

# Preventing Evictions from Supported Housing in Newcastle

A protocol for Supported Housing Providers

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# 1. Introduction

## 1.1 Why we are revising this Protocol

Newcastle City Council and its partners have a long-term commitment to preventing homelessness. This Protocol revises our 2007 protocol which aimed to reduce evictions from supported housing. However evictions from supported housing continue to be a major concern. In 2014/15 there were 296 evictions from supported housing and whilst this was an improvement on the 391 evictions in 2013/14 it still represents the largest single cause of homelessness in Newcastle.

The fact that the major cause of homelessness in Newcastle is eviction from the accommodation commissioned to resolve homelessness is obviously a concern. However this fact should not overshadow the value of the supported accommodation sector and an appreciation that they work with some of the most vulnerable and at times challenging people in our community. We know that people are rarely evicted for accommodation related reasons and invariably the reasons are related to anti-social or illegal behaviour.

The development of this Protocol began in April 2015 at the Newcastle Homelessness Prevention Forum, followed by four dedicated sessions that used Homeless Link's 'Reducing Evictions and Abandonments Toolkit' as the basis for discussion. The Homeless Link information can be found online here: <http://www.homeless.org.uk/our-work/resources/reducing-evictions-and-abandonments-toolkit>.

## 1.2 Aims

This Protocol aims to:

- reduce the number of service users being evicted from supported accommodation;
- reduce the number of service users leaving accommodation without planned and positive move-on accommodation;
- prevent repeat homelessness and rough sleeping;
- promote multi-agency working and accountability;
- ensure that immediate evictions are a last resort and supported by Police action; and
- identify unmet need and opportunities to improve our responses to people with multiple and complex needs.

## 1.3 Principles

Sustaining people in accommodation is integral to the Newcastle's response to preventing homelessness and supported accommodation providers (referred to as the providers in this document) should seek to ensure that eviction is the last resort. This Protocol isn't intended to be a detailed manual that outlines how providers should respond to every situation instead it seeks to build on the providers' good work by focusing on the following principles:

**Rights** – the most vulnerable people living in hostels have the least legally enforceable rights to protect them to keep a home. This absence of rights is generally related to the perceived need for summary evictions to respond to risks of violence in communal settings, which is a rational response to potentially unmanageable situations. However, not every eviction from supported accommodation is due to high risk situations; service users are also evicted for other breaches of their licence agreement. This Protocol seeks to ensure that

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the providers in Newcastle give all service users the right to be given notice of the provider's intention to evict and the opportunity to remedy this, unless the eviction is due to the high risk of violence.

Closely associated with rights are responsibilities and it is important that service users are aware of their responsibilities and supported to understand and meet these.

**Meeting individual's needs** – many socially excluded people experience multiple evictions that relate to their social and health needs. We want to develop a systemic approach that places incidents, like eviction, in the context of longer term individually focussed support planning that 'follows' the service user. As a part of this the threat of eviction can be an opportunity to identify the obstacles to inclusion and to help the service user to secure support that may help to overcome these obstacles.

**Accountability** – the 2014 Crisis Response commission for supported accommodation created two consortia and with that the opportunity to improve accountability and the focus for improving performance in the sector. This accountability sits with the Crisis Response contract managers who will be responsible for ensuring that the providers in their consortia follow this Protocol.

**Monitoring and review** – jointly monitoring and reviewing this Protocol will help to identify good practice and to develop a consistent and consensual approach to preventing service users losing their accommodation through eviction. This will help us to better understand why service users are evicted and the effectiveness of our responses to reduce evictions. This approach has worked well in reducing evictions from Newcastle City Council council housing stock through the 'Sustaining Tenancies Protocol' Because the numbers are low we can now review every eviction to ensure that everything possible was done to prevent the eviction.

## 1.4 The stages

This Protocol has been broken down into three separate stages:

- **Stage One:** action to be taken before a service user moves in to identify support needs, existing support networks and to take steps to minimise any risks that could lead to eviction;
- **Stage Two:** action to be taken during the time when the service user is accommodated to deal with any problems which arise;
- **Stage Three:** action to be taken where there is a threat of eviction and loss of accommodation is likely.

## 1.5 Additional information

In addition to this Protocol, a range of resources and tools are available to providers and their staff to enable them to implement the guidance, develop their skills through training and understand the impact of the protocol through the [Newcastle Quarterly Homelessness Review](#). Further information can also be found in Appendix 1.

