

SAFEGUARDING PROTOCOL FOR HOUSING

1. Purpose

This protocol demonstrates the Councils/Devon's Registered Providers commitment to partnership working, in order to safeguard the wellbeing of vulnerable people who face various types of risks within a housing context.

Vulnerable people require a joint approach to the resolution of their housing problems, especially those at risk of eviction, homelessness or in need of support. This protocol outlines how the partners will deliver and develop such an approach.

Purpose: The protection of vulnerable people at risk in their homes or those who face re-housing, homelessness or eviction through improved joint working across Housing.

2. Key principles contained in the protocol

1. **The Paramount Principle:** The Council/Registered Providers and its partners have an overriding duty to safeguarding the health and wellbeing of vulnerable individuals living in Devon.
2. **Partnership Principle:** Partnership working between Council Services/Registered Providers and their partners are pre-requisites for the success of this protocol.
3. **Responsibility and Accountability Principle:** By identifying the responsibilities and accountabilities of various stakeholders, the protocol ensures that a joint way of working is adopted with the risk of duplication of effort being reduced.
4. **Information Sharing Principle:** To promote co-operation, co-ordination and collaboration across organisational boundaries this protocol encourages information to be responsibly shared.

Underpinning all safeguarding there are six additional principles that should be considered – empowerment (personalisation and presumptions of person – led decisions and informed consent); prevention (better to take action before harm occurs); proportionality (timely and proportionate action and a least intrusive response appropriate to risk presented); protection (support and representation for those in greatest need); partnership (local solutions through services working with their communities); accountability (and transparency in delivering safeguarding).

3. Introduction

This protocol recognises that the Council/Registered Provider has a multi-faceted relationship with vulnerable people for whom it is likely to have a number of statutory responsibilities. For example, while the Council/Registered Provider may be the landlord of some vulnerable people it may also be responsible for the provision of other services. This demands that a holistic approach is taken when dealing with vulnerable people at risk with regards to their housing arrangements. Officers are required to adopt such an approach and to avoid treating people as isolated 'housing cases'.

At the heart of this protocol is a concern to ensure vulnerable people are protected in their homes and that due regard is given when assessing their housing status. Therefore, it will be important to ensure that necessary checks are carried out to support such vulnerable individuals appropriately.

This protocol also encompasses services delivered through formal partnership arrangements with organisations external to the Council/Registered Provider. Where services are delivered through external arrangements, this protocol shall apply to relevant services / officers of partner organisations.

Where new partnership arrangements or contracts are developed/ reviewed within the remit of this protocol, this protocol will be included as part of the partnership agreement, or contract.

The protection and safety of a vulnerable adult is everyone's responsibility as defined within the Care Act 2014:

"An adult (a person aged 18 years or more) who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation."

This could include:

- People with learning disabilities;
- People with mental health problems;
- Older people;
- People with a physical disability or impairment.

The need for additional support to protect themselves may be increased when it is complicated by additional factors, such as:

- Physical frailty or chronic illness;
- Sensory impairment;
- challenging behaviour;
- Drug or alcohol problems;
- Social or emotional problems;
- Poverty or homelessness.

This protocol is built on the foundations that it is every adults and child's right to live free from abuse in accordance with the principles of respect, dignity, autonomy, privacy and equity. The law relating to children and adult safeguarding is different. For adults the focus is on adults with care and support needs who, because of those support needs are unable to protect themselves from abuse or neglect.

For children, it will usually be the behaviours of the adults caring for them that place them at risk of eviction or compulsory re-housing:

-) Living with families who through the ill health or disability of the parents, or for other reasons, are not able to provide all aspects of the parenting that children need for the best opportunity to grow;
-) Children and adults with care and support needs who are the victims of abuse are to be regarded as vulnerable. It is important to note the children and adults with care and support needs living in situations where domestic violence is taking

place are considered to be the subjects of abuse, even when they are not the targets of this violence.

Vulnerability ***should not be assumed***. It is an individual matter and depends upon the complex relationship between individuals and their circumstances.

