



Tenancy Services & Income Collection and Recovery Services

Deceased Customer and Succession Procedure

Regulation & Legislation	This procedure links to Housing Act 1985 and Housing Act 1988
Supporting documents	Tenancy Management Policy, Void Management Policy, Possession Eviction and Tort Procedure, Allocation and Lettings Procedure.
Scope	Outlines the process of managing a tenancy following death of a customer and any managing any subsequent succession.
Reference to “Orbit” means Orbit Group which consists of Orbit Group Limited, Heart of England Housing Association Limited, Orbit South Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Limited.	

1. Introduction

- 1.1 This procedure details the steps that are taken when we are notified of a deceased customer and any potential succession application.

Employees may be involved in dealing with the police when a customer has died in a property. We will be mindful of the impact on employees in this situation and give support and promote the use of our Employee Assistance Programme (EAP).

Cases will be dealt with professionally and sensitively so that the family members, executors and personal representatives (PR) can receive the information and advice they need. The process will be managed and timescales monitored to ensure the property can be re-let as soon as possible and any potential void loss and rent debt to the estate are minimised.

All details of contact made under this procedure must be recorded on ActiveH for audit purposes and all documents saved to EDRM.

2. Key Legal Information

- 2.1 Death does not end a tenancy; it passes it to the estate. The tenancy is only ended by one of the following:

- Expiry of a valid Notice to Quit received from the PR of the deceased
- Expiry of a Notice to Quit served by Orbit on the PR
- Expiry of a Notice to Quit served by Orbit at the property, addressed to the 'Personal Representatives,' and upon the Public Trustee's office in the absence of a PR

- 2.2 A personal representative is someone who has either a Grant of Probate or (where there is no will) a Grant of Administration. Someone who claims to be the deceased customer's next of kin is not a personal representative.
- 2.3 For ease, references to 'PR' in this procedure are to either an executor or a personal representative.
- 2.4 Rent is charged during the notice period until the end of the tenancy. The obligation to pay rent is with the estate of the deceased.
- 2.5 Only one succession to a tenancy is permitted. A succession is the legal transfer of a tenancy from one person to another upon death. There are various types of succession. The table below gives guidance on what type of succession would apply in each case assuming appropriate evidence and eligibility is established.

Person Claiming Succession	Type of Succession
Joint Tenant	Survivorship
Spouse or Civil Partner	Statutory
Partner or Qualifying Family Member*	Contractual
Other Person	Discretionary

* A qualifying family member is parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece. A step or half child/sibling is also a qualifying member. A foster child is not a qualifying member of the family - Housing Act 1985 (Section 113).

3. Procedure

3.1 Notification of death

- 3.1.1 We can be notified of a death many ways, for example, a call from a family member, the Police, Local Authority or hospital, a notification of a Direct Debit rejection or a Housing Benefit notification. The notification can be received by any member of staff in any team. The employee who receives the initial notification will advise the customer that we will be in contact within 48 hours, inform them we will need a copy of the death certificate, refer the customer to our website for further information and send a task to the Tenancy Management Triage task box containing the following information:

- Name of deceased
- Date of death
- Whether the police or any other professional organisation are involved

- Name of person reporting the death
- Relationship to deceased / or organisation
- Contact number, email address and address of person reporting
- Who lives in the property and their relationship to the customer
- Is there anyone that wants to continue living in the property
- Who is the PR or next of kin (NOK) and obtain their name and contact details
- Who has the keys to the property

3.1.2 The Tenancy Services Officer (TSO) will contact the informant within 48 hours of receiving notification to establish key information. Including.

- Is there a Personal Representative
- Is there a will/solicitor/executor of the will
- Who is the next of kin
- Request confirmation of death (see 3.2) which can be received via email
- Establish who is in the property and whether anyone would like to remain.
- Obtain details of anyone wishing to remain so we can begin assessing whether they may be entitled to remain or succeed to the tenancy.
- If the tenancy is to be ended – advise of need to provide notice and that we may serve notice.
- Explain that the property needs to be cleared and keys returned at tenancy end date.
- Establish whether a key safe is required
- Explain that rent is charged up to the tenancy end date and advise details of how to pay can be found on our website
- Explain that benefits such as Housing Benefit will cease from date of death and advise them to notify DWP to avoid any overpayments.
- Advise the informant to notify council tax and utility providers

3.1.3 The TSO must consider whether the circumstances of the death mean an environmental clean of the property is required and make necessary arrangements to ensure this is completed.