## 2. Eviction Protocol Procedures

### 2.1 Stage One: action to be taken before a service user moves in to identify support needs, existing support networks and to take steps to minimise any risks that could lead to eviction

**2.1.1** During the interview, or initial assessment in accommodation, the provider will further investigate any issues that may put the service user at greater risk of eviction. A service user may be more at risk of eviction for the following reasons:

- previous eviction or abandonment;
- drug and / or alcohol problems;
- history of non-payment of rent;
- budgeting difficulties;
- history of or current non-engagement;
- history of rough sleeping or previous homelessness;
- problematic relationships with other residents;
- behavioural problems; or
- history of violence.

**2.1.2** Access into the supported housing sector is via the Newcastle Gateway, see [here](#) for more information. Every service user should have an up to date and accurate Gateway assessment completed prior to admission. This Gateway assessment should identify known support needs and risks which might make the service user more vulnerable to eviction. At this point consideration should be given to how the service user can be supported to sustain their placement and to identifying involved support agencies that may assist with this. To help providers to identify service users at risk of eviction and take preventative steps, the Gateway assessment should include details of the following:

- reason for referral to housing, i.e. the reason for the immediate housing need;
- previous supported accommodation or housing history;
- benefits in place and/or applications for benefits;
- support needs and services involved and information on engagement with support and/or previous accommodation services;
- contact details for the referrer and any other services or support that the service user is accessing, or other relevant professionals
- relationships with other service users in supported housing whose influence or presence might affect a client's ability to sustain their accommodation; and
- a risk assessment.

Whilst it is good practice to identify vulnerability at the start of a placement, it may not always be possible to identify at the initial assessment. However, by recording the information available with as much accuracy and detail as possible on Gateway, the opportunity to identify appropriate interventions to minimise the risk of eviction is increased and the record can be updated as information becomes available.

**2.1.3** Following admission, the provider should update the Gateway with contact details for the service user's appointed support / key worker. The provider should also ensure that

other support services involved with the service user are consulted in the support planning process and kept up to date with how the service user is managing. It is important that there is joint support planning to help service users to sustain their accommodation across all providers of support and care, as getting the support right at the beginning of an accommodation placement can make all the difference.

**2.1.4** To support this activity, the Active Inclusion Newcastle Unit (AINU) will monitor the number of:

- service users with assessments completed prior to admit;
- Gateway admits to services; and
- service users for whom support / key worker details are completed.

## **2.2 Stage Two: action to be taken when the service user is accommodated to deal with any problems which arise**

**2.2.1** The simple rights based principle behind this Protocol is that if a service user is at risk of being evicted, they should be given a written notice of why they are being threatened with eviction and of the support available to resolve the problem. As with general needs housing we expect that in the majority of cases the notice of eviction will provide the focus to resolve the problem and not result in an actual eviction.

All supported accommodation providers should have policies and procedures for supporting service users and through the application of these and support plan review sessions, recognise the signs and triggers that could lead to an eviction. Appendix 3 gives examples of potential problems that commonly arise in supported accommodation and some suggestions as to how they can be dealt with. Where efforts to engage the service user fail, providers may use warnings to encourage service users to address the issues which might result in eviction.

**2.2.2** Providers should also have a preventing evictions policy which explains what action will be taken in response to unacceptable behaviour that contravenes occupancy conditions; this could be a simple system with verbal or written steps so that service users can easily understand the consequences of continued breaches. An example of this could be an Acceptable Behaviour Contract (see Appendix 2), designed to encourage a service user to modify their behaviour to prevent eviction.

**2.2.3** Where a service user has breached the terms of their occupancy and continues to demonstrate unacceptable behaviour, as part of their preventing evictions policy, the support worker must ensure they have sought approval internally within their senior management structure to issue a notice of eviction. This ensures that all potential and alternative options have been exhausted. At this point, assessment and referral to alternative support services or Safeguarding arrangements should be considered for residents where existing services are not able to resolve the problems.

**2.2.4** The provider's internal policies and procedures will be monitored through the Service Quality Framework (SQF) inspection. The Commissioning and Procurement Officer will check that policies and procedures are fit for purpose and that they have been followed where an eviction has taken place; where internal policies have not been followed, reviews will be carried out to consider improvements to practice.

## **2.3 Stage Three: action to be taken where there is a threat of eviction and loss of accommodation is likely**

In cases where the support provided during the notice period hasn't resolved the issues the service user should be referred via Gateway to alternative accommodation. Where there are concerns that the provider cannot secure alternative accommodation or meet their Safeguarding responsibilities the Council's Lead Practitioner (Complex Needs) should be notified. The Lead Practitioner can work with the provider to identify potential additional support or alternative accommodation.

It is expected that no eviction will occur unless all support options have been exhausted. Where it is not possible to prevent an eviction, providers should review individual cases to identify opportunities to change practice to prevent future evictions. The only situations in which eviction without notice should be carried out are those where violence or risk of violence is severe enough to warrant police assistance.

