

Succession & Assignment Policy

Our Vision

Building better lives through social care and housing in local communities.

Our Mission

We co-design and deliver services that offer innovative social care solutions and support people to thrive.

Our Values

We are **caring** and **compassionate**



We are **inclusive** and **trusted**



We focus on **excellence** and **innovation**



We work in **partnership** and are **one-team**



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1. Introduction

- 1.1 We are committed to ensuring that decisions relating to succession, assignment and changes to tenancy status are made lawfully, consistently and with fairness. This policy sets out the out strategic framework for determining when a tenancy may be succeeded, assigned or varied and the standards that must guide those decisions across all services.
- 1.2 Succession and assignment decisions have significant implications for customers, for the organisation's housing responsibilities and for the effective use of our homes. This policy therefore provides a clear set of principles and approval requirements to ensure that all decisions are defensible, transparent and aligned with relevant legislation. It also establishes the organisational expectations for handling requests that affect household composition, tenancy status or occupancy rights, including changes between joint and sole tenancies.
- 1.3 We aim to balance compassion toward customers with the responsible management of our housing stock. Decisions must take into account legal rights, the suitability of the accommodation, any safeguarding considerations and the need to make best use of available homes. All decisions must be made in accordance with this policy and supported by accurate, proportionate records.
- 1.4 This document is strategically focused. It defines our position and decision-making framework but does not describe operational steps or customer-facing processes. Those will be addressed separately to ensure the policy remains stable, principles-based and aligned with our wider governance framework.
- 1.5 This policy applies to all accommodation that we own, lease or manage and to every tenure type issued by the organisation. It covers decisions relating to statutory succession, discretionary succession, assignment of tenancies, and changes between joint and sole tenancies. These decisions may arise in both supported and unsupported accommodation and the principles set out in this policy must be followed regardless of service model or commissioning arrangements.
- 1.6 The policy applies to all staff involved in assessing or approving requests that alter the legal status of an existing tenancy. This includes housing management teams, service managers and senior leaders with delegated authority. While different roles hold different responsibilities, the decision-making framework in this policy is organisation-wide and must be applied consistently.
- 1.7 This policy does not allocate housing or determine eligibility for a new tenancy. Access to unsupported housing is governed by the Allocations and Lettings Policy, and access to supported housing is determined through commissioner-led pathways set out in the Referrals and Assessment Policy. Decisions about tenancy enforcement or ending occupancy are covered by the Tenancy Sustainment and Ending Occupancy Policy and not by this document.
- 1.8 Operational procedures, casework steps and service-specific workflows are not included here. They will be maintained separately to ensure that this policy

remains focused on strategic expectations, legal compliance and organisational governance.

2. Definitions

- 2.1 **Statutory Succession** is the legal right of an eligible household member to inherit a tenancy when the tenant dies. The Housing Act sets out who may qualify and limits the number of statutory successions that can occur. Not all tenancy types carry statutory succession rights, and eligibility depends on both the agreement and the law in force at the time.
- 2.2 **Discretionary Succession** refers to situations where we may choose to grant a new tenancy to a household member who does not qualify under statutory rules. This decision is based on factors such as household composition, vulnerability, property suitability and the responsible use of housing stock. Discretionary succession is not a right and must be authorised at the appropriate level.
- 2.3 **Assignment** is the lawful transfer of a tenancy from the existing tenant to another individual. Assignment is permitted only where legislation and the tenancy agreement allow it. It may occur in limited circumstances, such as relationship breakdown or where a joint tenant wishes to leave. Assignment must not be used to create additional succession rights or replace proper allocation processes.
- 2.4 A **Joint Tenancy** is an agreement held by two or more people, each of whom has equal rights and responsibilities under the tenancy. All joint tenants are jointly and severally liable for the obligations of the tenancy, including rent payments and compliance with tenancy conditions.
- 2.5 A **Sole Tenancy** is an agreement held by one individual, who is responsible for all conditions attached to the tenancy. A sole tenant may request that the tenancy becomes joint, or a joint tenant may request to become the sole tenant. Such changes must follow this policy framework.
- 2.6 A **Qualifying Household Member** is someone who has been living in the property as their only or principal home and may be considered for succession or assignment, depending on the tenancy type and the law. This definition does not create eligibility in itself but guides considerations under this policy.
- 2.7 **Property Suitability** refers to whether the home is appropriate for the individual's needs and household size following succession or assignment. Considerations include under-occupation, overcrowding, accessibility, and any commissioning restrictions linked to the property or service.
- 2.8 **Fraud or Misrepresentation** refers to providing false information, withholding relevant details or occupying a property unlawfully. Any such concerns must be considered under the Tenancy Fraud Policy and may prevent succession, assignment or changes to tenancy status