3.1.4 If following enquiries and reasonable investigation, the TSO cannot identify a Personal Representative or Next of Kin they will contact the Local Authority (LA). Each LA will have a bereavement officer or similar who will deal with deaths where there is no NOK. The TSO will arrange access for the LA representative to search the property and collect and personal papers and items of value. This should be completed as soon as possible to reduce unrecoverable rent debt or void cost.

3.1.5 If there is any doubt whether there are occupants in the property or there are concerns about the condition of the property or a significant number of possessions being left in the property, the TSO should arrange a visit to the property.

3.1.6 The TSO will then take the following actions;

- Update the contact group in Active H by completing the date of death field on the personal tab.
- Sole Tenancy – Change the account name to “The Estate of...”
- Sole Tenancy- Change Correspondence address to Orbit
- Add the deceased code (GEDECD) to the rent screen, through the rents module of ActiveH; this stops automated rent letters being sent (see Appendix 1 for guidance on adding a GEDECD code) and task the Income Collection and Recovery Compliance team (ICRC team) to notify them of the death so if applicable they can notify the Local Authority Housing Benefit department of the death to minimise any Housing Benefit overpayments.
- Sole Tenancy - send a task to Responsive Repairs informing them we have been notified of a death and requesting a check is made to identify any outstanding repairs to be cancelled. If there are any urgent e.g. compliancy repairs, the Responsive Repairs team will contact the Tenancy Services team to discuss access.
- Assess the property type, tenancy type, number of occupants, rent balance and whether there is a valid succession right or request to remain in the property (see 3.4)
- If required, request a key safe to be fitted to the property by sending an email to Voids.

3.1.7 In some circumstances there may be media interest in a death. Employees should never speak to the media directly and must direct all enquiries to the Communications team.

3.2 Confirmation of death

3.2.1 The Tenancy Services team will be responsible for ensuring we have confirmation of the death within 14 days of notification by one of the following methods:

- Copy of the death certificate (preferred method);
- Confirmation email from the Registrar’s office with name and DOB of deceased;
- Confirmation email from Police with name and DOB of deceased;
- Confirmation email from Local Authority with name and DOB of deceased.

3.2.2 A copy of a death certificate can be obtained from the local registrar for approximately £10; therefore, in cases where confirmation by death certificate is required, this should be considered - www.gov.uk/order-copy-birth-death-marriage-certificate.

3.3 No request to remain in the property

3.3.1 If it is a sole tenancy and there are no other occupants or the occupants do not wish to make a succession application and are moving out, the tenancy needs to be ended.

3.3.2 A notice can be served on Orbit by the PR and such a notice should not be refused if received; however, our preference is to serve the notice to avoid any unnecessary delays. At the very latest, if a valid notice is not received from the PR within five working days of death a notice will be served by Orbit on the fifth working day to avoid rent loss but there is nothing to stop us serving the notice sooner if appropriate.

- 3.3.3 **A NOK is not always a PR** and caution should be taken in ensuring the notice is valid. (Proof of PR can be provided by way of a copy of the will / copy of letters of administration of probate / confirmation from a solicitor) However, a pragmatic approach should be taken in the interests of customer service, rent loss and void loss in deciding whether to accept the notice.
- 3.3.4 If a notice received by the Tenancy Services team is accepted as valid, the TSO will send a notice acknowledgement letter to the PR/executor and send a task to the Empty Homes and Lettings team to confirm notice received and end date.
- 3.3.5 If we are serving a notice, the type of notice served will depend on the tenancy type:

Type of tenancy	Type of notice we should serve
Secure	NTQ
Assured	NTQ
Assured shorthold within fixed term period	NOSP - Ground 12 Check if a NOSP has already been served by ICRC team and include and relevant grounds or address this in the covering letter
Assured shorthold outside of fixed term period	NTQ

