



# **Sustaining tenancies guidance for social landlords**

December 2012

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### **Partnership guidance for Newcastle City Council, Housing Associations and registered providers in the City of Newcastle upon Tyne, and Newcastle Probation Service**

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#### **1. Introduction and aims of this guidance**

Where tenants are receiving support, social landlords are encouraged to engage with those support agencies to work together to support the person to remain in their home, the aim being to prevent homelessness by bringing landlords and support agencies together to ensure that:

- vulnerable people are better equipped to make a success of their tenancy
- risks are identified, and support and other arrangements put in place where vulnerability can be reasonably identified
- vulnerable people have the support they need to cope with the demands of a tenancy (where appropriate support is available)
- the landlord and support agencies are encouraged to work together in a coordinated and integrated way as soon as problems are identified, to minimise and manage any risk of the tenant not being able to manage their tenancy
- vulnerable people leave their tenancy in a planned way if they cannot cope

The guidance sets out what is considered to be good practice, from housing provider's staff, social care workers, and from a range of other agencies (voluntary and statutory sector) involved with social housing tenants.

#### **When does this guidance not apply?**

While the overall aim of the guidance is to reduce the risk of tenancies failing, it is recognised that unfortunately not every tenancy will be sustainable. There will be circumstances where serious anti-social behaviour is associated with a particular tenancy. Where, after considering the rights and safety concerns for the local

community with the tenants position, it is judged by officers from the social landlord that the behaviour is so serious and/or having an adverse impact on other residents and/or the wider community, this guidance will not be followed and immediate enforcement action will be taken to protect the community.

The guidance anticipates support being provided by a number of agencies. If that necessary support is not available, then clearly it will not be possible to implement the guidance as outlined.

## **2. Partners to this guidance**

The following agencies will endeavour to support the principles of this guidance:

- Newcastle City Council Adult and Culture Services
- Newcastle City Council Children's Services, Children's Social Care & the Youth Offending Team

The Council expects social landlords operating in the City of Newcastle upon Tyne to consider the principles of this guidance when managing their tenancies.

- The major Housing Associations and Registered Providers providing general needs housing in Newcastle:
  - i) Your Homes Newcastle
  - ii) Bernicia
  - iii) Home Housing Group
  - iv) NomadE5
  - v) Places for People
  - vi) Riverside North East
  - vii) Leazes Homes
  - viii) Byker Community Trust

Other organisations which are committed to working towards the guidance are:

- Northumbria Probation Service

The guidance is also supported by other partners in the Homelessness Prevention Network, including health services, advice agencies, and employment agencies.

## **3. What partners to this guidance are asked to do?**

- Ensure that all staff who need to know about this guidance have access to it and have been briefed on its content. Staff may also be provided with additional procedural guidance tailored to their respective organisations
- Act proactively to identify the risk of a tenancy failing as early as possible
- Take part in reviews of cases where a tenancy has failed
- Recognise the importance of sharing appropriate information about vulnerable people

- Social landlords engage with appropriate agencies where tenants are identified as vulnerable, with the aim of working together to help sustain tenancies
- Other agencies involved with providing support to social housing tenants engage with housing staff where tenants are identified as at risk of losing their tenancies, with the aim of working together to intervene early enough to help sustain tenancies
- Other agencies involved with social housing tenants work with their clients to help them to understand what it means to be a tenant, and support them to meet their tenancy conditions
- Agencies contribute information to Newcastle City Council which will help monitor the outcomes of this guidance

Expectations of social housing tenants will be set out clearly at the start of their tenancy by the housing provider. This means that tenants are expected to pay their rent and to behave in accordance with their tenancy agreement. It is important that all agencies understand that tenants who are vulnerable may still lose their homes if they do not comply with their tenancy obligations, pay their rent on time and/or behave in a way that impacts adversely on their neighbours and the wider community's quality of life.

Where there appears to be no alternative but for a tenant to lose their tenancy, agencies will continue to work together to attempt to secure other solutions as appropriate, such as supported housing and/or private housing.