- 2.9 **Succession and assignment rights** depend on the type of agreement in place. Assured tenancies and some assured shorthold tenancies may carry statutory or permissible rights under housing law, while licences and time-limited or service-specific agreements do not. Staff must refer to the Tenure and Occupancy Policy to confirm whether a particular tenure type allows statutory succession, discretionary succession or assignment before assessing any request.
- 2.10 **Non-commissioned homes** are self-contained Look Ahead homes that are not funded or commissioned for support by a council or other body, and which are used mainly for independent living.

3. Policy Principles

- 3.1 The principles in this policy guide all decisions relating to succession, assignment and changes to tenancy status. They ensure that requests are approached consistently, lawfully and in a way that balances customer needs with the responsible management of our housing stock.

Legal and Regulatory Compliance

- 3.2 All decisions must comply with housing legislation, regulatory requirements and the terms of the tenancy agreement. Statutory rights take precedence, and discretionary decisions must be lawful, justified and clearly documented.

Fairness and Equality

- 3.3 Requests must be assessed fairly and without discrimination. Individual circumstances, including vulnerability, disability and safeguarding issues, must be taken into account. Reasonable adjustments must be made where required to support meaningful engagement.

Protection of Survivors of Domestic Abuse

- 3.4 We will ensure that decisions do not place survivors of domestic abuse at risk. Assessments must consider safety, stability and any relevant safeguarding concerns. Where permitted by law, the organisation will prioritise the protection and wellbeing of survivors when considering succession, assignment or changes to tenancy status.

Consistency and Transparency

- 3.5 Decisions must be made using this policy's framework to ensure consistency across services. Customers must receive clear explanations of the reasons for approval or refusal and any next steps available.

Responsible Use of Housing Stock

- 3.6 We must ensure that our homes are used effectively. Decisions must take account of property size, household composition, service model and commissioning

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requirements. Where a property is no longer suitable following succession or assignment, alternative options may be considered in line with relevant policies.

Safeguarding and Risk Considerations

- 3.7 Safeguarding concerns and household risk factors must be considered in every decision. The organisation must ensure that outcomes support the safety and wellbeing of customers, staff and the wider community.

Accountability and Senior Oversight

- 3.8 Succession, assignment and changes to tenancy status must be approved at the appropriate level of authority. Decisions affecting legal rights or long-term housing security require oversight by the Head of Housing, with escalation available for complex or contested cases.

Clear Separation from Allocation Decisions

- 3.9 Requests under this policy must not be used to bypass the our allocations or referral processes. Succession or assignment will not be granted where doing so would undermine lawful access routes or create occupancy rights that conflict with commissioning or regulatory requirements.

4. Statutory Succession

- 4.1 Statutory succession applies only where the tenancy and the law permit it. An eligible household member may inherit the tenancy when the tenant dies, subject to statutory criteria. Only one statutory succession is allowed unless the law or the agreement states otherwise.
- 4.2 Eligibility must be assessed strictly against the legal definitions. Before confirming succession we must consider whether the property remains suitable for the successor, taking into account household size, accessibility needs and any commissioning conditions.
- 4.3 All statutory succession decisions must be approved by the Head of Housing and recorded clearly, including the eligibility assessment and property suitability outcome. Customers may request a review through the our established appeal routes.
- 4.4 Statutory succession must not proceed where evidence of fraud, unlawful occupation or misrepresentation exists. Such cases must be addressed under the Tenancy Fraud Policy before any decision is made under this policy.

5. Discretionary Succession

- 5.1 Discretionary succession may be considered where an individual does not qualify for statutory succession but can demonstrate lawful residence and a genuine

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connection to the household. Decisions must be lawful and based on clear evidence.

