

Right to Manage Policy

This policy sets out Bromford Flagship LiveWest’s approach to the statutory Right to Manage (RTM), in support of delivering safe, fair and responsive services to our customers. It is underpinned by legal duties, regulatory expectations, and a commitment to fairness, accountability, and transparency.

Department	Customer Experience
Policy owner	Regional Director - Customer
Approved date	December 2025
Date for review	May 2028
Approving body	Customer SLT
Associated legislation/regulation	Commonhold and Leasehold Reform Act 2002 Leasehold and Freehold Reform Act 2024 Landlord and Tenant Act 1987 Building Safety Act 2022 Equality Act 2010 RSH Transparency, Influence and Accountability Standard (2024)
Legal advice from	Internal Legal Team
Equality impact assessment date	October 2025
Version number	1.1
Publication status	Internal Intranet and available on request to leaseholders

Purpose/principles

The purpose of this policy is to outline Bromford Flagship's responsibilities in response to a Right to Manage (RTM) claim from qualifying leaseholders, in accordance with the Commonhold and Leasehold Reform Act 2002.

This policy ensures our approach:

- complies with statutory duties
- supports transparent engagement with leaseholders
- protects leaseholders' rights to influence how their buildings are managed
- aligns with the Transparency, Influence and Accountability Standard, by enabling leaseholders to understand, scrutinise and, where legally permitted, take over management responsibilities

We are committed to working constructively and collaboratively with leaseholders seeking to exercise their legal Right to Manage, ensuring fair treatment and open communication.

Scope

This policy applies to:

- leaseholders of blocks where Bromford or Flagship is the freeholder
- RTM notices served to:
 - Bromford Housing Association Ltd
 - Bromford Home Ownership Ltd
 - Merlin Housing Society Ltd

This policy does not apply where Bromford or Flagship is not the freeholder.

Roles/responsibilities

Board/Committees provide oversight and assurance that the policy aligns with strategic priorities, customer outcomes, and regulatory requirements.

Executive Leadership Team/Directors are accountable for ensuring the policy is implemented consistently across their areas of responsibility and that compliance is maintained.

Heads of Service/Service Leads are responsible for embedding the policy within their service areas, ensuring colleagues are aware of and follow the requirements, and providing assurance on compliance.

Customer-facing colleagues are responsible for applying the policy in day-to-day service delivery, supporting customers, and taking action or escalating issues in line with procedures.

All colleagues are expected to understand the policy as it relates to their role, complete any required training, and seek support where clarification is needed.

Leaseholders and shared owners are responsible for setting up and maintaining a compliant RTM company and serving the necessary notices

Policy content

Qualifying for the Right to Manage

Leaseholders do not require landlord consent to exercise the RTM. They must meet the statutory conditions set out in Part 2, Chapter 1 of the Commonhold and Leasehold Reform Act 2002, supported by relevant case law (e.g., *Gala Unity Ltd v Aylesbury Vale DC [2012]* and subsequent Upper Tribunal decisions).

Key criteria includes:

- The building is self-contained and predominantly residential
- At least two-thirds of the flats are held on leases over 21 years
- At least half of qualifying leaseholders must join the RTM company

Formation of the RTM company

To begin the process, leaseholders must form a legally constituted Right to Manage (RTM) company. To do this they must:

- register the RTM company with Companies House
- serve a Notice of Invitation to Participate on all qualifying leaseholders in the block

Serving the Notice of Claim

The Notice of Claim must meet the requirements of Section 80 of the 2002 Act and be served within the prescribed form and statutory timeframes (typically one month for counter-notice response and three months to determine tribunal disputes).

The notice should include details of the building, the RTM company, and all qualifying leaseholders.

Bromford Flagship LiveWest's response to the Claim

Upon receiving a valid Notice of Claim:

- we will acknowledge receipt and respond within the statutory one-month timeframe set out in Section 84 of the 2002 Act
- if criteria are not met, a Counter-Notice will be served detailing grounds for objection
- if accepted (or uncontested), the process progresses to the Acquisition Date and handover planning phase

Transfer of management responsibilities

Once the Acquisition Date is confirmed under Section 90 of the 2002 Act, the RTM company assumes management responsibilities set out in the lease. Bromford Flagship will:

- co-operate in the handover of building management functions and documentation
- transfer any unspent service charge monies held for the building to the RTM company in accordance with the act
- ensure clear financial reconciliation and audit trail for service charge accounts up to the acquisition date
- where relevant, discuss and facilitate the TUPE transfer of staff whose roles are wholly or substantially assigned to the building's management functions
- share personal data only where lawful and subject to data-sharing agreements

Responsibilities of the RTM company

Following transfer, the RTM company assumes all landlord management functions specified in the lease, including:

- building repairs and maintenance
- collection and management of service charges
- health and safety compliance
- complaint handling
- engagement with leaseholders and tenants

The RTM company must also:

- notify Bromford Flagship LiveWest of any assignments, sublets, or structural changes
- provide 30 days' notice where landlord consent is required (e.g. changes in building use)
- cooperate on building safety responsibilities in line with the Building Safety Act 2022
- maintain separate service charge accounts and meet statutory reporting requirements
- comply with health and safety and building safety duties under the Building Safety Act 2022
- engage competent professionals (e.g. managing agents, fire risk assessors, accountants) as needed to ensure compliant and effective management

Mixed tenure considerations

Where blocks contain both leasehold flats and rented units, the following additional cooperation is required:

- the RTM company manages shared/common areas for all homes in the building
- Bromford Flagship LiveWest remains landlord for its rented homes, managing tenancies, rent collection, and any enforcement actions

- collaboration is needed in areas such as:
 - a. health and safety compliance
 - b. building safety regulation
 - c. planning and delivering major works
- shared services and cost responsibilities will be documented and agreed between parties

Shared management arrangements for communal areas must reflect the respective statutory and lease obligations of each party and be documented in writing.

