

Cheshire West and Chester Council **Housing Management**

Relationship Breakdown Policy

1 MANAGEMENT INFORMATION

Approval Date	28 July 2022
Next Review Date	27 July 2024
Responsible Service Area	Strategic Housing and Commissioning
Responsible Director	Gemma Davies, Director Economy, Housing & Policy

Aim of Policy

This policy applies to all housing management services delivered on behalf of Cheshire West and Chester (CW&C) Council.

This policy outlines ForHousing's approach (on behalf of CW&C) to managing relationship breakdowns, with a focus upon the following key issues:

- Effective and consistent tenancy management to ensure an equitable service is provided and stock use maximised
- Minimising the social impact of relationship breakdown, with particular regard to domestic abuse, the impact on children and other vulnerable family members
- Prevention of homelessness and meeting housing need
- Rights of the Tenant

The purpose of this Policy is to inform CW&C tenants of their housing rights for when a relationship with a partner breaks down, where there is no violence, threatened violence or coercion involved.

The policy also gives guidance on how CW&C joint tenants can deal with conflicts over property rights and what action can be taken by the ForHousing once the tenant and partner have decided on the property issue.

Policy

Legislation, Guidance and Background

Housing Act 1996 (The Act) sets out a framework for the conduct of tenants in order to ensure that both parties knew their rights when signing up for a tenancy agreement.

The Act gave responsibility to the Council to prioritise those in greatest need of housing, based on particular needs they have and on the likelihood of them being able to secure accommodation themselves.

The Homelessness Act 2002 made further provision about the functions of local housing authorities relating to homelessness and the allocation of housing accommodation.

The Homelessness Reduction Act 2017 amends the existing Homelessness legislation in the Housing Act 1996. It places new legal duties on councils to ensure everyone who is homeless or at risk of homelessness has access to meaningful help, irrespective of their priority need, as long as they are eligible for assistance.

Each case will be considered on an individual basis due to the varied and complex circumstances of individual households, which include married and co-habiting couples, households with or without children, and same sex couples.

Both parties will be advised and supported, at the initial enquiry stage and throughout the duration of the case, to seek independent legal advice, and be made aware of the implications of ending their tenancy.

We will follow the relevant legislation. In the case of joint tenants, the legal position is;

- Both parties have equal rights to stay in the home
- Both parties have the right to remain as a joint tenant although they may not be living at the property
- Both parties have the right to hand over (known as voluntarily assignment) their tenancy by deed to the other joint tenant, so ending their own secure tenancy rights and giving the other joint tenant the whole tenancy. The remaining sole tenant will have all the rights and responsibilities of the tenancy including responsibility for payment of the rent and any arrears.
- If divorce proceedings have been started the Court can decide who should have the tenancy. The joint tenants will need to make a request to the court to make a
- Property Adjustment Order. This will determine who will be given the tenancy.
- One tenant can unilaterally end the tenancy by serving the correct notice to quit on the Council, and this will end the tenancy for both parties upon expiry of the notice. Both joint tenants will then have no legal right to stay in the property. The consequence of this will be clearly explained to both parties.

In all cases of relationship breakdown any decision on eligibility for social housing will be made with regard to CW&C Allocation Policy due to the limited number of homes available to applicants. In line with homelessness legislation the Council will not have a duty to rehouse people that are not in priority need.

Where domestic abuse is a feature of the relationship breakdown, the CW&C Anti-Social Behaviour policy alongside appropriate legislation and best practice will be followed to deal with the case.

Where there are children involved the aim will be to accommodate the adult who has custody/residence order for the children. In all cases, advice, support and assistance will be offered to the partner who does not have custody/residence order of the children.

How the Policy will be delivered

The delivery of this policy and associated procedures will be the responsibility of ForHousing. This Policy will be available to all employees through the intranet and regular training will be provided to relevant employees on all policies and procedures.

If staff become aware that there are problems with effective operation of the policy or the associated procedures, they should report this to the policy owner. This feedback will be incorporated into the policy / procedural review process.

Related Documents

- CW&C ASB Policy
- Change of tenancy Procedures.
- CW&C Allocations Policy

Equality Analysis

Date of approved EA	
Results of EA / Actions taken forward to mitigate any potential negative impacts	

Consultation & Business Intelligence

The Policy was reviewed in consultation with tenants and staff representing Cheshire West and Chester Council and ForHousing.

Monitoring Arrangements

Delivery of relationship breakdown services will be measured using existing methods including continued monitoring of:

- Satisfaction with services
- Redress levels and satisfaction with resolution
- Performance and Service Standard levels

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Control Data & Approval History

Policy owner:	CW&C: Alison Amesbury, Strategic Housing & Commissioning Senior Manager	
Next review date:	27 July 2024	
Issue	Approved by	Date
Approval V1	Cabinet Member for Housing	28 July 2022
Approval		

Document Revision History

Date amended	Version number	Key changes
	1	Original version
24/8/21	1.2	Revision following tenant feedback <ul style="list-style-type: none">• CW&C Allocations Policy added to related documents.