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6.4 Protocol with Housing - Vulnerable Tenants



This Protocol is currently under review.

Please also see the Protocol regarding the Management of 16 and 17 year old Young People who may be Homeless or require Accommodation

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1. Introduction and Policy Background

This Protocol was agreed in 2004 and is currently under review

Southwark's Homelessness Strategy seeks to prevent homelessness wherever possible. While it is acknowledged that landlords are entitled to rent owed and that residents have a right to peaceful enjoyment of their homes the strategy recognises that there are some vulnerable tenants who require short or longer term support in order to comply with the conditions of their tenancy agreement. This has been evaluated as more cost-effective to the local authority as a whole than eviction and its consequences.

Eviction of vulnerable households is to be used as a last resort, and only to be taken once the processes and stages set out in this Protocol have been adhered to

2. Service Covered in the Protocol

- *Housing Special Needs Service*, including Resettlement and SUSTAIN This service provides support services for vulnerable homeless and potentially homeless families
- *Housing Options Service* This service provides homeless prevention and housing advice services to anyone with a housing problem, and manages Southwark's housing register and lettings services
- *Housing Management Service* This service provides housing management services for council tenants and leaseholders

The Protocol also covers

- Relevant Social Services divisions, including Community Mental Health teams (CMHT)
- Drug and Alcohol Team (DAAT)

It is intended to expand the Protocol to Registered Social Landlords in the borough at a future date

3. Definition of Vulnerability

Vulnerability is generally defined as someone who is more likely than the 'average' person to suffer detriment or harm if they become homeless. Although this is not intended to be an exhaustive definition, as each case should be considered on its own merits, for the purpose of this Protocol the types of people who may be considered to be vulnerable can include

- Families with children under 18 and pregnant women.*
- 16-17 year olds,



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- Households experiencing domestic violence and abuse.
- People with mental health problems.
- Older people,
- People with a physical disability;
- People with a learning difficulty,
- People with alcohol or substance misuse problems.
- Asylum seekers or refugees;
- Former rough sleepers.
- Ex-offenders.
- People with multiple problems e.g. mental health and alcohol problems

*Including families where children are subject to a Child Protection Plan.

4. Procedure

4.1 Pre-tenancy actions- homeless households.

Where a vulnerable single person is being rehoused through the homelessness route, they will have received an assessment by a Special Needs resettlement officer.

A number of homeless families (but not all) are also considered to be vulnerable with support needs and may have a Special Needs family tenancy sustainment worker.

The relevant Special Needs officer (or supported housing key worker, if the client has been placed in supported housing) may accompany their client at the tenancy viewing depending on the level of their vulnerability. They will also be responsible for sharing relevant information with the local housing office or registered social landlord (housing association) that will be of assistance in managing that tenancy and any risk information, using a referral letter and risk assessment form. Information relevant to managing the tenancy could include that the client has difficulty in budgeting, requires assistance with claiming welfare benefits etc.

The relevant Special Needs officer will provide support to their client with the moving-in process, and ongoing monitoring and support generally for a period of 2-3 months post-occupation.

If the client needs longer term or ongoing support, they will be referred on to the SUSTAIN service or a floating support provider.

4.2 Joint Visit

Within 6 weeks of the new tenant taking up occupation, the Special Needs officer and the relevant housing management officer will conduct a joint visit to the tenant as part of the settling process, early identification of benefit problems etc. This visit gives an early warning of any potential problems with the tenancy and offers the opportunity for intervention to tackle these and prevent them from escalating.

The joint visit will also enable effective links to be made between the Special Needs officer and relevant housing management officer.

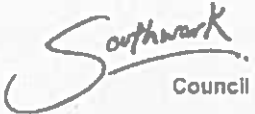
4.3 Pre-tenancy actions- other housing applicants.

For tenants not being rehoused through the homelessness route, information will not generally be available relevant to the management of that tenancy. The main exceptions to this are:

- Households being rehoused through the Single Homeless Nominations Group (SHNAG), and in this instance Special Needs will provide a copy of the referral form to the local housing office or registered social landlord.
- Former care-leavers being rehoused through a quota. In this circumstance the care-leaver will have a Personal Adviser in the 16+ Team in the Social Services Department.
- Households being rehoused from the South London & Maudsley Rehabilitation Team, where a nomination process has been established with the Housing Options service.

Where vulnerable tenants are being transferred between local housing office areas, the exporting office is responsible for notifying the importing office of any vulnerability and risk information relevant to the management of the tenancy.

4.4 Tenancy sign-up



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All first-time tenants of Southwark Council are initially given an Introductory Tenancy. This differs from a secure tenancy in that the Court is automatically required to give the landlord possession if the terms of the tenancy are breached. Southwark's probationary tenancies last for a year and automatically become secure after this period unless action for possession has commenced. (A separate policy and procedure is in place for dealing with introductory tenancies. This includes procedures for dealing with vulnerable people and a right to an internal review before cases are referred to court. The procedure also requires that housing officers are alert to the possibility of malicious allegations based on prejudice.)

The tenancy sign up will note contact details of the relevant Special Needs officer and any other agencies involved in the support of the vulnerable tenant- e.g. key worker, social worker, probation officer etc. This information should also be notified to the rent income team.

4.5 Stage 1: Identifying problems during the tenancy

Where it is known that the tenant is vulnerable and a problem arises with the tenancy, e.g. non-payment of rent, failure to renew housing benefit, nuisance by the tenant or harassment of the tenant the relevant housing management officer should conduct a home visit.

