

Report for: Cabinet, 16 July 2024

Title: ***Adopting a new Vulnerable Council Tenants and Leaseholders Policy and a new Safeguarding Council Tenants and Leaseholders Policy***

Report authorised by: David Joyce, Director of Placemaking and Housing

Lead Officer: Hannah Adler, Head of Housing Strategy and Policy

Ward(s) affected: all

**Report for Key/
Non Key Decision:** NA

1. Describe the issue under consideration

1.1. The Council is transforming landlord services for its own tenants and leaseholders. To support that process, it is reviewing its housing management policies, including by drafting a new Vulnerable Council Tenants and Leaseholders Policy and Safeguarding Council Tenants and Leaseholders Policy. This report recommends that Cabinet adopt these policies.

1.2. The new Vulnerable Council Tenants and Leaseholders Policy sets out how the Council will help its vulnerable tenants' and leaseholders' households access housing management services and sustain their tenancies. The policy is clear that supporting people to live well in the community is a core housing management task for the Council. The policy puts residents at the heart of decision-making so that they can tell the Council how they want to access services and receive support. It commits to working in partnership to provide wide ranging support.

1.3. The new Safeguarding Council Tenants and Leaseholders Policy sets out how the Council's housing management services will work to prevent abuse and neglect of children and vulnerable adults in its own housing stock. The policy aims to ensure that the Council's overarching Safeguarding Policy is embedded and delivered specifically through its housing management services. The policy is clear that safeguarding is a core responsibility for everyone working in any capacity in or with any of its housing management teams.

2. Cabinet Member Introduction

2.1. Our vision is for Haringey to be a place where everyone can live healthy and fulfilling lives and feel connected and safe in communities where people support each other.

2.2. Our 20,000 tenants and leaseholders and their families deserve the very best. The review and redrafting of these two policies is another step on our journey to transform housing management services for them.

- 2.3. The new Vulnerable Council Tenants and Leaseholders Policy recognises that everybody has periods during which they are vulnerable, that some groups of people because of structural disadvantage find it more difficult to access services than others, and that vulnerabilities exist alongside an individual's strengths. At its heart, the new policy focuses us not on defining vulnerability but on how we can adjust our services to make sure that everyone can access them on an equal basis, sustain their tenancy, and live a good life.
- 2.4. Safeguarding children and vulnerable adults is everybody's business. The new Safeguarding Council Tenants and Leaseholders Policy will help ensure that all our landlord services focus on that responsibility and protect our most vulnerable residents more effectively.
- 2.5. I am pleased to recommend that Cabinet adopt these new policies so that we can start to implement new ways of working that will protect our most vulnerable residents and help many more to live healthy and fulfilling lives connected and safe in their communities.

3. Recommendations

3.1. Cabinet is recommended to:

3.1.1. Approve the Vulnerable Council Tenants and Leaseholders Policy at Appendix 1, having had regard to the Equality Impact Assessment at Appendix 3.

3.1.2. Approve the Safeguarding Council Tenants and Leaseholders Policy at Appendix 2 having had regard to the Equality Impact Assessment at Appendix 4.

4. Reasons for decision

- 4.1. The review of existing policies on safeguarding and vulnerable tenants adopted for landlord services by Homes for Haringey concluded that the Council requires entirely new policies in these areas. The newly drafted policies set a new direction that is informed by best practice to underpin better services for its tenants and leaseholders and for their wider households.
- 4.2. The Housing Ombudsman asked the Council in July 2023 to review the vulnerability and safeguarding policies used by its housing management services to ensure they are up to date and relevant. The proposed policies respond in full to the Ombudsman's recommendations.
- 4.3. The new policies help the Council meet the Social Housing Regulator's consumer standards, specifically the Tenant Empowerment Standard and the new Safety and Quality Standard.

5. Alternative options considered

- 5.1. **We could continue to rely on the policies adopted by Homes for Haringey in these areas.** This option was rejected because those policies do not meet the Council's needs or those of its tenants and leaseholders; because the new policies

assists the Council to meet the Social Housing Regulator's Tenant Empowerment and Safety and Quality Standards where the existing policies do not; and because the Council has agreed to follow the Ombudsman's recommendations. Furthermore, the Council committed in its 2024-2029 Housing Strategy to review these policies.