#### **4. Guidance about sharing information**

Effective information sharing helps agencies to work together to help vulnerable people to sustain their tenancies. It is in the interests of the applicant/tenant, and all organisations, to share information. Housing agencies may be unwilling to offer accommodation to someone who appears to pose a risk to neighbours, until there is an action plan in place to address the risk.

- Agencies should ensure that the applicant/tenant has signed a consent form, so that information can be shared with any other agency working to help them prevent homelessness or to protect the public. Some housing providers complete this as part of the application process for accommodation
- Agencies should share relevant information, including risk assessments, so that any risk to the tenancy or to staff, organisations, or neighbours and the community can be identified, managed, and minimised
- Agencies should not hide information in order to enable vulnerable people to access accommodation which is not appropriate to meet their needs, or which would put them or others at risk
- Where a case meeting has been held under the Multi Agency Public Protection Agreement (MAPPA) process, MARAC, Child Protection, or other Safeguarding arrangements, all agencies should agree at the meeting which information can be shared outside the meeting (most information is considered to be restricted unless otherwise stated)

Information sharing, training and guidance is encouraged to support the use of the

Common Assessment Framework (CAF) where the tenancy receiving support involves a family. CAF aims to build a team around the family in a preventative, early intervention approach to improve outcomes for children and young people.

If a tenant has refused to sign a consent form, or has said that some information cannot be shared, partners can still engage with one another so that information can be received from other agencies which do have that consent and any information that is not sensitive or restricted can be shared.

## **5. Monitoring outcomes**

While this document is designed to act as guidance, it is important that we know what effect collective actions have in trying to reduce homelessness. The following data is designed to provide information to the City Council and other commissioning bodies, so that we can measure the effect of everyone's interventions, and see how we can better reduce homelessness in the future.

All information is collected on a quarterly basis and discussed at a monitoring meeting normally attended by representatives of Social Landlords, Newcastle City Council Housing Services, Adult Services and Children's Services.

### **Data required from partners**

#### **Social housing providers:**

- Number of new flags indicating a vulnerable applicant entered on to the IT system.
- Number of new tenancies allocated for vulnerable people.
- Number of evictions and number of evictions resulting in homelessness.
- Number of tenancies for vulnerable people sustained for 6 months and 1 year.
- Number of referrals of vulnerable applicants/tenants to floating support.

#### **Supported housing (accommodation) providers (this information is collected by City Council's Housing Advice Centre):**

- Number of new tenancies in social rented or private rented housing for people moving from supported housing.

#### **Floating support providers:**

- Number of referrals for new tenants requiring support.
- Repeat homelessness cases where homelessness prevented (where eviction or abandonment was imminent).

#### **Homelessness (this information is collected by City Council's Housing Advice Centre):**

- Number of evictions suspended.
- Number of evictions carried out.

- Number of homeless applications from tenants recently evicted.

## **6. Agencies lead officers**

If you require further advice about this guidance please contact one of the following points of contact within each agency:

**Neil Munslow, Active Inclusion Service Manager**

Wellbeing, Care and Learning

0191 211 6351

[neil.munslow@newcastle.gov.uk](mailto:neil.munslow@newcastle.gov.uk)

**Martyn Burn, Head of Support & Care**

Your Homes Newcastle

0191 278 8599

[martyn.burn@yhn.org.uk](mailto:martyn.burn@yhn.org.uk)

**Grainne Fegan, Lead Specialist Integrated Assessment Early Intervention &**

Social Care (including CAF)

Wellbeing, Care and Learning,

0191 211 5806

[grainne.fegan@newcastle.gov.uk](mailto:grainne.fegan@newcastle.gov.uk)

**Paul Brownlee, Service Manager, Young People**

Wellbeing, Care and Learning

0191 277 7308

[paul.brownlee@newcastle.gov.uk](mailto:paul.brownlee@newcastle.gov.uk)

**Claire Nixon, Service Development Lead, Safeguarding Adults, Wellbeing Care and Learning**

0191 211 6027

[Claire.nixon@newcastle.gov.uk](mailto:Claire.nixon@newcastle.gov.uk)

Any issues raised that can't be resolved straight away, will usually be asked for in writing and a response will be sent within 10 working days.

