

FORTH HOUSING ASSOCIATION LIMITED

JOINT TENANCY POLICY

Governance: Housing Management

Code: HM 31

Approval: February 2023

Review Date: February 2026

Cross Reference: HM 03 Allocations



This document can be made available in various formats such as in larger print, audio-format and Braille. It can also be made available in other languages, as appropriate.

Policy Summary

This policy has been developed to show how Forth Housing Association manage joint tenancy requests from tenants.

Equalities

There is no requirement to do a full Equality Impact Assessment.

Privacy

There is no requirement to do a full Privacy Impact Assessment.

Policy Owner

Name: Mareta Greig

Date of Next Review: January 2026

FORTH HOUSING ASSOCIATION LIMITED

Joint Tenancy Policy

1.0 Introduction

- 1.1 The purpose of this policy is to outline Forth's requirement to accept and consider any application from a tenant to have a joint tenancy with someone who is staying with them or intending to stay with them as set out in the *Housing (Scotland) Act 2001* and amended by the *Housing (Scotland) Act 2014*.

2.0 Principles

- 2.1 Joint tenancy describes the process that takes place when a tenant (the principal tenant) requests for another person, over the age of 16, to become jointly responsible for the tenancy. The rights and responsibilities of their tenancy transfer to both parties equally. It is not the formation of a new tenancy, as the other person will jointly take over any problems with the tenancy such as rent arrears.

3.0 Aims and Objectives

- 3.1 The purpose of the Joint Tenancy Policy is to provide guidance to staff and tenants on how a request can be made and the likely outcomes.
- 3.2 The Policy further specifies conditions required to be met in order to obtain permission to add another person onto the tenancy as a joint tenant.
- 3.3 Tenants must comply with our guidelines. Failure to do so could result in enforcement action, which might include court action.

4.0 Policy Framework

- 4.1 The Association's tenants have the right to request a joint tenancy provided that the eligibility criteria are met, and they have the prior written consent of the Association.
- 4.2 A joint tenancy relates to two separate sole applicants i.e. two individuals wishing to enter into this agreement. A joint tenancy does not relate to three individuals i.e. a couple and a single person requesting to be joint parties and ultimately jointly liable.
- 4.3 The Association will ensure that the principal tenant and the person who will become the joint tenant understand the implications of the joint tenancy and of any tenancy problems which may be transferred such as rent arrears.
- 4.4 The Association will consider any application to have a joint tenancy where the tenant has formally applied in writing for permission to do so.
- 4.5 Consent to have a joint tenancy will only be given where it is reasonable to do so in

consideration of the circumstances of the tenant and the proposed joint tenant.

4.6 To add a joint tenant to a tenancy, the person the tenant wishes to add as a joint tenant must have lived at the property as their only or principle home during the 12 months immediately prior to the application to add a joint tenant. We must have been notified in writing of the person living in the property, as the 12 month residency period does not start until we have been notified.

4.7 We will not unreasonably refuse permission to add a joint tenant. Reasonable grounds for refusing permission include the following:

- The 12 month residency period has not been met
- The proposed change would lead to an overcrowding situation;
- A notice has been served on the tenant to recover possession on grounds 1 to 7 of Schedule 2
- The landlord has already obtained an order for recovery of possession against the tenant
- The landlord is intending to carry out work to the property which would affect the occupation of the property
- Where the proposed joint tenant would not be granted a tenancy under the Allocations Policy for reasons such as anti-social behaviour or housing related debt;
- Where the existing tenant has rent arrears and no suitable arrangement is in place for repayment
- Where there is substantial damage or disrepair to the property which has been caused by the tenant, a member of their household or a visitor to the property;

These examples do not in any way alter our general right to refuse permission on reasonable grounds.

5.0 Monitoring of the Policy

5.1 The Management Committee will review this policy at least every 3 years and staff are responsible for ensuring that it meets legal and good practice requirements.

6.0 Complaints and Appeals

6.1 Forth Housing Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The complaints procedure allows for most complaints to be resolved by front line staff within a five day limit (first stage), or if the complaint is complex, a detailed investigation will be made by a manager within a 20 day limit (second stage). At the end of the second stage our response will be made by a director. If the customer remains dissatisfied, he/ she may then refer the matter to the SPSO.

At each stage we will advise the customer how the complaint should be taken forward

and advise which agency would be most appropriate to consider the case.

7.0 Equalities

7.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website www.forthha.org.uk or can be obtained from our office.

8.0 Data Protection - Privacy

8.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

9.0 Availability

9.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

10.0 Review

10.1 This policy will be reviewed at least every 3 years by the Management Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

Appendix 1 Equality Impact Assessment Screening Questions

Forth Housing Association Ltd Equality Impact Assessment Screening Questions

Joint Tenancy

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Disability | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Gender reassignment | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5. Pregnancy and Maternity | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 6. Race | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 7. Religion or belief | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 8. Sex | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 9. Sexual orientation | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment

Appendix 2 Equality Impact Assessment Screening Questions

Forth Housing Association - Privacy Impact Assessment

1. A substantial change to an existing policy, process or system that involves personal information
Yes No
2. A new collection of personal information
Yes No
- 3.. A new way of collecting personal information (for example collecting it online)
Yes No
4. A change in the way personal information is stored or secured
Yes No
5. A change to how sensitive information is managed
Yes No
6. Transferring personal information outside the EEA or using a third-party contractor
Yes No
7. A decision to keep personal information for longer than you have previously
Yes No
8. A new use or disclosure of personal information you already hold
Yes No
9. A change of policy that results in people having less access to information you hold about them
Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications
Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example)
Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.