumstances in which the Council may grant a fixed term tenancy to new tenants. These are set out in the following sections.

Fixed term tenancies help ensure people move to a suitable property when they no longer require a larger or adapted council house, freeing up suitable properties to enable the Council to continue to meet the needs of overcrowded families and families with a disabled household member, in priority need. Additionally, for those who do not have indefinite leave to remain, their fixed term tenancy will be reviewed in line with their immigration status.

New RMBC tenants are initially issued with the standard, one-year introductory tenancy which automatically becomes a secure tenancy agreement, unless RMBC has taken action to extend or end the introductory tenancy. Fixed term tenancies were introduced to reduce the number of larger, family homes which were occupied by just one tenant and help the Council to rehouse a number of families in the Borough who were statutorily overcrowded.

## **5.2 Larger family homes**

Fixed term tenancies will be granted to families who require larger family homes (4 or more bedrooms).

The length of the fixed term tenancies issued to new tenants of larger family homes is determined by the age of the youngest members of the household, with the intention of supporting families until the youngest members of the household reach the age of 21. For example, a family whose youngest household member is 5 years old would be issued with a tenancy which would expire when that young person reaches 21 years of age; therefore, a 16-year fixed term tenancy would be issued.

The property will remain their home until that property size is no longer needed. The assumption is that the household size is likely to decrease over time, as non-dependent children leave the family home, and it is important that we ensure that family homes are prioritised for families with children who may have greater housing needs.

If circumstances within the household change and a family size property is no longer needed, the household will be given priority to bid for suitable accommodation for which they will be issued a periodic (lifetime) tenancy.

## **5.3 Adapted properties.**

Existing housing legislation already provides for social housing landlords to rehouse tenants who live in adapted properties if the household no longer needs the

adaptations. This legislation is not used by the Council as moving a family from their home when they may have recently lost the member of the household for whom the adaptations were needed, is at odds with the Council acting as a responsible and compassionate landlord.

However, the Council does not wish to see adapted properties occupied by able-bodied households when there are a number of families who are known to the Council, and desperately need specialised, adapted accommodation.

The introduction of fixed term tenancies to new tenants of adapted properties will ensure that tenants understand, from the outset of their tenancy, that the adapted property will remain their home while the adaptations are needed. Should the time come when the adaptations are no longer needed, the household will be given priority to bid for suitable accommodation for which they will be issued a periodic (lifetime) tenancy.

The length of fixed term tenancies issued to households with a disabled family member will be 5 years. As with the tenancies for larger family homes, there will be three options at the point of review – the tenancy will cease, the tenancy will be renewed, or the household will be issued a periodic tenancy for an alternative property which better suits the household's needs.

#### **5.4 Individuals who do not have indefinite leave to remain but can still receive social housing.**

The Allocation of Housing and Homelessness (Eligibility) Regulations 2006 permits individuals who do not have indefinite leave to be eligible for allocation of social housing accommodation in certain circumstances.

The length of a fixed-term tenancy will depend on individual circumstances and will be reviewed in-line with their immigration status. The tenant will be made aware of this from the start of their tenancy.

If an individual's immigration status changes and they are granted indefinite leave to remain, they will be eligible for a periodic, lifetime tenancy. This transition reflects their new status and acknowledges their right to reside permanently in the UK.

The length of a fixed-term tenancy will depend on individual circumstances and will be reviewed in-line with their immigration status, which will be checked at Tenancy Verification visits. As with fixed term tenancies issued to larger families, or adapted properties, there will be three options at the point of review – either the tenancy will cease, the tenancy will be renewed, or the household will be issued a periodic tenancy for the property they are currently living in.

#### **5.5 Issuing of fixed term tenancies**

Where the fixed term tenancy relates to the property type, the fixed term offer should be made explicit in the advertisement for the property, so applicants are aware prior to bidding. Where the fixed term tenancy relates to the household characteristics, the

fixed term offer should be made explicit by the Council when the applicant applies for rehousing.

## **5.6 Granting a further tenancy**

Twelve months before the fixed term tenancy is due to expire, a review is to be carried out to determine the household's future housing need:

a) **Fixed term tenancies issued to families in larger family homes.**

If younger members of the household have secured alternative accommodation the fixed term tenancy ceases, and the tenants will be offered a periodic tenancy for a property which better suits the needs and size of the household.

If the household remains unchanged tenants are offered another, shorter, fixed term tenancy of 3 years.

b) **Fixed term tenancies issued to families with a disabled household member.** If the household remains unchanged the tenants will be offered another fixed term tenancy for five years.