For example, not all disabled people are, necessarily deemed to be vulnerable in terms of safeguarding. Judgements about whether a person is vulnerable in terms of abuse and neglect are only to be arrived at through a process of individual assessment and or a referral of a safeguarding concern for which Adult Social Care Services or the Mental Health Trust/ NHS is responsible.

4. Protecting Vulnerable People: Issues specific to housing

There may be occasions when housing officers working with tenants are concerned and worried about someone's welfare. For example:

- There may be concerns about vulnerable adults whose care needs appear to be neglected or who appear to be subject to deliberate mistreatment.
- Tenants may tell their housing provider that they are being abused.
- There may be signs of extreme self-neglect, examples could be hoarding, living in unsanitary conditions, alcohol or substance misuse.
- There may already be issues of maintaining a tenancy, paying bills as a result of a learning difficulty, mental health deterioration, dementia, or financial abuse may be suspected.
- A person may be a victim of harassment from neighbours, this may or may not be identified as a hate crime.
- Where there is known or suspected domestic abuse.

) There may be concerns around coercive behaviours relating to radicalisation, drug trafficking (cuckooing associated with county-lines) and other forms of manipulation.

In all cases of concern Adult Social Care Services should be contacted at an early stage to see if the tenant requires social care support to help maintain their tenancy.

Where an officer suspects abuse or self-neglect they should contact the Safeguarding Adults team through CareDirect. Information is available in the Safeguarding Policy.

If anyone identifies or suspects a crime is taking place they have a duty to report this to the Police. It is important that the first person who is aware of the alleged crime contacts them as will have most of the information to share with them. The Police will then decide how best to respond to the concern. This measure could prevent crime and or serious harm to a vulnerable person.

If there is any doubt then please refer to your line manager or your Safeguarding Lead/Champion for guidance. Please also notify the ASB Team (or your appropriate team) if the crime relates to antisocial behaviour.

5. Housing Officer Responsibilities

All housing staff must attend mandatory safeguarding training (both adult and children's) and regularly update themselves with further developments within this area.

Every effort must be taken to assist vulnerable people to maintain their tenancy - eviction and compulsory re-housing must be seen as a last resort at all times. Officers must demonstrate that they are taking a reasoned and professional view when seeking an eviction and actions must be agreed with relevant teams to ensure the best result is received.

Officers must demonstrate an understanding of what may lie behind behaviour that may appear unreasonable, whilst at the same time taking appropriate steps to address that behaviour.

The management team must ensure that officers have, not only, been briefed about this protocol, but also, actively use it as part of their policies, procedures and every day work.

Officers including agents/contractors have a duty to report suspected criminal offences to the Police on 101 for non-emergency.

The above responsibilities are held by all housing staff. Below are responsibilities for specific teams.

5.1 Housing management staff

These officers are responsible for the day-to-day management of tenancies, including dealing with anti-social behaviour and harassment on the Council's/Registered Provider's housing estates. This includes domestic violence, hate crime and all types of abuse. In the event of problems, early communications with the alleged perpetrator (if appropriate) and complainant is vital. The Housing Tenancy Management Policy (or your appropriate policy) must be used in conjunction with this policy, to ensure that action is efficient and effective.

Housing staff must be mindful of customers, who have known, or suspected support needs, and who may need an immediate referral for Housing Support Services or liaison with Social Care Services. This may include, but is not limited to, people who misuse alcohol and/or drugs, care leavers, ex-prisoners, victims of domestic abuse or sexual violence, people with a disability, or mental health problems, or frail older people.

5.2 Housing Options

This team consists of the homeless, homeless prevention and advice, temporary accommodation, private landlords and allocations teams who typically deliver the Council's statutory responsibilities to people in housing need including the homeless. The team are responsible for assessing vulnerability in homeless people to determine whether the statutory re-housing duty is held.

People assessed as eligible for Social Care Services support may also be considered vulnerable under homeless legislation.

People requiring services from the Housing Options team will be assessed for any actual or potential risk due to their vulnerability.

The Allocations team (or your alternatively named team with allocation responsibilities) will also assess potential tenants for vulnerability based on their applications for housing.

