

Succession Policy

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Monitoring, Auditing and Reporting	<ol style="list-style-type: none"> 1. Succession procedure 2. Succession Case Management on CX 3. 1:1s

1. Scope and Aims

1.1. Succession occurs when a sole tenant dies and an eligible partner or qualifying member of their family takes over the tenancy. Succession also includes when a joint tenant dies and the surviving joint tenant succeeds to the tenancy, known in law as survivorship.

1.2. Hexagon Housing Association (Hexagon) aims to ensure that we:

- 1.2.1. Respond sensitively to residents at a time of grief and loss;
- 1.2.2. Keep the period of uncertainty for remaining household members to a minimum;
- 1.2.3. Make the best and most efficient use of available housing;
- 1.2.4. Detect and prevent fraudulent applications for succession;
- 1.2.5. Have a consistent approach to considering discretionary successions.

2. Equality and Diversity

2.1. Hexagon aims to understand the diverse needs of residents and deliver fair and equitable outcomes under this policy. We commit to considering reasonable adjustments in the delivery of our services to accommodate the diverse needs of residents and their household members.

2.2. Hexagon will take into account the needs of vulnerable household members when granting a discretionary succession.

2.3. This Policy will be enacted in line with our Vulnerable Residents and Reasonable Adjustments Policy and in compliance with our obligations under the Equality Act 2010 and the Regulator of Social Housing's Consumer Regulations.

3. Resident Consultation

3.1. Residents will be consulted on this policy during 2025/2026.

4. Policy Statement

4.1. The policy covers four types of succession:

- 4.1.1. **Survivorship** - where a joint tenant dies the tenancy automatically continues in the surviving tenants' name. The remaining joint

tenant is classified as a successor and there will be no further rights of succession.

- 4.1.2. **Statutory succession** - where succession rights are granted by law. When this occurs, the tenancy does not end and will continue in the name of the successor.
- 4.1.3. **Contractual succession** - where the tenancy agreement provides qualifying persons the right of succession. When this occurs, the tenancy will end, and the successor will be granted a Starter Tenancy.
- 4.1.4. **Discretionary succession** – where there is no succession right, but Hexagon decides to grant a succession. This will be subject to the requirements set out within 6.1.

4.2. The right to succeed a tenancy will depend on:

- 4.2.1. The type of tenancy;
- 4.2.2. The date the tenancy was granted;
- 4.2.3. The terms of the tenancy agreement;
- 4.2.4. The relationship of the applicant to the deceased tenant;
- 4.2.5. How long the applicant has lived in the home. The potential successor must have been in occupation at the deceased tenant's address for twelve months or more prior to their death;
- 4.2.6. Whether there has been a previous succession or assignment.

4.3. For all types of succession, only one person can succeed. Where there is more than one applicant, the potential successors must decide amongst themselves or apply to the county court for a ruling.

4.4. Where a tenant has passed the tenancy to someone else during their lifetime using a Deed of Assignment, this will count as a succession on the death of the tenant. Exceptions to this are where a Deed of Assignment has occurred through a mutual exchange or where a Court Order has instructed it.

5. Applications

5.1. Anyone claiming succession will need to complete an application form within one month of notifying Hexagon of the death of the tenant, provide evidence of their relationship to the deceased tenant, and proof of identity and address

for all household members. We will visit applicants in their homes and carry out credit checks to verify the evidence that is provided.

5.2. We will carry out checks on a remaining joint tenant to confirm they were residing at the address at the time of the deceased tenant's death.

5.3. Our Fraud Policy will be followed if there is evidence that someone is trying to obtain a tenancy fraudulently.

5.4. If someone is not eligible to succeed to a tenancy, we will explain the reasons why and provide details of alternative housing options. Reasonable time will be given to them to vacate the property but, if necessary, legal action will be taken to seek possession.