If the household does not qualify for tenancy renewal and does not wish to move to a more suitable property, notices will be served, the fixed term tenancy will end, and the family will find alternative accommodation independently.

c) **Fixed term tenancies to individuals who do not have indefinite leave to remain but can still receive social housing.**

If an individual's immigration status changes and they are granted indefinite leave to remain, they will be eligible for a periodic, lifetime tenancy. This transition reflects their new status and acknowledges their right to reside permanently in the UK.

## **5.7 Mutual Exchanges**

Mutual exchanges involving a tenant, who has a fixed term tenancy agreement, operate differently from exchanges between tenants who both hold periodic tenancy agreements.

Ordinarily, where there is a mutual exchange of properties, the tenancy issued remains with each property and is 'inherited' by the new occupant. In the case of a tenant with a periodic tenancy exchanging with a tenant of a fixed term tenancy, both parties will be issued with a periodic tenancy, assuming both sets of tenants meet the Council's qualification criteria.

Mutual Exchanges are processed in accordance with the legislative changes relating to the Localism Act, 2011.

## **5.8 Existing tenants transferring to adapted properties or larger family homes.**

Fixed term tenancies should be issued to new Council tenants only. Where an existing tenant transfers to a larger family home or an adapted property, the tenant should be issued with the same tenancy type which they held for their previous property.

## **5.9 Tenants fleeing domestic abuse.**

The Domestic Abuse Act received Royal Assent in April 2021. In November 2021 secure tenancy provision for those fleeing domestic abuse was brought into force under S.81ZA Housing Act 1985.

The secure tenancy provision in the Act (s.79) ensures that, where the Council grants a new tenancy to a victim who has or had a lifetime tenancy (whether with a local authority or housing association landlord), the new tenancy must also be a lifetime tenancy if:

- The local authority is satisfied that the person is or was a victim of domestic abuse, and
- The new tenancy is granted for reasons connected with that abuse.

The provision also protects victims of domestic abuse who have a joint lifetime tenancy and wish to remain in their local authority home after the perpetrator has left. It will ensure that, where a local authority decides to grant a new sole tenancy to the victim in connection with that abuse, it must be a further lifetime tenancy.

# **6 APPEAL AND MONITORING**

## **6.1 Appeals**

The Government introduced a procedure to review decisions relating to fixed term tenancies. There are only two circumstances in which a review can take place:

- a) An application can be made asking for a review of the length of tenancy offered but only if it does not comply with the Council's tenancy policy, or
- b) An application is made for a review if, at the end of the fixed term tenancy, the Council refuses to grant a further tenancy.

Full details of the review process are given to tenants when they are served with a notice granting, or ending, their fixed term tenancy.

## **6.2 Monitoring**

The Council is committed to monitoring the impact of the use of fixed term tenancies. In conjunction with the affected household, the Council will seek to understand:

- Whether the fixed term tenancy has affected commitment to the area
- The Council's ability to offer periodic tenancies when the fixed term tenancy expires.



- The outcome of the review and tenants' satisfaction with process  
Detrimental impact on groups with protected characteristics (via Equalities Impact Assessment)

As of January 2021, none of the 73 fixed term tenancies issued have come to an end so the review process has not been tested. By 2030, at least 19 of those tenancies will have been reviewed.

Monitoring information will be shared at Senior Management Team in 2030 when an adequate number of reviews will have taken place to give a reasonable picture of the impact and outcomes of issuing fixed term tenancies.

## **7 EQUALITIES**

An Equality Impact Assessment has been completed as part of the Allocations Policy Review.

## **8 CONSULTATION**

Consultation has taken place in 2025, as part of a wider review of the Council's Housing Allocation Policy.

Amendment	Reason	Authorised
06.07.21 Inserted paragraphs: <ul style="list-style-type: none"> <li>• 5.6, and</li> <li>• 5.7</li> </ul>	To give clarity that FTTs apply to new tenants of the Council, not existing tenants who move to (become new tenants of) 4+ bed/adapted properties, and to capture legislative changes brought about by the Domestic Abuse Act.	Interim AD, Housing informed and briefing note for Cabinet Member for Housing,
17.12.2024 Inserted paragraphs or alterations to: <ul style="list-style-type: none"> <li>• 2</li> <li>• 3.2</li> <li>• 4</li> <li>• 5.1</li> <li>• 5.2</li> <li>• 5.3</li> <li>• 5.4</li> <li>• 5.5</li> <li>• 5.6</li> <li>• 5.7</li> <li>• 5.8</li> <li>• 5.9</li> <li>• 5.10</li> </ul>	We have refreshed several elements of the policy to ensure that it aligns with the latest legislation, reflects the local context, and incorporates the most current data, all while the policy review process was already underway.  Additionally, new criteria for granting fixed-term tenancies have been introduced to align with the review of the Allocations Policy.	