## **Implementation and review date**

This guidance comes into effect on 1<sup>st</sup> December 2012 and will be reviewed in November 2014.

## 7. Sustaining tenancies guidance for social landlords

The guidance is set out to be applied as follows:

- i) **Action recommended before a tenancy starts to identify whether an applicant may be vulnerable, and reduce any risk to the tenancy.**
- ii) **Action recommended during the tenancy to deal with any problems which arise and reduce the risk to the tenancy.**

This guidance is intended for use by:

**Housing agencies:** providers of settled housing

- Relevant Housing Officers from Housing Associations/Registered Providers (referred to throughout the guidance as 'housing officers')

**Support agencies:** agencies providing support, supervision or other targeted interventions

- Supported housing organisations, accommodation-based and floating support
- Adult & Culture Services
- Children's Services and other agencies
- Those working with children (e.g. health visitors, education welfare officers, school health advisers)
- Drug treatment agencies
- Probation
- Youth Offending Team
- Mental Health Trust & other health agencies
- Changing Trax
- Other agencies involved include Housing Advice Centre (HAC) through the Homelessness Prevention Officers.

**i) Action recommended before a tenancy starts to identify whether an applicant may be vulnerable, and reduce any risk to the tenancy.**

This guidance should help to identify a vulnerable person who might not be able to manage a tenancy without support and help agencies to work together to try to reduce the risk of homelessness.

The working definition in this guidance is that a person is vulnerable if it is considered that they either:

- Receive support (housing-related or other support, or social care) from an agency with whom a housing officer can jointly work as described in this guidance

or

- Have been identified as needing support in order to manage a tenancy and would not be able to manage a tenancy without outside assistance beyond ordinary housing management

**It should be noted that if support cannot be secured, this guidance is not applicable.**

**At the housing application (registration) stage – identifying support needs or identifying that support is already being provided**

Support agencies working with their clients seeking housing should help them complete the Tyne & Wear Homes registration showing that they need or receive support, and identify the person(s)/agency(s) who they currently receive support from including the type of support provided.

The Housing Officer taking the application should check at the Tyne & Wear Homes verification stage whether a support agency is already working with the applicant or anyone in their household. If there is no indication of this from the applicant or on the application and the Housing Officer has concerns, they should check to see if, as far as they are aware, there is any support agency involved with the applicant.

If there is an agency involved, the Housing Officer should put a flag on their IT system (if available) to show that the person is vulnerable and receives support, together with a note of who provides the support and their contact details.

**Property ‘offer’ stage – guidance to identify who is vulnerable and in need of support to maintain a tenancy**

At the ‘property offer’ stage, support agencies should notify the Housing Officer either to let them know that they are intending to continue to offer support which will help the person to sustain independence in their own tenancy, or that there are particular concerns about whether the person will be able to manage a tenancy, but there is no support in place.

Housing Officers preparing for the sign-up of the tenancy are advised to check whether there is any indication on the housing application that the person (or anyone in their household to be re-housed with them) is vulnerable or not?

### **How to tell if an applicant is vulnerable?**

The Housing Officer is advised to look at whether the individual falls into one of the groups listed below. Not everyone in these groups will have difficulty sustaining a tenancy, but if the person is already involved with an agency providing support or other help this is an indication that they may be vulnerable.

If the applicant has not already told the Housing Officer that they are receiving support from a social worker, other statutory agency or support provider, the Housing Officer would not be expected to contact one of the agencies listed unless it was clearly apparent that a support agency might be involved. For example if it is apparent from speaking to an applicant with visual impairment that they would have great difficulty organising a move into independent housing without help, the Housing Officer might then look to see if the person is known to the Sensory Impairment Team within Adult Services.

Evidence that they have previously had difficulty managing a former tenancy (where known) may be an indication that they could have difficulty managing their tenancy again. Further information should be sought from the applicant to see if any support had previously been available to them.

### **Potentially vulnerable groups (and where to look for information on vulnerable indicators).**

While it is acknowledged that it is good practice for social landlord's to take reasonable steps to identify vulnerability from the start of a tenancy, it may not be possible to do so in all cases. Where the relevant information is not available or forthcoming from the person seeking housing, it can be difficult to identify a person or member of their household as vulnerable from the start of their tenancy.