**2.3.1** If efforts to engage the service user and the use of warnings and sanctions have failed to resolve the breach of occupancy conditions, the provider must issue a notice of eviction (which may also be known as a Notice to Quit, Notice to Leave or final warning), with an expected end or review date, to the service user. At this point, the notice of eviction should be logged on Gateway with details of the reason for issue and expected end / review date, the service user must be assessed and referred to alternative support services via Gateway, and advice on further prevention activities and securing move on accommodation must be sought from the Lead Practitioner (Complex Cases). Preventative work should start well in advance of the end of the notice period so it is essential that providers notify the Lead Practitioner and take steps to secure alternative accommodation before total breakdown of the accommodation placement. Actions to resolve the risk of eviction (see appendix 4) could include:

- spot purchasing of additional support;
- finding an alternative placement;
- providing or securing financial inclusion advice to address rent arrears or exploring recovery / write off options;
- exploring accelerated pathways into drug and alcohol support services; or
- setting and reviewing exclusion periods for individual service users.

**2.3.2** For under 18's a 'Team Around the Child' meeting should be called by the NCC Young Peoples Service in line with existing Common Assessment Framework 'CAF' arrangements.

**2.3.3** On the review date / expiry date of the notice to evict, the provider should update the service user's Gateway record to indicate the outcome including, where eviction has taken place, details of placement end date and move on destination. Service users with no ongoing accommodation arranged should be recorded as having no forwarding address; referring a service user to HAC is not considered to be arranging suitable accommodation.

**2.3.4** When service users are asked to leave with immediate notice due to violence or risk of violence, providers should update the Gateway with details of the placement end date,

end reason and move on destination and inform the Lead Practitioner (Complex Cases). Providers should give details of the incident leading to eviction, work that has taken place to engage the service user and to secure alternative accommodation.

**2.3.5** When a service user is evicted, they must be advised what they can do to be given another placement at that service and whether there is an exclusion period before they can be re-supported. All exclusions should be time-limited and must be entered on Gateway when recording that the placement is ending. Any rent arrears must also be recorded. All exclusions will be reviewed on a regular basis

## 3. Monitoring Arrangements

### 3.1 Monitoring and review arrangements

**3.1.1** The effectiveness of the Protocol will be monitored by the Active Inclusion Newcastle Unit (AINU) using data from the Gateway and the Lead Practitioner. The AINU will review all evictions with the Lead Practitioner and raise any concerns with providers following this. The AINU will also produce a quarterly monitoring report on the number of:

- notices of eviction recorded on Gateway;
- service users on notice who were assessed and referred to services;
- service users evicted from supported housing, the number of these that were immediate evictions, and the reasons for all evictions;
- service users abandoning placements and reasons given for abandonment; and
- service users referred to alternative support services via Gateway and the number of service users for whom alternative accommodation was arranged and found.

**3.1.2** The Council's Commissioning and Procurement Team will also produce a quarterly performance report for each service provider's Contract Manager. As part of this process, the Contract Manager should report on progress on reducing evictions and any evictions that do not fit the guidance in this Protocol.

**3.1.3** Data from the Gateway, case studies and provider performance returns provide the opportunity to review and understand the causes of evictions. Stakeholders and their support workers / front-line staff may use a reflective practice approach, discussing what has led to the eviction to help understand what works and doesn't work.

**3.1.4** Issues with this Protocol can be raised at the Contract Manager's Commissioning meeting and at the Newcastle Homelessness Prevention Forum. This protocol will be reviewed annually.

### Appendix 1: Active Inclusion Newcastle Unit Resources

Below are the links for Active Inclusion information sites:

- [NCC website on housing advice and homelessness](#) – link to 'information for professionals' page where you can find details of support available from the Housing Advice Centre, protocols, presentations from previous Homelessness Prevention Forums, quarterly homelessness briefings, and find information on quarterly training.



- [NCC website on financial inclusion, debt, benefits and supported employment](#) – link to ‘information for professionals’ page where you can find self-help information, referral forms and consultancy lines for the Council’s debt, welfare rights and supported employment services. You can also sign up to receive the bi-monthly benefit bulletin, and find information on quarterly training and e-learning on benefits and budgeting.

Homeless Link’s ‘Reducing Evictions and Abandonments Toolkit’ can be found online here: <http://www.homeless.org.uk/our-work/resources/reducing-evictions-and-abandonments-toolkit>.

## Appendix 2: Sample Acceptable Behaviour Contract

### Acceptable Behaviour Contract

#### Service User Name and address

This Contract is made on the (*date*) and will continue until ( *date* )

This Contract has been set up in accordance with the licence / tenancy agreement offered by (*Service name*).

