

Preventing Homelessness & Eviction Protocol & Procedure

1 Aims of the preventing homelessness and eviction protocol

1. To establish a clear framework to be followed ensuring that Financial Inclusion services, the Sustain Team, or the Rightfully yours team offered by the Council or through partner Housing Associations are taken up in the event of rent recovery action leading to potential eviction in cases arising from the under-occupancy charge, benefit cap or other related financial exclusion issues (the welfare reforms).
2. To ensure that all agencies involved in supporting clients impacted by the welfare reforms are aware of this protocol.
3. The main purpose of this Protocol is to reduce incidents of homelessness, particularly for vulnerable people. The protocol also aims to help those becoming social housing tenants for the first time to sustain their tenancies.
4. The Protocol enables all staff involved in the process to see what actions are expected from each organisation to help to prevent vulnerable people losing their homes in Southwark.
5. The Protocol encourages a multi-agency approach to supporting applicants/customers through any process of transition, for example from homelessness to temporary accommodation, from temporary accommodation to permanent accommodation, and in finding ways to support vulnerable residents and to sustain their tenancies.
6. The Protocol has been developed to assist partner agencies and their tenants in Southwark to ensure no tenant is evicted due to the introduction of the welfare reforms without ensuring the steps contained within this Protocol are followed.
7. This protocol applies to tenants who are affected by all Welfare Reforms. In order for this protocol to apply, tenants must have fallen into rent arrears since the introduction of welfare reforms and have been and this will have had an impact on the tenant's ability to pay.

2 Background and general

1. The parties to this protocol are committed to ensuring that all residents, both in the public and private sectors, in Southwark have every opportunity to sustain their homes, and that it's Housing Association partners only use the tool of eviction as a last resort.
2. This document sets out a framework of involvement between the Council; each of the partner Housing Association's operating within Southwark; and the various other agencies that have an interest in sustaining tenancies, to ensure that all residents have the appropriate support to assist them in sustaining their tenancy.

3. Generally, all landlords and agencies signing up to this protocol will take every opportunity to give a common message to residents and prospective residents. The message is:
 - **Southwark Council, the Housing Association partners and agencies signing up to this protocol recognise that an individual or household experiencing financial difficulties should be offered support to sustain their tenancy. If they are willing to accept that support, members will work with them to assist them to sustain their tenancy and avoid eviction. This does not, however, mean that eviction will not take place if the individual or household does not co-operate or actively engage with protocol partners to resolve tenancy issues.**

Southwark Council owns this Protocol and will ensure that it is reviewed and monitoring frameworks established.

3 Underlying principles

The key principles which form the basis of this Protocol are:

- All agencies signed up to the Protocol will work to reduce and prevent homelessness. As well as it being an expectation of the council and its partners, agencies recognise that it is in the interests of each agency to achieve a reduction in the incidence of homelessness in Southwark.
- Expectations of social housing tenants are set out clearly at the start of their tenancies, and they are expected to pay their rent and to behave in accordance with their tenancy agreement.
- Housing Associations will engage with other agencies where tenants are identified as vulnerable, with the aim of working together to intervene early enough to help sustain tenancies and prevent evictions.
- All tenants affected by the welfare reforms will be offered financial inclusion advice, assistance and support from Southwark and or their Housing Association landlord who will offer to undertake a money/debt/budget management assessment/assistance and the service will complete a financial assessment for the household. If the tenant engages with the financial inclusion service, the Sustain Team and the Rightfully Yours service or the Housing Association Landlord and keeps to any repayment plan agreed between the tenant and the landlord, then no eviction will take place. If the tenant does not engage with the financial inclusion service or the Sustain Team for Council tenants or alternatively does not keep to the agreed repayment plan for the outstanding rent arrears, then eviction proceedings will commence. The financial inclusion service will respond to all referrals within 7 days providing the Housing Association with detailed feedback on the liaison with their tenant.

- Housing Association partners are also encouraged to liaise with the Rightfully Yours service at Southwark Council to access the former Social Fund and Hardship Funds for new and existing tenants.

Southwark Council and local Housing Associations will take every measure to prevent evictions as a result of the welfare reforms or financial exclusion. This protocol sets out the actions Southwark and Housing Associations will take to support tenants affected by the welfare reforms.

- Southwark and Housing Association providers will have requested a DHP for a tenant in hardship who engages with the service in order to prevent the eviction from taking place, or as a minimum, will have advised the tenant to apply.
- Southwark Council and Housing Association providers will not authorise an eviction warrant if the tenant is seeking help from an appropriate advice agency e.g. Citizens Advice Bureau, Southwark Housing Options service, the Sustain Team for Council tenants, Southwark Law Centre etc, engaging effectively with the Council and/or the Housing Association landlord, providing the relevant supporting information to process a Housing Benefit application and/or a Discretionary Housing Payment application, and establishing a realistic repayment plan for any outstanding rent arrears. This is providing officers/advisors confirm support options are still being explored and are taken up by the tenant. It is agreed the Homelessness and Housing Options service will confirm to the Housing Association partner the outcome of the support to the customer within 7 days of receiving the referral.
- The council and Housing Association providers will ask the tenant to set up and maintain a realistic and affordable payment plan whilst other options are being explored.
- The council and Housing Association providers will have done a referral to the Financial Inclusion Team, and the Sustain Team for Council tenants and for Housing Associations their own in-house equivalent service before approving the eviction warrant, who will determine if a Credit Union account can be set up; if DHP is possible; if re-housing is possible; make referral for detailed debt management advice or provide budgeting/maximising income or benefit assessment and advice.
- Providers will consider suspending eviction action if a tenant has been approved for priority banding to move (even though they have arrears) and is actively bidding for properties, and is keeping to an interim payment plan. Two months is considered a reasonable period for this. The level of arrears that will be tolerated will be determined by the individual provider, and relate to their own policies and procedures.