The following list is not exhaustive but gives examples where applicants may be potentially vulnerable.

- People known to have been accepted as statutory homeless by the City Council in the last two years where stated on their housing application (Housing Application, Homeless Prevention Officers). Once re-housed, a person who has been previously homeless does not necessarily continue to be vulnerable under this guidance
- People known to have a housing support worker (Housing Application)
- People known to be leaving supported accommodation, for example all under 18 year olds and pregnant teenagers should have a support worker (Housing Application)
- People known to have a social worker (Housing Application, Adult Services Direct Contact Team, or Children's Services, Initial Response Team)

- People known to have a Community Psychiatric Nurse or other mental health support (Housing Application, and information from Adult Services Direct Contact Team)
- People known to have a Probation Trust Offender Manager or Youth Offending Team worker (Housing Application)
- People known or suspected to be subject to MAPPA (Housing Application, check with Northumbria Probation Service District Office)
- People known to be leaving hospital, prison, care, or the forces (Housing Application)
- People whose learning disability is known to make them vulnerable (Housing Application, and information from Adult Services: Direct Contact Team, or Children's Services: Initial Response Team)
- People whose physical disability or sensory impairment is known to make them vulnerable (Housing Application, and information from Adult Services Direct Contact Team, or Children's Services Initial Response Team)
- Refugees (Housing Application)
- People known to have a literacy or numeracy problem, or other communication difficulty (Housing Application, or from contact at or before sign-up)
- People housed through a priority, on the basis of urgent or immediate need (Housing Officer)
- Families including children or young people about whom there are concerns for their wellbeing.

Where possible, Housing Officers are advised to put a flag on the tenancy record (for example on the IT system and/or in the house file records) to show that the tenant is thought to be vulnerable including the name and contact details of any support worker involved, if known.

Where there is a support worker, the Housing Officer should note on the house file/tenancy records how best to alert the support agency if a problem arises with the tenancy (for example contact phone number / e-mail).

### **Agreeing a support plan where there are serious concerns about the person's ability to maintain a tenancy**

Where there are serious concerns about whether the person can maintain a tenancy, or where there is more than one support agency involved and it is not clear who has what role, the Housing Officer should consider calling a case meeting or facilitating a discussion.

Each agency with information about the applicant, or who could provide support, should be invited to the meeting in addition to the applicant, or invited to participate in the discussion.

Support agencies may need to call a case meeting for other purposes – for example, MAPPA or Safeguarding concerns – and if housing issues are considered within such a meeting prior to an applicant being offered accommodation, then a separate case meeting/discussion about housing issues would not be necessary.

Key points to remember are:

- If a case meeting/discussion is considered appropriate at the beginning of a tenancy, this can be called by the Housing Officer.
- This guidance recommends that any case meeting/discussion is held within a reasonable timescale of a property being identified (where possible before a property is identified, i.e. at the same time as looking at the application).
- If a meeting/discussion is called, support agencies should be prepared to contribute and that information about the applicant is shared.
- A face to face meeting may not be essential in every case and discussions can be held over the phone or by e-mail which may be more appropriate where there are not many agencies involved.
- A support plan should be agreed by all parties to the meeting or discussion so that it is clear what everyone is doing.

Whoever called the meeting/discussion should circulate a copy of the support plan to all agencies involved with the tenant.

It is vital that records show clearly what has been discussed and who is responsible for which action to keep the support on track. The Housing Officer should ensure that accurate records are kept at all times for their respective organisation.

The Housing Officer should ensure that the applicant gets an explanation at the 'sign up' meeting about which agencies are to provide what type of support, and what will happen if there are difficulties with the tenancy, making clear what is expected of the applicant if they are housed.

The applicant should be informed if it is decided that a tenancy cannot be offered at this point as there is insufficient support available. The support agency should explain the options to the applicant and what will happen next. If the applicant is now considered to be ineligible for a tenancy, they should be given advice by the Housing Officer on how to appeal and what steps to take to become eligible.

