**Cumberland Council Young People’s Positive Housing Pathway:**

**Sustaining Tenancies and Eviction Prevention (STEP) Procedure**

**August 2023**

### INTRODUCTION

From 1st April 2020, Cumbria County Council commissioned a Positive Housing Pathway to deliver housing related support to young people, who are in housing need. This procedure had been drafted by representatives from Cumbria County Council and all providers offering accommodation services to young people within the Cumbria Young People’s Positive Housing Pathway; it sets out the way in which we will work together with wider partners, to maximise young people’s ability to sustain their tenancies and to prevent eviction. The Pathway is designed to enable a smooth transition for young people as they develop their skills in personal resilience and independent living and this procedure is based on the principle that Pathway accommodation providers should work with young people to support them to maintain their licences/tenancies wherever possible; this includes viewing problematic behaviour as a support need rather than simply a breach of rules.

### The Positive Housing Pathway

Our ambition for the young people in our service is that:

* Young people receive the right help at the right time.
* Young people receive a service that is personalised to their needs, from a service offer which is consistent across the county.
* Young people who access our services go on to experience a bright and fulfilling future, free from the risk of homelessness.

Our ambition for this service is that, from the first point of contact with a young person who is experiencing homelessness/at risk of homelessness, everyone working in this service area sees the potential in that young person and plays their part in moving that young person from a point of crisis, to give them hope for the future.

### Procedure Context

This procedure builds on the joint working and emphasis on prevention of homelessness as set out in the Homeless Reduction Act (HRA). The Homeless Reduction Act came into force on 3rd April 2018.  This gives housing authorities a duty to prevent and relieve homelessness where the threat of homelessness is within 56 days.  The duty extends to addressing the causes of homelessness, as well as relieving the physical impact, in order to find a long-term solution and reduce repeat homelessness.

We acknowledge and agree with the Guidance provided by Ministry of Housing, Communities and Local Government in that, “It is therefore essential that Children’s Services and housing services work together to plan and provide services that are centred on young people and their families and prevent young people from being passed back and forth between services”.[[1]](#footnote-1)[1]

This means that:

* For young people aged 16-17 years who are open to Child in Need and homeless or threatened with homelessness within 56 days, actions relating to their housing need will be incorporated into their Child in Need plan.
* For young people aged 16-17 years who are open as care leavers and homeless or threatened with homelessness within 56 days, actions relating to their housing need will be incorporated into their Pathway Plan.
* For young people aged 18+ years, who have an Early Help or Pathway Plan and who are homeless or threatened with homelessness within 56 days, a Personalised Housing Plan must be completed by the housing authority.  However, the actions within the Personalised Housing Plan should be duplicated in, and consistent with, the housing related actions within the young person’s Early Help or Pathway Plan.

The Duty to Refer element of the HRA came into force on 01 October 2018.  This places a duty on public authorities to notify their local Housing Authority when one of its service users may be homeless or at risk of homelessness within 56 days and if they agree to the referral.  The purpose of this is to prevent homelessness where possible.  Authorities must ask the service user how they can be contacted by the Local Authority and this should be shared in the referral.  The list of public authorities upon which the Duty falls, includes:

•    Prison (public and private);  
•    Youth Offender Institutes;  
•    Secure training centres;  
•    Secure colleges;  
•    Youth Offending teams;  
•    Probation Service;  
•    Jobcentre Plus;  
•    A&E services provided by hospitals;  
•    Urgent treatment centres;  
•    Hospitals in their capacity of providing in-patient treatment;  
•    Social services authorities.

### AIMS

The aims of this Sustaining Tenancies and Eviction Prevention (STEP) procedure are as follows:

* To work in partnership with the shared goal of preventing evictions and abandonment, wherever possible;
* To share good practice in preventing evictions and abandonment and support young people in their accommodation;
* To encourage young people to understand the consequences of their behaviour and offer them restorative opportunities;
* To enable common standards relating to eviction and abandonment to be applied across providers within the Pathway;
* To improve joint-working and enable transfers between Pathway accommodation providers/other providers to take place more appropriately.