- 3.3.6 A notice served by us must always be addressed to 'The Personal Representatives of [name of customer] deceased' or 'The Executor of [name of customer] deceased' and accompanied by a covering letter.
- 3.3.7 The notice must be served at the property and at the address of the Personal Representative with a covering letter explaining the next steps and arrangements for returning the keys.
- 3.3.8 If there is no PR, the notice will be served at the property and at the Public Trustee Office. When serving a notice at the Public Trustee Office a NL (1) form will accompany the notice with the requisite fee.
- 3.3.9 If there is any doubt that the person the TSO is dealing with is not the PR the notice should be served at the property, at the address of that person and at the Public Trustee Office to limit any risk of notice being incorrectly served.
- 3.3.10 All notices should be served on all places/people at the same time and a Certificate of Service completed.
- 3.3.11 After serving the notice the TSO will send a task to the Empty Homes and Lettings team and the ICRC Team to advise of the death, the service of the notice and the expiry date.
- 3.3.12 If there are any occupiers in the property who are not remaining, the Occupier Following Death Letter will be sent making them aware of the date they need to vacate the property by.
- 3.3.13 If the PR/NOK wishes to return keys prior to expiry of the notice, this will be recorded on

ActiveH, a task sent to the Lettings team and ICRC. The TSO will raise a task for a key safe to be fitted and will place the keys within it.

- 3.3.14 Seven days before the notice period ends, the TSO will check if the keys have been received. If not, they will contact the NOK/PR to request the keys are returned on the tenancy end date complete the Possession of Property on Death form to be signed by the Senior Tenancy Services Officer (STSO) or Tenancy Services Team Manager (TSTM) and if approved arrange a lock change so they are prepared should the keys not be returned upon expiry of the notice.
- 3.3.15 If the keys are not returned and possession is taken by peaceful re-entry the TSO should follow the Possession, Eviction and Tort Procedure.
- 3.3.16 The Empty Homes and Lettings team will end the tenancy with the reason “deceased” and add any PR or NOK details so they can be contacted for any further queries. The correspondence address will be changed. If there is a PR/NOK, then code entered should be FTVAC/ If no PR/NOK then code FTFNA should be applied.
- 3.3.17 Once the tenancy has been terminated the ICRC team will cancel any direct debits as necessary and manage any credit or debt on the rent account.
- 3.3.18 If there is reason for the TSO to be concerned about taking possession by peaceful re-entry without a court order this will be indicated on the Possession of Property on Death form and possession proceedings will be commenced by the Legal Officer (LO) in the Tenancy Services team. The LO will notify the Lettings team and the ICRC team by task that proceedings are being commenced. The LO should keep both the Lettings and ICRC teams updated with key dates in the possession proceedings.
- 3.3.19 For guidance on taking possession of a property via the courts refer to the Breach of Tenancy Procedure.

3.4 Request to remain in the property (succession)

- 3.4.1 If there is someone who wants to remain in the property it is necessary for the Succession Request Form to be completed. The decision following request will be made within 14 days of the date of notification of death and if this is not possible, it must be made before the expiry of the notice.
- 3.4.2 In exceptional circumstances if a notice is due to expire within 7 days and a decision has not been made whether an occupier will succeed to a tenancy, the TSO will send an email to the STSO to assess whether the account will need to be changed to Use & Occupation (U&O) on expiry of the notice. Charging ‘rent’ after the tenancy has been ended by a Notice to Quit could imply a new tenancy and therefore a U&O account may be necessary to avoid this.
- 3.4.3 The TSO will carry out desktop checks, complete right to rent checks where relevant – see Allocations and Lettings Procedure (section 10.2) for further details.
- 3.4.4 The TSO must complete a home visit for all succession requests as part of the request decision process. The purpose of the home visit is to explain the succession to the customer, discuss and rent arrears or court order implications, answer any questions. An affordability check must be completed, and a discussion had with the applicant is concerns

are highlighted. Although this legally may not stop the succession, concerns can be raised to Income and a referral to Tenancy Sustainment completed.