- 5.2 Requests must take account of housing need, vulnerability and any factors affecting the individual's ability to sustain a tenancy. Property suitability must be assessed, and discretionary succession will not normally be approved where the home is under-occupied, overcrowded or restricted by commissioning requirements. Alternative accommodation may be explored where appropriate and lawful.
- 5.3 Discretionary succession must not be used to bypass access routes, create new succession rights or legitimise unlawful occupation. Cases involving misrepresentation, unauthorised occupation or fraud must be considered under the Tenancy Fraud Policy before a decision is made.
- 5.4 All discretionary succession decisions must be approved by the Head of Housing. The decision and its rationale must be recorded clearly. Customers may request a review where they believe the policy has not been applied correctly.

6. Assignment

- 6.1 Assignment involves transferring a tenancy from the current tenant to another individual. It is a significant legal action and may only occur where both legislation and the tenancy agreement permit it. This policy provides the strategic framework for assessing such requests and ensuring that decisions are lawful, consistent and aligned with the organisation's wider obligations.
- 6.2 We will consider an assignment only where there is a clear legal basis for doing so. Situations where this may arise include the departure of a joint tenant, certain relationship breakdown scenarios or specific circumstances where the law allows assignment to a qualifying household member. Assignment must never be used as a mechanism to bypass the organisation's allocations framework, create future succession rights or regularise an arrangement that has arisen from unauthorised occupation.
- 6.3 Any request for assignment must take account of property suitability, safeguarding issues and the proposed assignee's ability to maintain the tenancy. The organisation must also consider the impact on the effective management of its stock, including whether the property would remain appropriate for the household after the assignment is completed. Where assignment would result in under-occupation, overcrowding or conflict with a commissioned service model, Look Ahead may refuse the request or explore alternative options.
- 6.4 Concerns relating to misrepresentation, unlawful occupation or potential fraud must be addressed under the Tenancy Fraud Policy before an assignment request is considered. If such concerns are substantiated, assignment cannot proceed.
- 6.5 All assignment decisions must be approved by the Head of Housing. The rationale for the decision must be recorded clearly, including the legal basis, property considerations and any safeguarding factors. Customers may request a review of

the decision through the appropriate appeal route if they believe the policy has not been applied correctly.

7. Changes Between Joint and Sole Tenancies

- 7.1 Requests to change the legal status of a tenancy must be assessed carefully, as these decisions can affect household stability, legal rights and liability for the property. This section sets out the strategic framework for managing requests to convert a joint tenancy into a sole tenancy, or to create a joint tenancy where only one person currently holds the agreement.
- 7.2 We will consider such requests only where they are lawful and consistent with the terms of the tenancy. We will assess each case individually, taking into account household circumstances, safeguarding issues, the conduct of the existing tenants and the suitability of the property for the proposed arrangement. These decisions must not be used to circumvent allocation processes, create new succession rights or resolve disputes that fall outside the organisation's remit.
- 7.3 In situations involving relationship breakdown we will give particular attention to concerns relating to domestic abuse. Decisions must not put any person at ongoing risk, and assessment should prioritise the safety, stability and wellbeing of survivors. Where relevant, the organisation will consider evidence of abuse in determining whether a joint tenant may be removed or whether a sole tenancy should be granted. Staff must ensure that safeguarding procedures are followed and that customers are supported to engage safely with the process.
- 7.4 Requests to add a joint tenant require careful scrutiny. We must consider the proposed joint tenant's ability to meet tenancy obligations and any risks or vulnerabilities that may affect their capacity to sustain the tenancy. A request may be refused where the property is not suitable for the newly formed household or where the service model or commissioning arrangements do not allow joint agreements.
- 7.5 All decisions relating to changes between joint and sole tenancies must be approved by the Head of Housing. The rationale for the decision must be clearly recorded, including the legal basis and any safeguarding or suitability considerations. Where a customer disagrees with the outcome, they may request a review through the relevant appeal route.