### PREVENTION OF EVICTION AND ABANDONMENT

Preventing vulnerable people from losing their accommodation is essential to ending homelessness and supporting these individuals towards independence. While there is recognition that there will be occasions when it is necessary to evict, this should always be viewed as a last resort in responding to behaviour and partnership discussion through the Gateway Group should start at the earliest stage to prevent escalation. Similarly, Pathway accommodation providers should make every effort to prevent abandonment by creating a welcoming, constructive and supportive environment for their young people and by routinely reviewing causes of abandonment where it occurs.

### EVICTION CRITERIA

All Pathway accommodation providers need to be clear on their own eviction criteria. This typically includes such behaviour as:

* There is intentional and on-going failure to pay rent and service charge;
* The risk to staff, other young people or the building is unmanageable, including where violence has occurred and a threat of continued violence remains.

### PROCESS

We have identified 4 steps in the process:

1. Identify the Need;
2. Early Intervention;
3. Action; and
4. Actions and Restorative Opportunities.

### Step One: Identify the Need

The first step in preventing eviction and abandonment comes from recognising that someone may be at risk as early as possible. In this procedure we have identified three main areas of need:

* something on the Signs of Safety (SoS) mapping or in the Getting to Know You discussion identifies that the young person may have higher support needs in relation to them being able to sustain their tenancy;
* a young person’s behaviour within the accommodation puts their accommodation at risk;
* a young person displays one or more of the common abandonment warning signs.

***Individuals with Higher Support Needs: as identified in the initial Signs of Safety (SoS) mapping or Getting To Know You meeting***

The SoS mapping may identify that the young person has higher support needs relating to their ability to sustain their accommodation. Once the young person has been accepted into Pathway accommodation, the provider should continue working with the young person to identify any further needs through their support planning and, if appropriate, develop worry statements/wellbeing goals around this. Potential indicators of a higher support need include:

* A previous history of eviction or abandonment;
* A history of sofa surfing;
* A lack of experience of living independently;
* Previous difficulties living in shared accommodation;
* A reluctance of the individual to move into the accommodation on offer;
* Little experience of guidance or boundaries;
* Issues around their emotional health & wellbeing; and/or
* Misusing drugs and/or alcohol abuse.

In terms of ability to pay rent and service charges, early risk assessment should look at payment records from previous accommodation (if appropriate) and identify risks such as:

* No entitlement to benefits;
* Suspended claims and previous overpayments;
* Other debts of the young person.

At their induction to the Pathway accommodation, young people should be made aware of the terms of their licence/tenancy agreement, including house rules and service charge payments along with details of the actions or restorative opportunities in place if these are breached plus the appeals process. They should also be informed how they can get involved in decisions about the service, and how to make a complaint.

***Behaviour during a Young Person’s Stay***

Young people can become at risk of eviction and abandonment throughout their stay in Pathway accommodation. Action is needed when a young person does something that contravenes the licence/tenancy agreement, they break one of the rules, or they put themselves or others at risk of harm. This includes anti-social behaviour and non-payment of rent and service charge. Pathway accommodation providers need to respond to incidents in a timely manner and act upon any changes in behaviour or routine. Pathway accommodation providers will proactively identify those at risk and work in partnership with other relevant agencies to minimise this risk.

***Abandonment Warning Signs***

Abandonment is a difficult issue to tackle for providers and it is vital that young people at risk of abandonment are identified early and discussed at the Gateway Group. This includes those young people who:

* are not engaging with the support on offer;
* are spending a lot of time outside the accommodation;
* have increasing arrears;
* have expressed unhappiness with the environment;
* have no social networks in area;
* have a history of sofa surfing/abandonment;
* have never lived independently;
* are at risk of offending/are offending.

To prevent abandonment, instances where young people have abandoned their accommodation will be reviewed by all providers in the Pathway and the County Council to capture and share any learning.