6. Background information

- 6.1. Homes for Haringey adopted a Safeguarding Adults Policy in February 2020, and a Vulnerable Tenants Policy in March 2021.
- 6.2. In June 2022, the Council brought back in house all the landlord and housing services that had been run on its behalf by Homes for Haringey, its Arm's Length Management Organisation. The Council immediately began a process of reviewing that service provision and in April 2023 adopted a comprehensive Housing Improvement Plan backed by significant financial investment. Amongst many other commitments, that plan committed to review housing management policies.
- 6.3. In July 2023 the Housing Ombudsman published a Special Report on the London Borough of Haringey that amongst other recommendations asked the Council to review the vulnerability and safeguarding policies used by its housing management services to ensure they are up-to-date and relevant.
- 6.4. The Regulator of Social Housing's Tenant Empowerment Standard requires that Registered Providers of Social Housing (RPs) demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs; and demonstrate how they respond to tenants' needs in the way they provide services and communicate with tenants.
- 6.5. Amendments in February 2024 to the Social Housing Regulator's Safety and Quality Standard Consumer standards require that from 1 April 2024 all RPs publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and set out their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children.
- 6.6. The Council has therefore undertaken a review of both policies and then the drafting of new policies. That review and redrafting process included a thorough review of other housing providers' policies and of best practice, and engagement in an interactive process of policy development with key stakeholders across the Council and externally, including through Haringey's Safeguarding Adults' Board.
- 6.7. Council tenants and leaseholders were engaged in the design of both policies from an early stage with broad outlines taken in November 2023 to the Tenant Voice Board for discussion. Proposals for the policies were well-received and generated a number of recommendations that have been incorporated, including by strengthening the policy in relation to the important role played by unpaid carers, poverty and vulnerability, multidisciplinary working, and the importance of staff

training. In February 2024, the Tenant Voice Board reviewed and gave their support to the updated policies incorporating their own recommendations.

- 6.8. The Housing Ombudsman was engaged in detailed discussions on both policies and made clear recommendations which have been included. The Vulnerable Tenants and Leaseholders Policy is fully aligned with the Ombudsman's January 2024 recommendations set out in its report *Spotlight on attitudes, respect and rights – relationship of equals*.
- 6.9. The Council is comprehensively reviewing its housing management policies and ensuring that these and other emerging housing management policies are coordinated and aligned with the Vulnerable Council Tenants and Leaseholders Policy and Safeguarding Council Tenants and Leaseholders Policy.
- 6.10. The Council has been developing plans for the implementation of these new draft policies in parallel with the review process.

Key provisions of the draft Vulnerable Tenants and Leaseholders Policy

- 6.11. The draft Vulnerable Tenants and Leaseholders Policy moves very substantially away from the existing Homes for Haringey Vulnerable Residents Policy. At its core is a move from a narrow and technical definition of vulnerability that was restricted to cases where safeguarding is a concern.
- 6.12. The new draft policy looks instead to a definition of vulnerability that includes anyone who currently experiences difficulties with everyday living and, in order not to be disadvantaged by those difficulties, needs either additional support or service adaptation to access our landlord services, or additional support to sustain their tenancy.
- 6.13. The new draft policy takes a holistic view of tenancy sustainment: it recognises that supporting people to live well in the community is a key factor in preventing homelessness and is therefore a core housing management task.
- 6.14. The draft policy recognises that everybody has periods during which they are vulnerable; and that vulnerability is in most cases not a permanent condition.
- 6.15. The new draft policy sets out how the Council's housing management services will identify residents who are or may be vulnerable – including by encouraging and valuing self-reporting, through better and more proactive use of data, and through formal needs assessments.
- 6.16. While making clear that officers should not make assumptions about tenants and leaseholders based on objective factors, the draft policy sets out that to ensure that individual needs are identified, officers will look for common indicators of vulnerability.
- 6.17. The draft policy commits to using data on people living in Council homes held by other council departments including Adults Services and through our partnership with Policy in Practice to alert us to housing-related vulnerabilities including financial pressures.

- 6.18. The new draft policy focuses on understanding an individual's needs in relation to specific housing service areas rather than on categorising their vulnerability.
- 6.19. The draft policy commits to ensuring that individual communication needs are met so that no resident is less able to access landlord services and sustain their tenancy.
- 6.20. The draft policy commits to ensuring that all housing staff, contractors, and agents regularly receive high-quality training, supervision, and guidance on identifying, assessing, and supporting vulnerable tenants and leaseholders.
- 6.21. When arranging a repair, survey, gas safety check or any other home visit by an external contractor to a vulnerable resident, the draft policy commits that we provide very clear instructions about any specific requirements on how that visit should be carried out.