8. Property Suitability and Alternative Offers

- 8.1 When considering succession, discretionary succession or assignment we must assess whether the property remains suitable for the proposed household. This assessment ensures that decisions protect both the individual's rights and the organisation's responsibility to manage its homes effectively.
- 8.2 Property suitability must be considered in the context of household size, composition, accessibility needs and any commissioning requirements linked to

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the accommodation. A property may be deemed unsuitable if it is significantly under-occupied, overcrowded, or designed for a specific cohort that the proposed occupant does not belong to. In supported or specialist services, commissioning obligations may also limit who can remain in or take over a property.

- 8.3 Where a property is unsuitable following succession or assignment, Look Ahead may explore the provision of alternative accommodation. Any alternative offer must be lawful, proportionate and consistent with the Allocations and Lettings Policy. Customers should be offered a home that meets their needs as far as possible and aligns with their legal rights, including the preservation of equivalent security of tenure where appropriate.
- 8.4 The offer of alternative accommodation is not a guarantee and will depend on availability, service model and organisational obligations. Where no suitable alternative can be provided, the organisation must explain the reasons clearly and set out any next steps available to the customer, including review or appeal routes.
- 8.5 Property suitability decisions must be recorded clearly, showing the factors considered and the rationale for the outcome. This ensures that decisions are transparent, defensible and consistent across the organisation.

9. Fraud, Misrepresentation and Eligibility Concerns

- 9.1 We must ensure that all requests made under this policy are based on accurate and honest information. Succession, discretionary succession, assignment and changes to tenancy status cannot proceed where there is evidence of fraud, unlawful occupation or misrepresentation. These concerns must be addressed in line with the organisation's Tenancy Fraud Policy before any decision is made under this framework.
- 9.2 Fraud or misrepresentation may include providing false information, withholding relevant details, occupying the property without permission or attempting to gain rights that would not otherwise apply. Where concerns arise, the organisation must pause the decision-making process and take steps to establish the facts. Only once these matters have been considered and resolved can a request be reassessed under this policy.
- 9.3 A request must be refused where the organisation confirms that the applicant has no lawful connection to the property, has not lived there as claimed or has sought to obtain a tenancy through dishonest means. In such cases, any further action will follow the Tenancy Fraud Policy and the Tenancy Sustainment and Ending Occupancy Policy as appropriate.
- 9.4 Where concerns are raised but not substantiated, the organisation must proceed to assess the request based on the criteria set out in this policy. Decisions must be carefully documented, including the outcome of any fraud inquiries and the reasons for approval or refusal. Applicants must be informed of the decision clearly and advised of their right to request a review.

10. Communication, Review and Appeals

10. We must communicate all decisions made under this policy clearly and in a way that supports customer understanding. Customers must be informed of outcomes, reasons, and available next steps.

Communication of Decisions

- 10.1 Decisions must be issued in writing and set out the outcome, the rationale and any implications for the customer's occupancy. Communications must be accurate, proportionate and, where required, adjusted to meet the customer's communication needs.

Review Requests

- 10.2 Customers may request a review if they believe a succession or assignment decision has not been applied correctly. Reviews must be completed by a manager who was not involved in the original decision to ensure independence and fairness.

Escalation

- 10.3 Where cases are complex, contested or involve significant safeguarding, legal or organisational considerations, the matter may be escalated to the Director of Housing. The Director's decision will normally be final.

Senior Leadership Responsibilities

- 10.4 Senior managers must provide oversight where decisions involve complex circumstances, safeguarding issues or significant legal considerations. The Head of Housing is responsible for approving all decisions made under this policy, with the option for escalation to the Director of Housing where required.

Record Keeping and Confidentiality

We must maintain accurate and reliable records for all decisions made under this policy. These records ensure transparency, support compliance with legal and regulatory requirements, and provide a clear audit trail for internal and external scrutiny.

All documentation relating to succession, discretionary succession, assignment or changes to tenancy status must be complete, factual and stored securely. Records must show the evidence considered, the decision reached and the rationale behind it. This includes documenting any property suitability assessments, safeguarding considerations or issues linked to eligibility.

It is the Policy Owner's responsibility to update the Asset & Liability Register with any risks and/or information arising from the implementation of this policy.

We will comply with our Data Protection and Confidentiality Policy which can be found by clicking [Here](#) or visiting our website at www.lookahead.org.uk

Policy Sign Off and Ownership

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