### Step Two: Early Intervention

The Pathway has a single point of access and this is through referrals to The Gateway Group. The Gateway Group will include district councils, Pathway accommodation providers and other relevant agencies and professionals such as representatives from the Youth Offending Service, the Department of Work and Pensions, the Probation Service, social workers and Police. The Gateway Group will manage the stages of the Pathway; these stages are:

* Referral;
* Assessment;
* Personalised action planning and review;
* Moving on and tenancy set up;
* Termination of support.

Where there is a young person experiencing difficulties in sustaining their tenancy or they have an identified unmet need (regardless the stage of their tenancy), the onus is on providers to be proactive about referring the young person back for discussion and problem solving at the Gateway Group.

***A Young Person’s Behaviour within the Accommodation puts them and or others at Risk***

If a young person’s behaviour within the accommodation puts them and or others within the accommodation at risk, the provider will take prompt action to meet with the young person and a discussion about what behaviours are acceptable within the scheme, why and the potential consequences of not meeting these. This discussion should also consider the following questions:

* What is the issue?
* What rules are being broken?
* Does the behaviour warrant eviction or are there alternative steps that can be explored?
* What motivation does this particular young person respond to?
* What support can be offered to the young person to encourage them to change their behaviour?
* What is the on-going risk (what are we worried about) in respect of the young person and other young people within the accommodation?
* What is the risk of issuing a particular sanction, and what is the risk of not issuing it, both to the individual and the service?
* Could restorative opportunities be offered to the young person?
* If a notice to quit is issued, what are the alternative accommodation options for this young person?

***A Young Person displays one of more of the Common Abandonment Warning Signs***

This may indicate that the young person needs to be referred back for a partnership discussion at the Gateway Group to explore what wider support can be put in place; this may include looking at:

* Why the young person is at risk;
* What extra support can be offered;
* What is the role of the wider team in working with this young person;
* What is the most appropriate response to the young person’s behaviour or is there an opportunity for restorative action, and if so, how can this be done without causing abandonment.

### Step Three: Action

A decision should then be taken on the appropriate actions. There will be occasions when a particular situation could be dealt with in a number of ways. It is important that the process for reaching decisions is consistent and can be explained to young people, especially where actions may differ at different times. The options are as outlined in the following table.

1. **Support Only**

**When it is appropriate to use:**

Where the behaviour can be resolved through discussion or is primarily a support need. Likely to be undertaken by the provider.

1. **Gateway Group discussions**

**When it is appropriate to use:**

Where multi-agency support is needed to help a young person maintain their current accommodation, partnership discussions can take place at a Gateway Group meeting. This could include discussion of whether flexible support would be beneficial to address any unmet needs. Nightstop could be considered as an option to give a young person breathing space away from the Pathway accommodation.

1. **Managed Move**

**When it is appropriate to use:**

Where a move to alternative accommodation within or without the Pathway, would be most appropriate for the young person. If needed/in the young person’s best interests, Nightstop could be considered as an interim option whilst a young person is waiting for a managed move.

1. **Actions**
   1. **Alternative Actions**

**When it is appropriate to use:**

Where the behaviour needs to change but does not meet the eviction criteria of the Pathway accommodation provider, or where threat of eviction is not the most effective motivator for the young person.

* 1. **Information Sharing with Police**

**When it is appropriate to use:**

Where behaviour is a criminal activity.

* 1. **Warning – Various Levels and Types**

**When it is appropriate to use:**

Where behaviour meets the eviction criteria of the Pathway accommodation provider.

* 1. **Notice to Quit/Section 21 Notice**

**When it is appropriate to use:**

Where a serious incident occurs that meets the eviction criteria, or the sanctions and restorative process has been exhausted. At this point, the Pathway accommodation provider should take the young person back to the Gateway Group and a discussion with Nightstop should be started. Where consent can be obtained, a referral should also be made to the relevant district council, in line with the Public Duty to Refer.

***1. Support only***

There are many situations in which minor issues can be dealt with appropriately through a discussion between the young person and the provider. Providers should aim to enable young people to manage their own behaviour by understanding the consequences of their actions for themselves and others. They may also wish to seek support from other agencies to assist with this.