In instances where the conduct of the tenant, members of their household or visitors to the property cause significant nuisance or behave in an anti-social manner, Southwark Anti-Social Behaviour Unit (SASBU) will be asked by the relevant housing management officer to assess the case.

- Cases previously known to Special Needs

If the problem occurs within 3 months of the commencement of the tenancy, and where there was previous involvement with Special Needs, the case should be referred to the relevant Special Needs officer for assistance with resolving the problem.

If the problem cannot be resolved at this stage, and there are concerns that the tenant is having difficulties because current support arrangements are insufficient, the Special Needs officer will make a referral to the SUSTAIN service, who, in addition to their own resources have expertise in referring to other support services where this is required.

- Other Cases

Where there is no prior/ongoing involvement with Special Needs or other support services, and there are concerns that the tenant is having problems sustaining the tenancy and requires additional support, the relevant housing management officer should refer the case to the SUSTAIN team, using the referral form attached at Appendix 1: SUSTAIN Referral Form.

If the tenant is exhibiting signs of mental health problems the relevant housing management officer should also check with the relevant Community Mental Health Team to see if they are known to them.

The role of the SUSTAIN team is to prevent tenancy breakdown where possible through the provision of support and advice services, and referrals to other services where appropriate. In cases where the involvement of the SUSTAIN team is not sufficient to prevent imminent risk of homelessness SUSTAIN will present the case to the Special Needs Joint Assessment Panel (see below).

4.6 Joint Assessment Panel

The Joint Assessment Panel is a multi-agency assessment panel chaired by Housing Special Needs. Its role is to seek to consider interventions to prevent homelessness for vulnerable households. This could include provision of additional support or a nomination to a supported housing placement.

While the intention of the Panel is eventually to consider all vulnerable households at risk of homelessness or tenancy breakdown, due to resource constraints it is initially (2004/05) only able to consider cases where the vulnerability is due to a mental health or personality disorder.

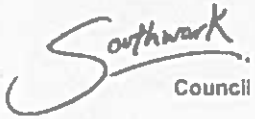
To ensure that the criteria for referral are met, referrals to the Panel for council tenants or member of their household is via the SUSTAIN project.

- Cases where the tenant is at risk

In cases where the relevant housing management officer has concerns that the tenant or member of their household is at risk of harm or presents a risk of harm to others, a referral must be made to the relevant division of Social Services.

In the case of families, then the relevant referral form (the 'Multi-agency form' in respect of Specialist Children's Services and Safeguarding) should be sent to the relevant District office (See Contact Details for all Children's Services Offices).

In the case of vulnerable people with mental health problems referrals should be made to either the North or South Southwark Community Mental Health Team.



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Relevant housing management officers may be invited to Child Protection Conferences or Adults at Risk conferences. Relevant officers from Social Services or the CMHT should also be invited to attend housing case conferences (e.g. SASBU case conferences).

4.7 Stage 2: Where support measures have failed/Legal action up to eviction.

In spite of the provision of support, there will still be cases where tenants fail to comply with their tenancy obligations or intentionally do not take up/comply with the support services provided for them (NB. There will be some tenants who are too unwell to comply with tenancy-based support and may require hospital admission or more supported housing). At this stage a dialogue should take place with the relevant service within Social Services with the objective of determining an appropriate joint course of action. A network meeting may also be called at this stage by either Housing or Social Services, to more fully discuss any issues and concerns.

All actions, including referral for support services, non-compliance etc must be recorded on the tenant's file as this information may be used in court or in determining a future homelessness application. The potential implications of non-compliance, i.e. possible eviction and a likely determination of intentional homelessness, should be brought to the tenant's attention by the relevant housing management officer and support provider.

Full consideration will be given to each case and all Housing Benefit issues must have been resolved before referral for to Legal Services. In the case of non-compliance action up to referral to Legal Services for a possession hearing will only be stopped in exceptional circumstances.

4.8 Stage 3: Eviction

If a court order is breached and delegated authority to evict the tenant has been given (in accordance with the requirements of the Eviction Procedure), the Housing Officer will notify the relevant section of Specialist Children's Services and Safeguarding of the intention to evict, as well as any key worker agency e.g. Special Needs/SUSTAIN.

Specialist Children's Services and Safeguarding will respond to the notification within 6 weeks in accordance with the statutory timescale for completion of an assessment of need, irrespective of whether they intend to have any involvement.

Housing staff are encouraged to work through any issues raised by Specialist Children's Services and Safeguarding, but the expectation is that unless the tenant is prepared to pay the rent and arrears, then eviction action will be pursued.

The Housing Officer must also inform the Homeless Service when the DA7 'authority to evict' form has been agreed by the Housing Manager.

5. Succession of Tenancy

There are a number of vulnerable people living with parents who are council tenants, and who may be eligible to succeed to the tenancy on their death. Such successor tenants may need support in order to sustain the tenancy. At tenancy sign-up the Housing Officer should be alert to any signs of vulnerability and refer the case to the SUSTAIN team if there are concerns.

In the case of succession by a minor, the case will be referred to the Children's Division to determine whether support services should be provided.

A home visit will be conducted by the Housing Officer to the new tenant within six weeks of the succession taking place, to help with settling in and in identifying any problems.

6. Monitoring and Review of the Protocol

The protocol will be jointly reviewed and monitored by Housing and Social Services lead officers on a six monthly basis.

Appendix 1: SUSTAIN Referral Form

[Click here to view Referral Form.](#)

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