I (*service user name*) agree to:

*Insert clauses here*

*Insert clauses here*

We aim to support you to keep your accommodation here. If you have any problems sticking to this contract, please talk about them with your Keyworker.

We will help you to stick to this contract by:

*Insert details here*

*Insert details here*

I have been made aware that if I fail to keep to this Contract, it could mean that I will be given a further warning. This could lead to my landlord taking action to evict me from the property.

**Declaration - I confirm that I understand the meaning of this Contract and that the consequences of breaking it have been explained to me.**

Signed: \_\_\_\_\_

Signed on behalf of service: \_\_\_\_\_

Date: \_\_\_\_\_

Length of contract: \_\_\_\_\_

Date of review: \_\_\_\_\_

Detail of warning removed: \_\_\_\_\_

## Appendix 3: warning signs and possible actions

Warning signs	Possible action to alleviate problems and prevent eviction or abandonment
Not engaging with support on offer	<ul style="list-style-type: none"> <li>• Informal contact or building relationships at meal times or during other activities</li> <li>• Use opportunities such as room checks for engagement</li> <li>• Whole team approach – service user may respond better to certain members of staff than to others</li> <li>• Be persistent and link engagement with sanctions</li> </ul>
Spending a lot of time outside the supported housing	<ul style="list-style-type: none"> <li>• Engagement contracts where service user agrees to spend certain amount of time in the supported housing</li> <li>• Discuss where service user goes – is there opportunity for positive move on?</li> <li>• Discuss reasons for not being here – is it lack of support needs or environment? Could the service user make an appropriate sideways move?</li> </ul>
Mounting arrears	<ul style="list-style-type: none"> <li>• Ensure all communication about arrears is done in a way that clearly identifies support offered, and all contact is recorded</li> <li>• Ensure that opportunities to maximise income have been explored and that all HB entitlement is fully utilised (including DHPs).</li> <li>• Explore opportunities for direct payments through the DWP</li> <li>• Review support needs around drug &amp; alcohol misuse and seek to address if there has been an increase</li> </ul>
Unhappy with environment	<ul style="list-style-type: none"> <li>• Encourage complaints, and plan changes based on these where possible</li> <li>• Encourage participation through residents' meetings</li> <li>• Consider possible move on and ensure that the service user is linked into the NCC Pathways workers</li> </ul>
No social networks in area	<ul style="list-style-type: none"> <li>• Help the service user to get involved in social events within the supported housing or elsewhere</li> <li>• Link the service user to positive social networks and activities outside the supported housing</li> <li>• Consider a planned move to another area</li> </ul>
Never lived in similar environment	<ul style="list-style-type: none"> <li>• Produce materials (leaflets, DVD) for service users on what the service can offer and distribute through referrers and directly</li> <li>• Walk round with them at interview stage wherever possible</li> <li>• At interview or booking in develop a coping strategy plan</li> <li>• Provide more intensive support in first few weeks</li> <li>• Develop a 'buddy system' to help new service users integrate</li> </ul>
At risk of offending	<ul style="list-style-type: none"> <li>• Engage in positive diversionary activity</li> <li>• Work closely with Probation or the Community Rehabilitation Service</li> </ul>

## **Appendix 4: Additional support options following notice of eviction**

### **4.1. Spot Purchasing**

If the standard package of support delivered by the provider is not considered sufficient and without additional support the service user would be evicted, it may be possible to fund additional support or care services for a short period. The Lead Practitioner will agree possible interventions.

### **4.2. Finding alternative accommodation**

In the majority of cases, alternative accommodation should be identified before the service user has to leave their current placement. Sideways moves may help where the service user is in conflict with another resident or a staff member or it is thought they require more supervision. If a move is agreed to be the best way forward the provider must also update the service user's Gateway assessment with the action taken, ensuring that the appropriate move-on information is updated with the contact details of the support/key worker from the service that the service user is leaving.

### **4.3. Rent or service charge arrears**

It may be possible to secure financial support around arrears if the cause is short term unsustainable benefit related cash flow problems. This will normally be in the form of under-writing risk. Training on budgeting, debt, and benefit issues is available to all supported housing providers from the AINU.

### **4.4. Accelerated pathways to specialist support services**

This Protocol should also be used to identify where there are gaps or difficulties in accessing suitable support e.g. drug or alcohol treatment. Speeding up access into other specialist support services helps to ensure that a service user receives support within an agreed timescale and that there is flexibility in encouraging access e.g. through outreach. Where an eviction is likely because specialist support services cannot be accessed this should be raised with the Lead Practitioner who will highlight individual cases with relevant Commissioners to facilitate urgent and immediate access into other services.