- 3.4.5 The TSO will also verify ID and proof of occupation as necessary to eliminate tenancy fraud and complete a tenancy audit ensuring and safeguarding or support needs are identified, and a Tenancy Sustainment referral made if necessary. If the property is unsuitable for the successor this will also be discussed (see paragraph 3.7 below). The TSO will be mindful of the customer's loss and ensure this visit is carried out in a sensitive manner.
- 3.4.6 Only one succession to a tenancy is permitted in law unless the tenancy agreement states otherwise. The TSO will check if there has already been a succession of that tenancy (note successions of a secure tenancy prior to 3 October 1980 do not count).
- 3.4.7 It is important the TSO checks if there has been a mutual exchange and whether the succession right under the tenancy was exercised by a previous customer. The TSO should also check if there has already been a sole-to-sole assignment to a would-be successor (secure tenancies only). We count joint to sole assignments as a succession.
- 3.4.8 If there has been a previous succession the request will be refused - see para 3.5 for process and para 3.6 for exceptions.
- 3.4.9 If there has not been a previous succession of the tenancy and the deceased customer is a joint tenant and the other joint tenant has survived and is living at the property immediately prior to the death, regardless of the tenancy type, a succession by survivorship can be permitted
- 3.4.10 If there has not been a previous succession of the tenancy and the deceased customer is a sole tenant. Refer to Appendix 2 table, if guidance is needed on whether a succession can take place. (see 3.4.13)
- 3.4.11 If there is more than one family member entitled to succeed, then they must decide between themselves who is to succeed. Where this cannot be agreed Orbit will decide who is the most suitable and this decision is not subject to appeal.
- 3.4.12 For all successions the Succession Request Form will be completed by the TSO and signed by the STSO/TSTM to approval the decision. This will be confirmed and communicated to the occupier within 7 days of the decision.
- 3.4.13 If the succession is approved where there is a survivorship succession, the successor succeeds immediately upon the death of the tenant to the tenancy. There is no deed or assignment or other document that 'conveys' the tenancy to the successor; this is an automatic process, and the successor simply inherits the existing tenancy. If the succession is approved where there is a statutory or contractual succession, it is the responsibility of the TSO to ensure the Succession Declaration is signed by the successor.
- 3.4.14 If a contractual or statutory succession is taking place, the TSO must check if the rent account is in legal stage and if so, a task must be sent to ICR Legal. The ICR Legal team will make an application under CPR19 to add the new tenant as a party to the existing court order. Once the Order has been granted the ICR Legal team will ensure any previous debt and court costs are added to the rent balance along with copied of the court orders added to EDRM. A court agreement should be set up in the ActiveH rents system to monitor payment in line with order. For cases with an outstanding hearing or outstanding warrant for eviction

the action will continue unless the new tenant makes an application to the court to suspend. Orbit may still oppose any such application. For cases with a mandatory order the eviction will proceed until full payment is received for any outstanding debt including court costs.

- 3.4.15 If we carry out a discretionary succession i.e. grant of a new tenancy, the new tenancy will commence the day after the end date of the original tenancy following expiry of the notice period. It is the responsibility of the TSO to arrange the signing of the new tenancy agreement.
- 3.4.16 The Tenancy Management Triage Team (TMTT) are responsible for updating ActiveH following a statutory, contractual, or discretionary succession following the ActiveH Succession Tenancy Changes guidance notes. The TSO will notify the TMTT by task when an account is ready to be input ensuring they confirm the necessary details.
- 3.4.17 The Triage Officer (TO) will send the appropriate Succession Completed Letter for a contractual or statutory succession to the customer to confirm the succession enclosing a copy of the tenancy agreement. Where the rent account is in legal, and it is a contractual or statutory succession the letter will be sent notifying the successor of this. The TO will send a task confirming the details to the Collection Legal task box. The ICR Legal will keep the customer informed of any further action taken. The Tenancy Agreement, Succession Declaration and Succession Completed letter will be saved to EDRM by the TO under the Tenancy Agreement file plan.
- 3.4.18 The TSO is responsible for completing the necessary changes on ActiveH following a survivorship succession approval. The TSO will send the appropriate Succession completed letter for a survivorship succession.
- 3.4.19 When a survivorship succession is completed, the TSO will add GEDECDREV code, reversal of tenancy deceased to ActiveH.