Vulnerable adults in need of support should be assessed with input from Social Care Services.

5.3 The Housing Tenancy Sustainment and Rent/Income Team

This is the team responsible for ensuring that all tenants pay their rent promptly and regularly. No eviction of a vulnerable tenant must take place, due to rent arrears, unless this has been discussed with Social Care Services and it has been progressed through the Rent Arrears Panel. It must be noted that vulnerable people enduring this process should be offered advocacy support when meeting officers. Where there is involvement, the tenant will be asked to agree to information being shared between Housing and Social Care Services staff, and the name of a key worker will be obtained where possible to ensure the best level of support is given to the vulnerable person.

Where the vulnerable tenant is not known to Social Care Services but has clear support needs and failure to address rent arrears may result in eviction, a referral will be made to Social Care Services, as appropriate. Implicit in the referral will be the Housing providers wish to avoid eviction. The referral will include the expectation of and commitment to joint working, including the production of a Joint Support Plan, to address issues impacting on the client's ability to maintain their tenancy.

5.4 Children's or Adult Social Care

These services provide support to children or adults with care and support needs designed to enable them to successfully manage their own affairs. This protocol explicitly recognises that homelessness and the experience of eviction and compulsory rehousing will have an immediate and negative impact on the ability of parents to care for children and on the ability of informal carers to care for their family.

5.5 Private Landlords

Whilst private landlords have no statutory duty towards vulnerable tenants they are encouraged to voluntarily report any concerns to the Council.

Training on safeguarding awareness will be provided and advertised through the Landlords Forum or similar.

5.6 Property & Asset Team and Contractors

The Property & Assets Team and Contractors have a duty to check flags on the Council's computer systems (or your alternative alerting system) which highlight the vulnerability of customers before making a visit, to ensure adequate support is in place. If there is any doubt with regards to vulnerability further checks must be made with the Council.

The Client Contract Team and Contractors also have a clear duty to alert and inform, where they are concerned about the vulnerability of their tenants, or the impact tenants are having on vulnerable people.

Any contractors working with the Council/Registered Provider must be adequately trained with regards to safeguarding vulnerable tenants. The council/RP will aim to provide this training through Tool Box Talks to all contractors along with regular refresher training within the timeframe guidelines.

6. Joint working, early Intervention and Communication

Early intervention with the vulnerable person and various partners in service delivery is crucial in managing areas which are potentially problematic.

Practitioners in housing and Social Care Services will work proactively with other agencies and share information, as appropriate, with them about the customer.

Referrals to Children's Services or Adult Social Care

Where the parties to this protocol have concerns relating to the wellbeing or vulnerability of person, or potentially vulnerable person and it is established that the person is **not known** to Social Care Services a referral will be made to the appropriate Team within the Directorate. If the Directorate knows the person all concerns should be passed on to the responsible social care worker.

Where the concern is related to safeguarding of a child, referrals must be made to the Multi Agency Safeguarding Hub (MASH) through the service representative who sits on the MASH.

Examples of where Housing staff would make a referral to Social Care Services include:

- Where the tenant's behaviour, or the behaviour of their children is significantly disturbing other residents.
- Where the risk of eviction threatens the interests of adults with care and support needs and, or children.
- Where domestic violence is taking place in a household in which an adult with care and support needs and/ or a child resides when abuse or neglect is suspected.

Housing staff will try to obtain the tenant's permission before making a referral to social care services, discussing with the tenant the benefits of sharing information with the Social Care Services in order to address concerns. However, where this is not be possible the principles set out in the Council's overarching guidance on information sharing with regard to sharing personal information without consent will apply. This will include writing to the tenant and explaining what consequences this refusal may have and the negative impact this may have on their tenancy. For example, they may not receive the right level of support from the council to sustain their tenancy which may result in eviction.

It is also important to note that in line with the General Data Protection Regulations, officers may still share information with social care services, where the law allows in certain circumstances – for instance if failure to do so will seriously affect the health

or wellbeing of a community member. Advice on such actions must always be sought from the Data Protection Officer.