- A decision to evict a tenant will have been discussed and made at a senior level of the organisation in accordance with the landlord's policy.
- Provide information to the Financial Inclusion Team and for Council tenants the Sustain Team through agreed mechanisms for families at risk, to ensure that all the possible options/actions to prevent homelessness have been taken.
- For Southwark Council tenants the Sustain Team in the event of rent recovery action or Anti-Social Behaviour or other breaches of tenancy conditions, will be contacted by the Housing Operations service directly prior to all evictions. The prime responsibility for tenancy sustainment for council tenants is with the Sustain Team based in the Support Services and this team takes a multi agency approach to referrals.

4 Responding to vulnerability

1. Signatories to this protocol are committed to supporting individuals and families resident in Southwark to achieve and sustain the best possible level of independent living. In order to achieve this goal, it is important to recognise that some individuals or families will need additional support on a short term, longer term or permanent basis.
2. People from all walks of life can experience vulnerability at some point in their lives so any definition of vulnerability must cover a wide remit. The definition used in this document is:
3. **An individual or household experiencing difficulties with everyday living on account of financial, educational, health, employment, learning, language, behavioural, family, social or other circumstances/issues or any combination of these.**
4. Vulnerability can be a changeable state, and can occur at particular points in life such as bereavement and be temporary, be episodic and recurring due, for example, to mental distress, can be ongoing or can increase over time.
5. It is essential, therefore, that consideration is given to potential vulnerability at all points of contact with residents and potential residents within Southwark.
6. The following are potential points for carrying out such an assessment:
 - home visits;

- as identified at social/medical, complex needs or other support panels (as the potentially vulnerable person is not present at these panels it would have to be completed afterwards);
- supported housing move-on recommendations;
- applications for housing;
- housing transfer inspections;
- programmes of tenancy visits/audits;
- ad hoc visits e.g. for rent arrears;
- key life cycle events such as bereavement or relationship breakdown;
- issue of notice of eviction;
- any other appropriate time

Information relating to the vulnerability of customers will be provided to Housing Association partners at the nomination stage for the letting of accommodation, and this information will also include details of the support agencies involved with the perspective resident.

7. Training

The protocol needs to be underpinned by appropriate training and development of staff.

Signatories accept that:

- all newly appointed relevant staff will be briefed on the protocol and will receive training in understanding and responding to vulnerability as part of their induction training.
- all existing relevant staff will be briefed on the protocol and will receive training in understanding and responding to vulnerability.

8. Who provides the support?

The landlord housing association may provide some low level support. In other cases the support may be provided by the generic 'floating support' provider, or where appropriate by one or more specialist agencies.

9. Money Advice workshops

All of the Council's new tenants will be invited to attend a weekly tenancy and money advice workshop. All applicants who have been allocated a Southwark tenancy through the Choice Based Lettings scheme after the 1st August 2014 will be invited to attend a Tenancy and Money Advice workshop. The attendance at these workshops will be voluntary, but new tenants will be supported to attend these workshops given the importance the Council and Housing Associations place on maintaining and sustaining tenancies going forward. At these workshops the council working with partner agencies will offer financial inclusion support and assistance to all new tenants.

Housing Association new tenants could also be offered the opportunity to attend these workshops if the Housing association adopts this preventing homelessness and eviction protocol and procedure.

10. List of partners

London Borough of Southwark

Registered Providers

Affinity Sutton Housing Ltd

AmicusHorizon Ltd

Ash-Shahada Housing Association Limited

ASRA Greater London Housing

Association Limited

Camberwell Housing Society

Central and Cecil Housing Trust

Ekaya Housing Association Limited

Family Mosaic Housing

Habinteg Housing Association Limited

Hexagon Housing Association Limited

Housing 21

Housing For Women

Hyde Housing Association Limited

Keniston Housing Association Limited

Lambeth & Southwark Housing Association
Limited

London & Quadrant Housing Trust

Metropolitan Housing Trust Limited

New World Housing Association Limited

Notting Hill Housing Trust

Octavia Housing

Peabody Trust

Sanctuary Housing Association

Southern Housing Group Limited

Southwark and London Diocesan Housing
Assoc Ltd

The Abbeyfield Rotherhithe Society Limited
The Guinness Trust
The Industrial Dwellings Society (1885) Ltd
The Riverside Group Housing Limited
Toynbee Housing Association Limited
Viridian Housing
Wandle Housing Association Limited