5.5. When a succession is approved, the successor may be asked to move to alternative accommodation if the property occupied is unsuitable, for example if:

5.5.1. It is too large for the successor's household;

5.5.2. It has adaptations that the successor's household do not need.

5.5.3. The property occupied is supported housing and the successor has no requirement for this form of accommodation.

6. Discretionary succession

6.1. Where there are no rights of succession, Hexagon is under no obligation to offer a spouse, partner, family member, or any other person the tenancy. Hexagon may consider granting a discretionary tenancy in exceptional circumstances, which may be at an alternative property. An example of where this might be the case is when there is no further right of succession and a household member, who has been a primary carer of the deceased, would otherwise qualify for a social housing tenancy.

6.2. When considering a discretionary tenancy, Hexagon will take account of:

6.2.1. The type of tenancy;

6.2.2. Whether the applicant would otherwise qualify for social housing;

6.2.3. How long the applicant has lived in the home;

6.2.4. The person's relationship to the deceased tenant;

6.2.5. The person's housing need;

6.2.6. The person's financial situation;

- 6.2.7. The support needs or vulnerabilities of the applicant and any dependants in the household;
- 6.2.8. The applicant's capacity to sustain a tenancy;
- 6.2.9. Whether there have been any breaches of the tenancy terms including rent arrears.

6.3. The decision on whether to grant a discretionary tenancy will be made by the by the Head of Housing or the Neighbourhoods & Estate Services Manager.

7. Children under 18

- 7.1. Children under the age of 18 may be able to succeed to an equitable tenancy even though they are still a minor. The tenancy will be held on trust by someone until the minor reaches the age of 18 when they will automatically become a tenant.
- 7.2. In addition to the considerations listed in this policy, we will also require evidence of a care and/or support package that has been agreed with social services.
- 7.3. The decision on whether to grant an equitable tenancy will be made by the Head of Housing or the Neighbourhoods & Estate Services Manager.

8. Appeals

- 8.1. If an applicant wishes to challenge a decision on succession, they can do so in writing by email or letter within 14 days of receiving notification that they will not succeed to the property.
- 8.2. The appeal must set out why they feel the decision is not justified. A relevant manager not involved in the original decision will review the decision and will only uphold the appeal if they find that legal requirements or Hexagon's policy criteria are not met. There will be no further right of appeal.

9. Shared Owners

- 9.1. If a shared owner dies and the property is owned jointly, there are two scenarios to consider based on the type of joint ownership:
 - 9.1.1. Joint Tenants: In this case, the survivorship rule applies, meaning the property automatically passes to the surviving owner(s).
 - 9.1.2. Tenants in Common: The property doesn't automatically pass to the surviving owner(s). Instead, it will be transferred to the

deceased owner's beneficiaries named in their Will or according to the rules of intestacy.

- 9.2. The surviving joint tenant will need to provide Hexagon with an original or certified copy of the Death Certificate to update our records accordingly. They may also need to update the Land Registry Title.
- 9.3. For a surviving tenant in common to proceed with the transfer, an Executor or Administrator should be appointed, and a solicitor can assist in completing the necessary documentation.
- 9.4. Hexagon does not require that the beneficiary meets Hexagon's shared ownership eligibility criteria. The beneficiary will assume the role of the deceased shared owner, responsible for shared ownership rent and service charges.
- 9.5. If there is no joint tenant and no one to inherit the equity, then Hexagon will obtain vacant possession and the equity will eventually pass to the Crown under the laws of intestacy. The shared ownership lease should be checked for any clauses relating to these situations and legal advice should be sought.

10. Data Protection

- 10.1. This Policy will be enacted in line with our Data Protection framework, and in line with the UK GDPR and Data Protection Act 2018.
- 10.2. Under this policy, personal data may be collected, processed, and shared in line with our Tenancy Fraud Policy for the detection and prevention of tenancy fraud. A Data Protection Impact Assessment has been completed and approved by the Data Protection Officer.
- 10.3. Under this policy, personal data including ID, proof of address, and credit checks, may be collected for the purpose of determining the right of succession.
- 10.4. The Data Process Owner of the personal data processed under this policy is the Head of Housing. The Data Process Owner is responsible for ensuring that the personal data is processed in line with Hexagon's Data Protection Framework.
- 10.5. If you want more information about how your personal data is processed under this policy, please contact our data protection team at dprotection@hexagon.org.uk or call our office.