Key provisions of the draft Safeguarding Tenants and Leaseholders Policy

- 6.22. The Council is required by The Children Act 2004 to safeguard and promote the welfare of children who may access or use Council services.
- 6.23. The Council has a duty under the Care Act 2014 to safeguard anybody aged 18 or over where it has reasonable cause to suspect that they have statutory care and support needs, are experiencing or are at risk of abuse or neglect, and as a result of their vulnerability are unable to protect themselves against the abuse or neglect or the risk of it.
- 6.24. The newly drafted Safeguarding Tenants and Leaseholders Policy aims to ensure that the Council's overarching Safeguarding Policy is embedded and delivered specifically through our housing management services to ensure that we actively safeguard:
- Children aged under 18 in the homes of our Council tenants and leaseholders
 - Council tenants and leaseholders vulnerable within the meaning of the Care Act 2014
 - Adults vulnerable within the meaning of the Care Act 2014 who are members of Council tenants' and leaseholders' households
 - Adults vulnerable within the meaning of the Care Act 2014 who are tenants or lodgers of Council tenants and leaseholders
 - Other adults vulnerable within the meaning of the Care Act 2014 in Council tenants' and leaseholders' homes.
- 6.25. Central to the draft policy's approach are commitments to safeguarding as an everyday part of all housing management jobs; and to ensuring that everyone working in any capacity in housing management services is responsible for approaching safeguarding with professional curiosity and for always discussing any concerns around safeguarding as soon as possible.
- 6.26. Partnership working by housing services around safeguarding is central to the approach of the new draft policy.

6.27. The draft policy commits the Council to providing all housing staff and contractors with easy access to effective and up-to-date resources and guidance materials around safeguarding. It sets out that the Council will require housing contractors to evidence that they provide their staff with supervision, guidance, and training appropriate to their role so that they identify and report any safeguarding concerns appropriately.

6.28. The draft policy provides clarity across a number of areas in which housing management services are likely to encounter safeguarding issues. One of those areas is ‘cuckooing,’ where a vulnerable resident has their home taken over for criminal purposes. The draft policy is clear that we treat cuckooing as a form of abuse and that our priority is that the vulnerable resident is kept safe. This includes a commitment to ensure that victims of cuckooing can secure and sustain appropriate and safe accommodation – and to do so as quickly as possible. Where the vulnerable victim is a Council tenant, the policy commits us to ensuring that wherever possible they can retain their security of tenure.

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes

7.1. The recommendations in this report will support the Corporate Delivery Plan’s theme 5, “Homes for the Future”, and in particular its commitment to *provide reliable customer focused services that we, our tenants and leaseholders can be proud of.*

7.2. The recommendations in this report will support the 2024-2029 Housing Strategy’s second strategic objective, *improving housing quality and resident services in the social housing sector*, in particular commitments around *transforming services to our tenants and leaseholders, and designing those services with them*

8. Carbon and Climate Change

8.1. The recommendation to adopt these two new policies may have a positive impact in helping vulnerable tenants thrive and access housing management services that would help ensure that their homes are healthy, comfortable, and affordable places to heat and power; and as such supports the Council’s commitments in its 2021 Climate Action Plan.

9. Statutory Officers comments (Director of Finance, procurement, Head of Legal and Governance, Equalities)

Finance

9.1. Finance notes the content of this report, the Vulnerable Council Tenants & Leaseholders Policy, and Safeguarding Council Tenants & Leaseholders Policy.

9.2. Cabinet’s approval of these policies does not have a direct financial implication. The resources required for the implementation of the policies are contained within the current HRA business and financial plan.

9.3. Any future financial decision as a result of these policies will be considered within the parameters of the resources set out in the HRA Financial Plan/Medium Term Financial Strategy.

Procurement

9.4. Strategic Procurement (SP) note the contents of this report and the references in the policies to the contractor requirements. Services are to ensure the contractual/tender requirements reflect the policy requirements.

9.5. There are no immediate procurement implications preventing Cabinet from approving the recommendations stated in paragraph 3 of this report.

Assistant Director of Legal & Governance

9.6. The Assistant Director of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report and comments as follows.

9.7. There are a range of statutory duties that underpin the two Vulnerable Tenant and Leaseholder Policies set out in this report.

General duties

9.8. The Regulator of Social Housing new Consumer Standards came into force on 1 April 2024. The Standards are Safety and Quality, Transparency, Influence and Accountability, Neighbourhood and Community and Tenancy. These Standards are accompanied by a Code of Practice [‘Code’] enables providers to understand whether they are delivering the outcomes of the standards. The Transparency, Influence and Accountability Standard requires registered providers to treat tenants with fairness and respect and to consider the diverse needs of their tenants in relation to the housing and landlord services they provide.

9.9. The Council must comply with its Public Sector Equality Duty under section 149 of the Equality Act 2010 and how the policies comply with that duty is set out fully in sections 9.27 to 9.39 of this report and the Equality Impact Assessments at Appendices 3 and 4.

9.10. Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions. Housing authorities also have an important role to play in safeguarding vulnerable young people, including young people who are pregnant, leaving care or a secure establishment.