3.5 Declining a succession

- 3.5.1 If there is no right to succeed the request for succession should be declined; however please refer to para 3.6 regarding discretionary successions.
- 3.5.2 In addition to having no right we may also decline the succession in cases where there is no statutory right of succession, it is contractual only and the successor has a financial interest in another property.
- 3.5.3 If there are any breaches of tenancy the succession should not be declined but they will be pursued as appropriate under the Breach of Tenancy Procedure.
- 3.5.4 If there is no right of succession the TSO will send the Succession Declined Letter to the occupant to inform them of the decision and the next steps and enclose a NTQ or NOSP (see paragraph 3.3.5 above) and the occupier will be informed of the tenancy end date so they can vacate and return the keys. The TSO will task the Empty Homes and Lettings team and ICRC team to advise them that a notice has been served and inform them of the expiry date. The TSO will also send a task for a key safe to be fitted for when the keys are returned. (See section 3.3)
- 3.5.5 Seven days before the notice expires if the keys have not already been returned the TSO will contact the occupant to ensure they will be vacating and plan for the return of the keys.

- 3.5.6 If there are any occupants remaining in the property following the expiry of the notice, they will become unauthorised occupants. The TSO will request a rent setting and will create a Use and Occupation (U&O) account (see appendix 3) and send a Letter to Confirm Use and Occupation to the occupier to confirm the U&O account is in place and advise they need to vacate the property.
- 3.5.7 The TSO must notify ICR if the account has been placed into U&O and the reason for this and ensure that ICR are kept updated of any changes to the situation. Income Legal Team will then add the relevant notes and change the monitoring level.
- 3.5.8 The LO and TSO will follow the Breach of Tenancy Procedure for the taking possession and will be responsible for keeping the Lettings and ICRC teams informed of the possession and evictions dates when known.
- 3.5.9 If the Occupier fails to maintain payment of the Use and occupation charge ICR Pre-Legal team will commence the Recovery Process.
- 3.5.10 The ICR Pre-Legal team will attempt contact with the occupier by telephone. If contact is made and the occupier is unable to clear the debt in full an agreement should be sought. The agreement should be added in ActiveH rents along with full notes detailing agreement. **It should not be implied at any time that compliance with the agreement will allow the customer to remain in the property, but that maintaining the agreement could prevent court proceedings in respect of a money judgement order.**
- 3.5.11 If the ICR Officer is unable to make contact by phone, then 'Use & Occupation' letter 1 should be issued. To comply with pre action protocol for an unlawful occupier the letter must ask the occupier if there are any personal circumstances, they wish the landlord to consider. **At no point should a rent statement be issued.**
- 3.5.12 If there is no agreement or payment in full after the issue of the 'Use & Occupation' letter 1 both the ICR pre legal team and the TSO will continue to seek engagement from the occupier until such time as the NTQ expires. Once the NTQ expires a Tenancy Services Legal Officer (LO) with support from the TSO should immediately commence legal proceedings to remove the unauthorised occupier.
- 3.5.13 If the occupant remains in the property following the expiry of a Notice Seeking Possession, there is no need to create a U&O account as the tenancy has not been terminated and rent is still charged under that tenancy agreement. If the occupier is paying the rent, it should be made clear, we are accepting rent as being paid by the estate of the deceased and the acceptance of these payments does not create a new tenancy or indicate that a succession has been agreed. The Letter to Confirm Unauthorised Occupation must be sent advising they need to vacate the property.
- 3.5.14 If the occupier does not leave within 7 days, a LO with support from the TSO will commence proceedings for possession of the property and the Letter to Confirm Possession Proceedings Commenced will be sent to the Occupant. Upon notification of court proceedings, the ICR Legal team will move the account stage to legal with clear notes.
- 3.5.15 The Senior Response Officer (SRO)/Tenancy Services Team Manager (TSTM) will monitor U&O accounts that are active each month and assess action to be taken.