### **Reviewing a support plan**

Any support plan should be reviewed on a regular basis to ensure it is working. The agency that is supporting the vulnerable person should liaise with the Housing Officer to check that there are no breaches of tenancy. The Housing Officer should maintain regular contact with the support agency and contact them straight away where a breach of tenancy, or potential breach, occurs.

Concern about the performance of any partner agency in supporting vulnerable people can be raised with the single points of contacts listed on page 5.

If a Common Assessment Framework (CAF) is known to be in place for a child or children living in the household, the Housing Officer should ensure that they liaise with the lead professional for the child to ensure that actions taken in respect of any housing issues and the child or family's circumstances complement each other, and that one set of actions do not work against the others.

If no Common Assessment Framework (CAF) is in place but housing staff have concerns for the family, the Housing Officer should contact the City Council's Common Assessment Framework Team by telephone 0191 211 5806 to find out whether a CAF is already in place, or whether a referral should be made.

The agencies getting involved can then be asked to be a part of the meeting to manage the support plan.

### **Checking things are going okay - the new tenant visit**

The Housing Officer should visit the new tenant shortly after the start of the tenancy to check that the tenant has settled into their new home and address any problems (it is recommended by Newcastle City Council that a new tenant's visit is carried out within 6 weeks of the tenancy starting).

Problems to look out for would include:

- non-payment of rent/service charge
- no housing benefit in place
- no furniture, or gas/electricity not yet connected
- significant build-up of rubbish in or outside the property (particularly where there are children in the household)
- problems reported by neighbours (such as anti-social behaviour, noise, or constant visitors)
- no sign of the person living there

Where there are signs that the tenancy is not being managed successfully, the Housing Officer should contact any support agencies known to them, as agreed when the tenancy was offered or as set out in the support plan.

Similarly, any support agencies involved with the tenant should contact the Housing Officer if they note that the tenant is not coping well with managing their tenancy.

Where there are no agencies engaged with the tenant and they now appear vulnerable, the Housing Officer should make a referral to Newcastle City Council's Adult & Culture Services or Childrens Services if this has not already been done. Contact can be by any appropriate method (for example phone or e-mail) with a note being made afterwards to maintain records.

The Housing Officer should alert the support agency working with the tenant where there are concerns about the household, and particularly where the household contains someone who is believed to have:

- dependent children
- children in the 'Looked After' system (i.e. children leaving care)

- mental health problems or a learning disability
- drug or alcohol problems which affect their behaviour or payment of rent
- an older person who appears to have difficulties because of exploitation by their family or other people

In some households, such as those where an adult has learning difficulties, mental health problems, or substance misuse problems, the children may act as 'young carers'. Support agencies should be informed where there concerns about a family where this appears to be the case, as the whole household could be in need of additional support.

**ii) Action recommended during the tenancy to deal with any problems which arise and reduce the risk to the tenancy.**

**Identifying anyone who is having difficulties with their tenancy, and was not identified as vulnerable at the start of their tenancy or the new tenant's visit**

If it is thought that the tenant has become vulnerable since moving in, the Housing Officer should check whether the tenant falls into one of the main groups listed in vulnerability criteria on page 8 or whether there are any other indications that s/he is now vulnerable.

A flag should be put on the tenancy record if there is not one in place already, if it is now apparent that the tenant is vulnerable, or now has a support agency involved.

A pre-CAF checklist should be completed by the Housing Officer and passed to the CAF Administrator if children with additional needs live in the household.

Support agencies should contact the Housing Officer if they have concerns about a tenant who they are involved with during an existing tenancy, particularly if there has not yet been any communication between the Housing Officer and the support worker.

**Action where there are serious concerns about whether a tenant is at risk during the tenancy**

Where the Housing Officer has serious concerns about the tenancy beginning to fail (for example, because there are serious rent arrears, an untidy property, or complaints about anti-social behaviour), they should in the first place speak to the tenant about these concerns and find out what support they receive. The Housing Officer could then contact key support agencies involved with the tenant to check whether they share any concerns about the tenant or tenancy, and discuss what needs to happen next about any support to be offered to the tenant.

Similarly, if support agencies begin to have concerns, they should make contact with the Housing Officer to see if those concerns are shared, and agree a way forward.

