

Joint Tenancy Policy

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JOINT TENANCY POLICY

1. Introduction

The purpose of this policy is to set out the criteria for qualifying for a joint tenancy. The attached procedures outline the process for dealing with joint tenancy requests.

2. Legislation, regulation and guidance

This policy adheres to all legal, regulatory and statutory guidance, in particular:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Matrimonial homes (Family Protection(Scotland)) Act 1981
- Civil Partnerships Act 2004

3. Organisational Values

Our Vision:

"We will provide excellent quality affordable and efficient homes in neighbourhoods that are well managed and maintained; we will contribute to sustaining communities where people feel safe and want to live by providing housing and other services and working with our voluntary and statutory partners."

Our Values:

Our Core Values are:

We Will

- Invest and Support

We will be

- Engaged and Responsive
- Accountable and Compliant
- Fair and Approachable

- Efficient and Responsible
- Excellent and Committed

3. Right to a Joint Tenancy

Tenants have a right to hold a joint tenancy with one or more individuals so long as the house is or is intended to be the only or principal home of the individual(s) and has been for at least 12 months. Written notification of this must have been received and acknowledged

4. Qualifying Criteria

Written Application

Tenants must confirm in writing their request to hold a joint tenancy, providing details of the person or persons they wish to hold a joint tenancy with including names, and relationship to them. The property must have been the proposed joint tenant's only or principal home for at least 12 months. No application will be considered unless written notification has been received and acknowledged at least 12 months from the date of application.

Membership

Prospective joint tenants must also apply for joint membership of Rosehill which must be approved before the joint tenancy can be created.

Membership is not granted on an individual basis. Rosehill's rules only allow one member per household. Therefore the membership is jointly held, with the first named member/tenant having the authority to vote on decisions relating to Rosehill's business.

Number of Joint Tenants

The number of joint tenants is limited only to the maximum amount of people allowed to live in the house as per the tenancy conditions.

Number of Requests for a Joint Tenancy

There are no limits to the number of times a joint tenancy can be requested and created. This allows a flexible response to the changing needs of tenants.

Grounds for Refusal

Rosehill must grant a request for a joint tenancy unless it has reasonable grounds for not doing so. Rosehill would refuse such a request on the following grounds:

1. If this would result in the house becoming overcrowded.
2. If this would result in the number of joint tenants exceeding the maximum number of occupants allowed in the house as per the tenancy conditions.
3. If the person(s) does not intend to live in the house as their only or principal home or the house is not their only or principal home.
4. If the joint membership has been refused under the terms of the Membership Policy.
5. If Rosehill has served a Notice of Proceedings for Possession on the existing tenant on any of the seven conduct grounds e.g. failure to pay rent.
6. If Rosehill has been granted an order for recovery of possession of the house against the tenant.
7. **Rosehill has not received and acknowledged residency of the proposed joint tenant at least 12 months prior to the application.**

5. Appeals Process

Rosehill operates an internal appeals process for dealing with any disputes which may arise regarding a decision made by Rosehill. If tenants are still unhappy with the outcome Rosehill has a full complaints process, copies of which are available upon request at our office or from our website www.rosehillhousing.co.uk Throughout this process tenants may wish to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

6. Equality and Diversity

We are committed to providing fair and equal treatment for all our staff and customers including tenants and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. In implementing this policy we will positively endeavour to achieve fair outcomes for all.

7. Data Protection

7.1 On the 25th May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR).

7.2 We hold a variety of Personal Data relating to individuals including tenants, waiting list applicants, factored owners, other service users, employees and Committee Members. Our Privacy Policy sets out the basis on which we can process and share such data with third parties, it also sets out how we will securely store individuals' data, whether electronically or in paper format. It

also provides information on individuals' rights under GDPR including: to view personal data held about them by us; to request a restriction of processing of their data; the right to be forgotten and a right to object to us processing their data. In terms of the rights to be forgotten and to restrict or object to processing of Personal Data, any such requests will require to be considered on their own merits and legal advice will need to be obtained in some circumstances. We have the responsibility for accepting or refusing such requests and will do so in writing.

7.3 Under GDPR we are required to provide all customers whose Personal Data we hold with a Fair Processing Notice (also known as a Privacy Notice). The Notice sets out the Personal Data we process and the basis for doing so.

7.4 We will only keep and process Personal Data for the original purpose we gathered it for and we will not keep it for any longer than necessary. Attached to our Privacy Policy is a table of Retention Periods for Personal Data held and processed by us. We recognise that not all Personal Data can be processed and kept for the same period of time, and this will vary depending on the individual circumstances of each person whose Personal Data we hold.

7.5 The Privacy Policy sets out what should happen in the event of a Data breach e.g. does the breach require reporting to the Information

Commissioner's Office and whether the individual affected should be notified. Timescales are set out for dealing with data breaches.

- 7.6 Full copies of our Privacy Policy are available upon request at our office or from our website www.rosehillhousing.co.uk

9. Complaints

We aim to get things right first time and provide a good quality service to our tenants. However, we acknowledge that things can go wrong and that some tenants may be unhappy with the service provided.

We promote our Complaints procedure through our website and periodic articles in our newsletters. In addition we initially issued all of our tenants with a copy of the new Procedure introduced in October 2012. This information leaflet is also issued to all new tenants as part of the signing up pack.

10. Tenant Participation

We are a tenant focussed organisation and as such we are committed to involving tenants in all aspects of our work and ensuring that tenants are included, informed and consulted about decisions that have an impact on the way their homes are managed.

As part of this commitment we will involve our tenants in the development of our policies and seek feedback where appropriate. We will ensure that any significant changes to this Policy and other Policies which will affect our tenants will be the subject of consultation.

11. Risk Management

In all the key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our "Top 5" risks which are regularly monitored by our Management Team and Audit Sub-Committee.

Key to the mitigation of the risks associated with tenancy management issues and the subsequent impact on the reputation of the co-operative and possible

litigation risk is having a comprehensive policy in place to govern the management of tenancy issues.

12. Policy Review

This Policy will be reviewed at least every five years or sooner to ensure it continues to reflect current thinking and practice and to comply with legislative requirements and regulatory guidance.

Any tenant wanting to get involved with the review of any Rosehill policy can do so. Further details of this can be found in our Tenant Participation Strategy. Copies of this are available in our office or online at www.rosehillhousing.co.uk