Support over sanctions should also be used for behaviour which is a support need. Young people may display certain behaviours as a result of past trauma, this should be viewed as a support need and addressed as such.

Any young person misusing drugs and/or alcohol should be encouraged to develop a worry statement/wellbeing goal around this and a scaling question should be used by the young person and relevant professionals supporting them. This will enable the young person to demonstrate progress, even if incremental. As part of this, the young person should be supported to access relevant, specialist services. Providers should follow their policy and procedure in place around drug use that ensures they keep within the law while providing support to young people. This should include:

* Response to activities outlined in section 8 of the Misuse of Drugs Act 1971;
* Response to other drug use;
* Guidance on what to if you find drugs;
* Guidance in the event of injury/overdose.

***2. Gateway Group discussions***

Where it is identified that multi-agency support is needed to help a young person maintain their current accommodation, the young person should be taken to the Gateway Group and discussed with other services in order to develop an appropriate action plan. Other professionals supporting the young person, who do not normally attend the Gateway Group (e.g. social worker, Pathway Advisor and others), can be invited to join to give their input to discussions/agreement of actions.

***3. Managed moves***

The principle of managed move is that, as far as possible, we want to hold young people within the Pathway and avoid eviction.

Where a 28-day Notice to Quit/Section 21 Notice has been issued or is imminent and all other options to assist the young person to maintain their current accommodation has failed, the provider should call together relevant agencies to prioritise a managed move (if a Gateway Group meeting is not imminent). This needs to include the Cumbria County Council Youth Homelessness Service Lead (or their representative). The provider needs to consider current vacancies as well as the level of need of the young person, and should have an up-to-date risk assessment and support plan to share. Steps need to be identified to make the move happen as smoothly as possible, and could include key-workers meeting the young person at the existing provision, or visits to the new accommodation, to help with transition. Nightstop could be considered as an interim option, whilst a young person is waiting for a managed move.

The two providers between whom the move is being facilitated, should draw up an action plan to prevent issues leading to the move from re-occurring in the new provision. Where this managed move is successful, providers can record a planned move on their quarterly returns. All relevant documentation relating the young person will be passed to the new provider.

***4. Actions and restorative opportunities***

All actions must be clear and understood by the young person. Pathway accommodation providers should have a range of actions available to use as appropriate. The process for determining what type of actions is applicable in the event of an incident should be consistent, although the actions itself may vary depending on what will work best for that individual young person and set of circumstances. Providers will need to consider how best to communicate with individual young people so as to ensure that they understand why particular actions are being taken, along with any restorative opportunities open to them.

***4.1 Information Sharing with Police***

Pathway accommodation providers have clear policies in place to enable them to respond appropriately to criminal activity within their services and to safeguard all young people in the service. Behaviours that warrant police involvement include:

* Drug supply (and other activities under section 8 of the Misuse of Drugs Act 1971);
* Assault;
* Hate Crime;
* Criminal damage.• **Police attending residents’ me homeless people.**

***4.2 Warnings***

Warnings and how these are used within individual schemes, are set out in individual Pathway accommodation provider’s policies, as part of a wider picture around acceptable behaviour.

Warnings should be viewed as a tool to assist the young person to change their behaviour. All warnings should be given to a young person in person. They should not only outline what the warning is for, but also give details of the steps the young person can take to change their behaviour, the support the Pathway accommodation provider will give, and the consequences of not adhering to the terms agreed.

When a warning has been reviewed, and both the young person and Pathway accommodation provider have successfully completed the terms of their agreement or restorative actions have been completed, the warning should be removed. Young people should be formally recognised for their achievement as an incentive to maintain their progress.

***4.3 Notices to quit/Section 21 Notices***

Notices to Quit/Section 21 notices should be given where behaviour meets the eviction criteria and either is serious enough to warrant using this immediately or where alternative actions have been exhausted but the problematic behaviour continues. These should always be issued only as a last resort.