3.6 Discretionary ‘succession’ – the grant of a new tenancy

- 3.6.1 Where there is no succession right i.e. there has already been a succession, discretion can be used to grant a new tenancy to an occupier in exceptional circumstances. In these cases, the Succession Request Form should still be completed and sent to the SRO/TSTM to agree or decline. The SRO/TSTM may need to discuss this decision with the Regional Lettings Services Manager (RLSM) before a decision is made as it may constitute a direct let and therefore approval from the LA may be required.
- 3.6.2 When considering a discretionary succession, the decision will be reasonable and proportionate and will give regard to:
- How long the person has lived at the property;
 - The suitability of the property for the person;
 - The affordability of the property for the person and their ability to sustain the tenancy;
 - The person's connection with the property and area;
 - Undue hardship that may be caused if not agreed;
 - The extent of housing need in the area and whether the person would be eligible for re-housing by the Local Authority; and
 - The fact that new succession rights will be granted with the tenancy
- 3.6.3 If a discretionary succession is agreed the tenancy will be ended by notice to quit (assured) or NOSP (fixed term tenancies), and a new tenancy granted. The TSO will ensure this is set up and sign up with new customer completed.
- 3.6.4 Following the signing of the new tenancy agreement the TSO will task the details to TMTT who will then complete the necessary ActiveH changes.

3.7 Property not suitable for successor

- 3.7.1 If a spouse, civil partner or partner has a right to succeed but the property is not suitable as they are under occupying by more than one bedroom or it has adaptations they do not require, the succession to the tenancy will be agreed; however to make best use of stock, advice will be given on affordability and housing options at the home visit but no further action can be taken if they choose to remain in the property and no further steps under this paragraph need to be taken.
- 3.7.2 If a family member has a right to succeed but the property is not suitable as they are under occupying by more than one bedroom or it has adaptations they do not require, the succession to the tenancy will be agreed as long as it is affordable; however, to make best use of stock the person will be advised that we will request that they move to alternative suitable accommodation.
- 3.7.3 If 3.7.2 applies, the TO will send the Succession Completed Unsuitable Property Letter enclosing a copy of the tenancy agreement after the account has been updated
- 3.7.4 The TSO will send a task to the Lettings team to advise of the case with the customer's name and address and suitable property requirements. Lettings will add the case to the management move spreadsheet indicating it is a succession case and whether it is an assured or secure succession.

- 3.7.5 At least one offer of alternative accommodation will be made before possession is sought unless this would exceed the time limit allowed to apply for possession.
- 3.7.6 For secure tenancies Ground 15A will be used and proceedings must be commenced at least six months after the death but not later than 12 months after the death. However, also consider other relevant grounds under the Housing Act 1985.
- 3.7.7 For assured tenancies Ground 9 will be used. There are no time restrictions for this ground.
- 3.7.8 If possession proceedings are required, this will be managed a LO under the Breach of Tenancy Procedure, and the LO will be responsible for keeping the Lettings team and ICRC Team informed of the possession order date and evictions date when obtained.

3.8 Property passing under a will

- 3.8.1 If it is claimed an assured tenancy has passed under a will or intestacy rules to a person who would not be entitled to succeed, then Ground 7 should be used to obtain possession of the property. This will require the services of a NOSP and court application.
- 3.8.2 Under Ground 7 possession proceedings must be commenced within 12 months of the date of death.

3.9 Rent account and arrears on succession

- 3.9.1 The following is applied to the arrears upon and succession or grant of a new tenancy.

Type of succession	Rent account
Survivorship	Any debt or credit remains on the account and the sole tenant is liable. No new rent account is created.
Statutory	Any debt or credit at date of death passes to the estate of the deceased. A new rent account is created starting day after date of death and successor is charged rent that date. In principle a successor is not liable for any rent arrears owed by the original tenant at the time of her/his death. However, if there is a possession order in force at the time of the death of the original tenant, the successor will be at risk of eviction if s/he does not comply with the terms of the order (Tickner v Clifton) *
Contractual	Any debt or credit at date of death passes to the estate of the deceased. A new rent account is created starting day after date of death and successor is charged rent that date. In principle a successor is not liable for any rent arrears owed by the original tenant at the time of her/his death. However, if there is a possession order in force at the time of the death of the original tenant, the successor will be at risk of eviction if s/he does not comply with the terms of the order (Tickner v Clifton) *

Discretionary i.e., grant of a new tenancy	Any debt or credit at date of death passes to the estate of the deceased. The tenancy is ended at end of notice period or day before new tenancy start date if earlier.
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*An application will be made to the court by ICR legal team to add the new tenant as party to the possession order under CPR19 and the remaining balance and court costs will be transferred to the new account once confirmation received from the court that this has taken place. The new tenant will be required to meet the payment terms of the order. All original court orders or warrants should be saved to EDRM to give the full legal case history. For cases where an outright possession order or eviction was pending the new tenant can apply to the Court to vary the outright order to a suspended possession order on terms or an outstanding warrant for eviction to be suspended on terms— this would be a discretionary decision and may still be opposed by Orbit. For cases with a possession order on Mandatory grounds however the eviction would still go ahead unless the full debt remaining including court costs could be cleared.