7. Information sharing

Timely, appropriate information sharing is essential for successful partnership working aimed at identifying and addressing possible risks to vulnerable people. Information on the Council's/Registered Providers policy for information sharing can be found at (insert your location).

Information sharing should be conducted in line with the organisations overarching information-sharing protocol. Information can and should be shared in situations where the Council/Registered Provider has relevant information, or concerns that might impact on the maintenance of a tenancy. Information sharing with the relevant Housing team is vital to enable joint working on behalf of the tenant.

Similarly, new applicants for housing will be asked to identify whether they are receiving services from other statutory services. New applicants for housing will be given relevant Fair Processing information at the point their personal data is collected and will be told how their personal data is likely to be shared.

The overarching Information sharing protocol sets out the key responsibilities and considerations for staff.

Not every instance of information sharing can be documented, however staff can use existing guidelines as set out in the Protocol as well as local working procedures.

All Council/Registered Provider staff will ensure they comply with the organisations Information Security policies when sharing personal data (both internally and externally).

Guidance is available on the Council's/Registered Provider's intranet but key policies are:

- Information Security Policy
- Protective Marking policy

8. Providing the right support

8.1 Applications for housing from vulnerable people

At the point of registration, the application will be checked to note any issues of vulnerability and if so, to confirm whether, or not, the tenant is known to Social Care Services, or partner agencies. This information will be noted on the applicant's file.

Some RPs might choose to verify vulnerability when a provisional offer is made.

Potential risk or vulnerability will have been checked prior to the home visit or accompanied viewing of the property, and any appropriate action taken to ensure a safe viewing for both staff and clients. Where the customer is known to Social Care Services, this may include suggesting that the responsible social worker is present.

In addition, Housing will also make checks to ensure that a vulnerable person is not offered accommodation where the behaviour of neighbours is likely to exacerbate their vulnerability. Conversely, checks should also be made to identify whether, or not, the customer is likely to threaten the wellbeing of potential neighbours who are, themselves, vulnerable.

8.2 Offer of Tenancy & Tenancy Sign up for a vulnerable person

Where practicable and particularly where vulnerability is identified, the tenant will be asked to confirm whether there is any current Social Care Services involvement and asked to agree to information being shared between housing and Social Care Services in order for a joint approach to be taken to supporting them in their tenancy. Practitioners should ensure that there is frequent liaison between each other where there is a mutual client rehoused. Records of all such liaison – correspondence, emails, and file notes of conversations - *must* be maintained, and where contact with the client is made by one agency this should be flagged with the other.

8.3 Supporting a vulnerable person at a new tenancy visit

A new tenancy visit will be made within six weeks of the tenancy starting. If there have been any reports of nuisance at this stage these will be discussed and the conditions of tenancy reiterated. The assigned housing officer will have read the rehousing file to ensure a good understanding of the tenant and their needs. For new tenants, further visits will also be carried out during their initial introductory tenancy period.

If it is apparent that the tenant has a degree of vulnerability and is experiencing problems settling into the new home an appropriate referral to Housing Support and/or Social Care Services should be made.

8.4 Early indications of Anti-Social Behaviour

Where complaints regarding the conduct of a tenant or their household are received an investigation will be opened by the landlord. The investigating officer will check the tenancy records to identify any issues of vulnerability and / or health and safety concerns and where the alleged perpetrator is known to Social Care Services. Investigation of the complaint may identify a need for extra assistance by a referral to Housing Support and / or Social Care Services. Where practicable and safe a joint visit or office interview should take place as soon as possible.

The purpose of the visit / interview will be to highlight the problems and possible consequences for the tenant should the situation continue. The visit / interview may identify support needs to be addressed by housing and / or Social Care Services that will help the client to sustain the tenancy. An action plan will be agreed between all parties and the situation monitored. Where a person known to Social Care Services is rehoused by Housing there is an obligation on both sides to ensure that successful joint working occurs to support the tenant in settling into their new home and to prevent future homelessness caused by a breach of tenancy conditions.