Bromford Flagship LiveWest's ongoing role

We have the right (but not the obligation) to become a member of the RTM company under Section 74(1)(a) of the 2002 Act. Where it chooses to join, membership will be used solely to facilitate co-operation and oversight. Landlord membership is optional and not routine, to avoid any perception of interference or conflict of interest.

Termination of the RTM arrangement

The RTM arrangement continues indefinitely unless terminated through one of the following:

- mutual agreement between the RTM company and Bromford Flagship
- collapse of the RTM company (e.g. strike-off, insolvency)
- appointment of a new manager by a First-tier Tribunal under Part 2 of the Landlord and Tenant Act 1987

If terminated, no further RTM application may be submitted for four years without Tribunal consent.

Our commitments to you

If you are a leaseholder considering exercising your Right to Manage, Bromford Flagship is committed to ensuring a transparent, fair, and supportive process.

We will:

- respond to all Right to Manage enquiries clearly and promptly
- provide plain English guidance and signposting to independent advice
- treat all leaseholders fairly, without discrimination or bias
- cooperate fully with the handover process when a valid RTM claim is made
- offer clear points of contact and maintain respectful communication
- maintain an open channel for feedback and continuous improvement

These commitments reflect our values and our obligations under the Transparency, Influence and Accountability Standard.

EIA statement

An Equality Impact Assessment (EIA) has been completed for this policy. The EIA ensures that the policy is fair, inclusive, and does not negatively impact any protected groups under the Equality Act 2010. The outcomes of the assessment will be monitored, and actions taken where needed to promote equity.

We recognise that we may not have identified all adverse impacts on one or more protected characteristics. We welcome any feedback on, or examples of, things that we may have overlooked so that we can continuously improve our policy.

Training statement

This policy will be trained out to relevant colleagues in Home Ownership, Legal, and Customer Services through:

- role-specific induction
- annual refresher training
- updates when legislation or guidance changes

Measuring effectiveness

Effectiveness will be assessed through:

- timely and lawful responses to RTM notices
- case audits and compliance reporting
- feedback from leaseholders and RTM companies
- monitoring of any tribunal or legal outcomes

Oversight will be provided by the Customer Experience Leadership Team.

Review period

This policy will be formally reviewed every three years. Earlier review may take place if required by changes in legislation, regulation, organisational priorities, or following feedback from colleagues, customers, or stakeholders. Any updates will be approved through the appropriate governance route.

Approval

This policy was approved by Customer SLT and is applicable to:

- Bromford Housing Association Ltd (operating as Bromford)
- Bromford Home Ownership Ltd (operating as Bromford)
- Merlin Housing Society Ltd (operating as Bromford)
- Flagship Housing Limited (operating as Flagship)

Any references to Bromford Flagship LiveWest should be interpreted as equally applicable to all the above.

Appendix A – Glossary of Key Terms

Term	Definition
Right to Manage (RTM)	A statutory right under the Commonhold and Leasehold Reform Act 2002 that allows leaseholders of flats to take over management of their building without buying the freehold.
RTM Company	A company set up and controlled by leaseholders to manage the building, typically limited by guarantee and registered at Companies House.
Notice of Invitation to Participate	A formal invitation issued to all qualifying leaseholders to join the RTM company before a claim is made.
Notice of Claim	A legal notice issued by the RTM company to the landlord (Bromford Flagship) informing them of the intention to take over management.
Counter-Notice	A response issued by the landlord disputing the RTM claim if the qualifying conditions are not met.
Acquisition Date	The date on which the RTM company officially assumes management responsibility for the building.
Accountable Person	The individual or organisation responsible for managing building safety in a higher-risk building, as defined by the Building Safety Act 2022.
Mixed Tenure	A building that contains both leasehold flats and rented units (social, affordable, or market rent).
Common Parts	Shared areas in a building such as stairwells, corridors, lifts, gardens, and communal lighting.

Supporting documents

- ASB Procedure
- ASB Service Standard
- Complaints Policy
- Domestic Abuse Policy
- Equality Impact Assessment (2025)
- Managed Behaviour Policy
- Responsive Repairs Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy
- Tenancy Management Policy
- Vulnerability, Inclusive Services & Reasonable Adjustments Policy
- Housing Ombudsman Complaint Handling Code (2024)

Version control

Note: minor updates approved by delegated authority increase version number by 0.1; major updates and formally approved versions increase version number by 1.0.

Version	Detail	Approved by	Date
1.0	First issue	Customer SLT	16 December 2025
1.1	Updated template (including the logos on titlepage footer and wording in approval section)	n/a	6 August 2026