4. **Mandatory Actions that must be completed**

4.1 In summary – these actions must be completed:

- Confirmation of death
- Establish if succession requested
- Take steps to terminate the tenancy if not
- Check succession rights and complete right to rent checks where relevant – see Allocations and Lettings Procedure (section 10.2) for further details
- Complete succession
- Keep Lettings and ICRC teams updated

5. **Actions that can be considered**

5.1 It is essential to consider customers' individual needs. The following may be considered:

- Discretionary succession.
- Allowing extra time for the occupier to vacate.

5.2 Employees are encouraged to discuss these considerations with their manager.

6. Roles and responsibilities

6.1 Those responsible for delivery of this procedure are as follows:

Role	Responsibility
Tenancy Services Officer (TSO)	Ensuring notified death cases are managed swiftly and correctly and succession applications are responded to within timescales. Granting new tenancy where required. Keeping customer informed throughout and managing customer expectations while delivering great customer service. Keeping lettings and ICRC informed throughout case. Making necessary changes to the tenancy on ActiveH for survivorship successions and use and occupation accounts
Tenancy services Legal Officer	Ensuring and legal action needed is taken to regain possession.
Triage Officer (TO)	Making necessary changed to the tenancy on ActiveH for statutory, contractual, and discretionary successions
Senior Response Officer (SRO)/Tenancy Services Team Manager (TSTM)	Making approval/refusal decisions for succession applications Authorising possession without taking legal action Monitoring U&O accounts that are active each month and assess action to be taken
Empty Homes and Lettings Team	Terminating the tenancy on ActiveH Ensuring relet process commences where applicable. Keeping management move list updated with any relevant customers that succeed to an unsuitable property
Income Collections Recovery and Court Team (ICRC)	Transferring credits on accounts Making court applications where existing court orders in place

7. Performance Controls and Business Risk

- 7.1 Compliance with this procedure will be monitored by internal check and review.
- 7.2 In addition, a selection of cases with be audited each month by the STSO/TSTM to ensure compliance with procedure.
- 7.3 Complex cases will be discussed with STSOs/TSTMs in case reviews and 121s as appropriate.

- 7.4 Orbit will carry out a fundamental review of this procedure, in line with any supporting policy, every three years, or sooner, subject to legal, regulatory changes, or if internal changes require it.

8. Essential information

- 8.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Details of these are found on the declaration document for strategy policy and procedure summary and have been an integral part of the formulation of this document. Orbit's privacy policy can be accessed on our website www.orbitcustomerhub.org.uk/publications/policies/

EA	The EA for the Tenancy Management Policy covers this procedure
DPIA	DPIA screening questions completed and signed off by Information Governance Nov 2020. A full DPIA was not required as any succession data processing is covered under the Letting of Homes Policy.
Consultation	Internal ; Tenancy Services, Lettings, Income Collection and Recovery
	External ; Customers have not been involved in the formulation of this procedure.
Applies to	Tenancy Services and Lettings teams

Document control

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Approved

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Circulation	All Departments	Classification	Public

Doc Level 4

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Approved by	Head of Tenancy Management and Head of the Customer Hub	Date
		Oct 2020 June 2023
Next review		June 2026

Extension date	Extension reason	Approved by

Revision History

Version Number	Date	Comments / Reason for revision
v1.0	Apr 2021	Published
v1.1	Aug 2022	Minor revision to reflect changes in role and responsibilities – new Tenancy Management Triage team
v2.0	June 2023	Full three-year review: Sections 3.12-3.16 added 3.3.3 – amended 3.3.16 – amended 3.4.4 – amended 3.5.7 – added 3.5.15 – added 3.6.3 – amended 6. – amended