At the point at which a notice is issued, a Hub referral should be submitted (for all young people aged under 18 years) and contact should be made with Nightstop. Where consent can be obtained, a referral should also be made to the relevant district council, in line with the Public Duty to Refer.

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**Warning Sign:** Spending a lot of time outside the accommodation.

**Possible mitigating actions:** Engagement contracts where young person agrees to spend certain amount of time in accommodation.

Discuss where the young person goes and explore whether there is opportunity for positive move on.

Discuss reasons for the young person not being in the scheme, this could include looking at support needs or the environment.

Explore whether the young person could make an appropriate managed move.

**Warning Sign:** Increasing arrears.

**Possible mitigating actions:** Ensure all communication about arrears is done with support clearly identified/a re-payment plan discussed. These young people should be going back to the Gateway Group for discussions/identification of actions.

**Warning Sign:** Unhappy with the environment.

**Possible mitigating actions:** Encourage complaints and make changes based on these, where possible and if this is not possible, explain to young people why not.

Encourage participation of the young person to change the environment at residents’ meetings or in more creative ways.

**Warning Sign:** No social networks in area.

**Possible mitigating actions:** Enable the young person to participate in social events within the accommodation/in the local area.

Link up to positive social networks outside the accommodation based on the young person’s interests. Consider a planned move to another area.

**Warning Sign:** History of sofa-surfing.

**Possible mitigating actions:** Work with the young person to articulate worries (worry statements/wellbeing goals) and co-develop engagement contracts where the young person agrees to spend a certain amount of time in the accommodation.

Hold the bed open for longer than normal, and work with other relevant professionals to encourage the young person back into the service.

**Warning Sign:** No experience of living independently.

**Possible mitigating actions:** Discussion in Getting to Know You visit (in service) about what to expect and tour of the scheme.

Provide more intensive support in the first few weeks.

Develop a peer buddy system to help new residents integrate, where possible.

**Warning Sign:** At risk of offending.

**Possible mitigating actions:** Engage in positive diversionary activity.

Engage with more specialist support to prevent/deter offending behaviour.

* 1. ***Immediate Evictions***

Immediate evictions should only be used in extreme cases where there is significant and imminent risk of harm to others and would only be used as a last resource. Any immediate evictions would be preceded by a discussion between Cumbria County Council’s Youth Homelessness Service Lead (or their representative) and the Pathway accommodation provider to ensure that all alternative options have been exhausted. Any immediate eviction of a young person aged under 18 years would require an urgent Hub referral (or contact being made with the Hub Emergency Duty Team if out of hours). Where possible, a Nightstop referral should be made as soon as possible. Where consent can be obtained, a referral should also be made to the relevant district council, in line with the Public Duty to Refer.

### Step Four: Reviewing and Learning

If a young person reaches stage 4.3 (Notice to Quit/Section 21 Notice), a review will be held with all providers in the Pathway and Cumbria County Council. The purpose of this review is to ensure that all appropriate actions that could have been taken, were done and to identify/disseminate any learning to improve the services for future young people.

**SUSPICION OF ABANDONMENT**

Where providers suspect that a young person may have abandoned their accommodation they should make every effort to contact the individual. This includes regular checking of his/her room or property, making enquiries using any contacts known to the young person, and speaking to other residents.

All providers within the Pathway should have an abandonment policy with explicit information on how long a person may leave the accommodation before they will be considered to have abandoned. This may be explained to young persons at the point of moving in, or at the point at which the provider recognises that this is a risk.

**SUMMARY**

It is our intention that all professionals supporting a young person who is homeless/at risk of homelessness, work together in partnership to deliver a seamless service to the young person, that:

* keeps them safe;
* recognises and builds on their strengths;
* avoids eviction, wherever possible.

1. [1] Ministry of Housing, Communities and Local Government, April 2018: Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation.  Guidance to children’s services and local housing authorities about their duties under Part 3 of the Children’s Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people. [↑](#footnote-ref-1)