As with arrears avoidance, staff must engage with tenants at key stages of the tenancy process to seek to identify risk factors and vulnerability. There may be opportunities to identify coercive behaviours relating to radicalisation or manipulation of tenants for illegal or immoral activities. This can trigger an alert to the Police through the established reporting channels.

8.5 Supporting vulnerable people through eviction

The key points of the process are:

1. The first occasion on which the Housing Officer will activate the protocol will depend on the reason. Broadly, such reasons will fall into two categories:

- Rent Arrears
- Other breach of tenancy – usually nuisance/anti-social behaviour.

In the case of rent arrears, this will be managed in line with the rent arrears/rent management policy.

In the case of other breaches of tenancy, the Housing Officer will manage the issue in line with the relevant policy and procedure.

2. The Housing Officer will judge if the person may be vulnerable given the definitions set out in this protocol. If so, they will inform the tenant about the Councils policy and protocol in relation to vulnerable people and check if the tenant is known to Social Care Services. If the tenant is known they will be asked for their permission to inform Social Care Services.

3. If the tenant says they are not known to Social Care Services, the Housing Officer will ask their permission to discuss their situation with Social Care Services with a view to making a referral for help.

4. If the tenant refuses to give permission to contact Social Care Services the Housing Officer must judge whether to inform Social Care Services without the agreement of the tenant. This decision should have regard to the sharing of information protocol. The threat of eviction will normally be sufficient reason to share information with Social Care Services, on the grounds that the overriding aim is to safeguard vulnerable people in our community.

5. If Social Care Services does not know the tenant, its first responsibility is to determine whether s/he has care and support needs. They must do this within 5 working days, and inform the responsible Housing Officer of what action they will take.

6. The core task of Social Care Services with respect to vulnerable people threatened with eviction is consists of coordinating the production and delivery of the interagency/interdisciplinary Joint Support Plan.

This will address the issues that lie behind the behaviour that is leading to the threat of eviction and must take into account the individual's ability and willingness to tackle those issues in order to arrive at a reasonable Plan. Social Care Services will engage Housing, which must play its full part, to ensure that the Housing and Social Care Services perspectives are built into the Plan and its underlying assessment.

7. The assessor will tell the Housing Service how long the assessment will take. Usually it will be within 35 days for a family with children in need and 20 days for a vulnerable adult.

8. Social Care Services will share with the Housing the key outcomes of the assessment. The former will manage the customer's agreement to share the

information. They will set out what change can be expected and the time scales. The latter will be based on what is realistic for the customer.

9. Social Care Services and Housing will agree the frequency of review of each case in accordance with their individual Joint Support Plan. Where a tenant fails to respond to the Plan and continues to be in breach of their rent or tenancy obligations, Housing will, after discussion Social Care Services, activate their usual eviction procedures.

10. Housing and Social Care Services will agree how the eviction process should be amended to allow for the Joint Support Plan to be effective. As previously noted, eviction cannot proceed whilst the Joint Support Plan is being delivered in accordance with its objectives, no matter the time scale. If, the officers dealing with the case cannot agree the appropriate senior managers should make a decision.

11. The Housing Officer will keep the Homeless Families Unit informed throughout the above stages.

8.6 Supporting vulnerable people after eviction

Any person evicted or facing eviction can approach the Council's homeless team for advice and assistance.

Where the Council/Registered Provider is evicting a vulnerable person or a family with children it is important to discuss the case with the homeless team at the earliest stage.

It may be necessary for the person or family to be temporarily accommodated pending the outcome of the homeless application. Bed and breakfast accommodation will only be used as a last resort and if so, only for a minimal period. During any period of time in temporary accommodation support should be offered and close monitoring maintained.

Close consultation with the appropriate social care worker or support worker is vital.

9. Conclusions

Safeguarding is core business for social landlords. It is vital that safeguarding considerations are embedded in all parts of the landlord services.

All housing staff should receive safeguarding training and organisations should be able to demonstrate that safeguarding is a priority and seen as a compliance issue. Good safeguarding practice will help tenants sustain their tenancies and maintain good health and wellbeing.

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