11. Legal Framework

11.1. The key legislation for statutory succession is:

11.1.1. Localism Act 2011 – amended succession rights for new tenancies to give the same statutory rights of succession to a married, civil or ‘common law partner’ (including same-sex partners) for both Secure and Assured tenancies starting on or after 1 April 2012.

11.1.2. Housing Act 1985 for Secure tenants

11.1.3. Housing Act 1988 for Assured tenants

11.2. Both Housing Acts were amended by the Civil Partnerships Act 2004 to extend statutory succession rights to same sex couples.

12. Related Hexagon Policies

12.1. Lettings and Allocation Policy

12.2. Mutual Exchange Policy

12.3. Tenancy Fraud Policy

Appendix 1: Equality Impact Assessment

This assessment is completed in compliance with the Equality Act 2010, the Housing Regulator's Transparency, Influence and Accountability Consumer Standard, and Hexagon's Vulnerable Residents and Reasonable Adjustments Policy. Hexagon's Vulnerable Residents and Reasonable Adjustments Policy commits the organisation to understanding the diverse needs of residents and, where there are any barriers to accessing the service or any disproportionate negative impact, considering reasonable adjustments to ensure a fair and equitable outcome for all residents.

Hexagon recognises that responding and reacting to the changing needs of residents requires a willingness to do things differently and find individual solutions to ensure equitable access to our services for all. The following table will propose how we will adjust the service to account for possible requirements of different groups, to help us to prepare for these expected needs. However, we recognise that we cannot anticipate every need and that there is not a one-size-fits-all solution to all needs, so we will continue to be responsive and flexible in adapting to the diverse needs of residents in enacting this policy.

See the Vulnerable Residents and Reasonable Adjustments Policy for examples of Reasonable Adjustments we will consider. When considering what is reasonable, we will take into account: The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the person with a disability; The practicality of us making the adjustments; The availability of our resources, including external assistance and finance; Any disruption to the service that making the adjustment may cause.

Characteristic	Impact	Explanation of Impact	Reasonable Adjustments Considered	Consideration	Decision
Age	None	No impact identified			
Pregnancy/ Maternity	None	No impact identified			
Disability: Physical health and mobility	Positive	Hexagon will take into account the impact of disability on housing need when assessing a Succession application			
Disability: Learning and neurodiversity	Positive	Hexagon will take into account the impact of disability on housing need when assessing a Succession application			
Disability: Vision and hearing	Positive	Hexagon will take into account the impact of disability on housing need when assessing a Succession application			

Disability: Mental health	Positive	Hexagon will take into account the impact of disability on housing need when assessing a Succession application			
Sex	None	No impact identified			
Gender reassignment / Transgender / Non-binary identity	None	No impact identified			
Race or nationality	None	No impact identified			
Religion or belief	None	No impact identified			
Sexual orientation	None	Hexagon will apply the same criteria to same-sex couples and heterosexual couples, including spouses, civil partners, and cohabitants.			
Language	None	Applicants with no or limited English language proficiency may require support to understand this policy and to apply for a succession.	Translation services provided on request as per our Translation Policy	Assessed and agreed in our Translation Policy	Agreed
Literacy	None	Applicants with no or limited literacy may need support to understand this policy and to apply for a succession.	Policy available in "read aloud" format on website We will adhere to a residents preferred communication method during a succession application, in addition to providing information in writing.	Assessed and agreed in our Translation Policy	None

Outcome

Where any negative impact is identified, have changes to the policy or sufficient reasonable adjustments been proposed to mitigate the impact?	
No negative impact identified	
How will the reasonable adjustments be facilitated and communicated to residents?	
As set out in our Translation and Accessible Communications Policy	
What are the arrangements for monitoring and reporting on the impact on residents, the diverse needs of residents using the service, and the implementation of reasonable adjustments?	
At the point of review of this policy, and equality impact assessment will be completed that will assess whether any protected characteristic group is disproportionately over or under represented in being granted or denied a succession.	
Are you satisfied that we have met our duties under the Equality Act 2010 and the Consumer Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name and Job Role:	Louise Williams Head of Housing