If there was a support in place at the outset, it is recommended that the Housing Officer and support worker discuss and review this.

If the tenant is particularly vulnerable and is at immediate risk of harassment from people outside the tenancy (for example, drug dealers pressurising a former drug user in the recovery phase) a managed relocation/transfer of the tenant/family to alternative accommodation could be considered in exceptional circumstances to move the tenant to prevent the situation getting worse.

Direct payment of rent (where applicable) should be considered where there are rent arrears, and it is good practice to chase housing benefit forms where there is a delay in the receipt of the benefit.

Tenants who indicate to the landlord they are to leave the tenancy voluntarily before a possession order is obtained should be advised to get independent legal advice.

**Where there are serious concerns about the tenancy and Court action has been started to recover possession of the property.**

It is possible that someone who is at risk of losing their tenancy and facing eviction has not already been identified as vulnerable.

In cases where tenants are at risk of losing their tenancy (for example where an absolute possession order is being sought at Court, or a warrant to evict is being considered for rent arrears or anti-social behaviour) the Housing Officer should check if they are flagged as being vulnerable tenants.

Where a family with children is faced with eviction, the Housing Officer should try to make contact with any professional already working with the family or the children, and explain to them the process being followed and what stage the process has reached. If there is no agency identified as already working with the family, it is suggested that a pre-CAF is completed by the Housing Officer and sent to the Initial Response Service within Children's Services.

**Eviction action is being considered by the landlord**

If there was support in place because the person had been identified as vulnerable, the Housing Officer may call a case meeting/discussion to identify whether it is possible that agencies could:

- influence the tenant's behaviour further
- take any further action to prevent the eviction, or
- intervene so that the household has accommodation in the future if the eviction takes place

If any new actions are identified to put the tenancy back on track, then this information should be circulated to all agencies by the lead support agency (where Adult & Culture Services or Children's Services are supporting a tenant, they will be the lead support agency). The plan should include a short timescale to aim to improve the situation (for example reduce the arrears and/or improved behaviour).

Any support should not be reviewed unnecessarily or endlessly, and where reasonable action has been taken to support a tenant to change behaviour or encourage rent payments, then support agencies should be notified of the landlord's intention to repossess the property if the behaviour does not improve.

**Tenant is likely to lose their home but not identified as vulnerable before**

If the tenant was not identified as vulnerable in the past, but is now thought to be in one of the groups listed on page 8 or vulnerable for another reason, the Housing Officer should request a case meeting/discussion with the relevant support agencies before the eviction takes place.

At the case meeting/discussion, all involved should consider whether support could reduce the risk of eviction. If all agencies agree that this would be beneficial, then appropriate actions should be recorded by the lead support agency and circulated including reasonable timescales to improve the situation.

The Housing Officer should contact the tenant to ensure that they are made aware of the possibility of eviction and implications of being deemed intentionally homeless. Staff at the City Council's Housing Advice Centre (HAC) should also be contacted when an eviction warrant is applied for.

### **Where eviction action is taken**

If the tenant has already been identified as vulnerable and reasonable effort has been made by the housing provider and other agencies to prevent the eviction, but possession action is still to be pursued, the Housing Officer should ensure that other agencies previously involved know that the possession order and eviction are going ahead.

They should contact (preferably by email) the following agencies to inform them about the impending eviction action:

- HAC – the Housing Advice and Assessment Manager and Homeless Prevention Officer
- Nominated Senior Officer (for example a Housing Manager) at the Housing Associations/Registered Provider proposing to carry out the eviction
- Adult Services, where they are already known to be working with the household
- Children's Services, the Initial Response Service, or another lead agency, whenever dependent children are in the household
- Any other agency known to be working with the tenant

Information about the eviction should be circulated to all agencies when the application has been made to the Court for a warrant for eviction. This should provide a reasonable period of notice for other agencies to identify other accommodation options or actions.

If a move into supported housing would be helpful, this can be considered by either the Housing Officer or a Homelessness Prevention Officer from the Housing Advice Centre (HAC). HAC assign a Homelessness Prevention Officer to look at any homeless application, assess whether the applicant may be considered to be intentionally homeless and consider a range of housing options for the household.