Adults

9.11. The Safeguarding Council Tenants and Leaseholders Policy outlines the procedures to comply with duties in respect of adults who self neglect and are

hoarding. The Care Act 2014 and associated statutory guidance places a general duty upon local authorities to promote wellbeing and to undertake necessary enquiries where an adult has care and support needs, is experiencing or at risk of abuse or neglect or is unable to protect themselves.

Children

9.12. Section 11, Children Act 2004 places a duty on local authorities to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children. This includes local authorities providing services such as children's and adult social care services, public health and housing and homelessness services.

Information sharing

9.13. The sharing of data between departments and with external bodies must be in accordance with the Data Protection Act 2018 and any existing data sharing protocols. Whilst under the Data Protection Act 2018 the authority is usually obliged to seek consent to share information and personal data of an individual, this is overridden when safeguarding concerns arise. To ensure effective safeguarding arrangements, all organisations and agencies should have arrangements in place that set out clearly the processes and the principles for sharing information.

9.14. The policy documents as proposed comply with the duties and responsibilities placed on the Council and implement the recommendations of the Housing Ombudsman, in respect of Vulnerable Tenants and Leaseholders. There is no legal reason why these Policies should not be approved and implemented.

Equality

9.15. The Council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

9.16. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex, and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

9.17. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

9.18. The two policies considered here will apply to Council tenants and leaseholders. Haringey Council's tenant population shows the following characteristics compared to the wider borough population :

- a significantly higher proportion of young people (under 24) and older people (over 50).
- a significantly higher proportion of individuals who have a disability under the Equalities Act.
- a slightly higher proportion of individuals who report their gender identity as different from sex registered at birth.
- a significantly lower proportion of individuals who are married or in a registered civil partnership.
- a significantly higher proportion of individuals who identify as Muslim, and slightly higher proportion of individual who identify as Christian, Buddhist or another religion. This is countered by a significantly lower proportion of tenants who don't associate with any religion or identify as Jewish, Hindu or Sikh.
- a significantly higher proportion of female individuals.
- a significantly lower proportion of individuals who report their sexual identity as something other than Straight or Heterosexual.

9.19. A full analysis of the impact of each policy on people with protected characteristics is contained in the Equalities Impact Assessments found in Appendix 3 and Appendix 4.

9.20. The Vulnerable Council Tenants and Leaseholders Policy at its heart seeks to ensure that all tenants and leaseholders have equality of access to housing management services and to any support required to sustain a tenancy. The policy recognises that to achieve that equal opportunity, some individuals will require the Council to adapt the way it delivers its services. As such, the policy fundamentally supports the objectives of the Equality Act 2010.

9.21. A Vulnerable Council Tenants and Leaseholders Policy aims to remove disadvantages and deliver equal access to services for all tenants and leaseholders. This will impact positively on all groups with protected characteristics.

9.22. The Vulnerable Council Tenants and Leaseholders Policy recognises that structural inequality makes it more challenging for some people to achieve the outcomes they want and need, and that factors recognised by the Equalities Act 2010 can put individuals at greater risk of exclusion. The policy takes these factors into account when considering whether somebody is vulnerable in terms of this policy – especially where there is an intersection of multiple protected characteristics. However, the policy is clear that we never assume that somebody is vulnerable or has particular needs because they have a protected characteristic.

9.23. The new Vulnerable Council Tenants and Leaseholders Policy will drive changes to service delivery that will positively impact our vulnerable tenants and leaseholders.

- 9.24. The new Vulnerable Council Tenants and Leaseholders Policy will have a positive impact on tenants and leaseholders with any protected characteristics except in relation to religion and Marriage and Civil Partnership status in which case the impact will be neutral.
- 9.25. The new Safeguarding Council Tenants and Leaseholders policy aims to ensure that the Council's overarching Safeguarding Policy is embedded and delivered specifically through our housing management services so that that the Council actively safeguards:
- Children aged under 18 in the homes of our Council tenants and leaseholders
 - Council tenants and leaseholders vulnerable within the meaning of the Care Act 2014
 - Adults vulnerable within the meaning of the Care Act 2014 who are members of Council tenants' and leaseholders' households
 - Adults vulnerable within the meaning of the Care Act 2014 who are tenants or lodgers of Council tenants and leaseholders
 - Other adults vulnerable within the meaning of the Care Act 2014 in Council tenants' and leaseholders' homes.
- 9.26. As such it will have a strongly positive impact on tenants who have protected characteristics in relation to their age and disability. It will have a neutral impact on those with other protected characteristics.
- 9.27. The Council engaged with Haringey tenants and leaseholders through two meetings of the Resident Voice Board. Directions from the Board were incorporated into both policies. The Council also engaged extensively with internal and external stakeholders and this engagement informed the iterative development of each policy.

9 Use of Appendices

Appendix 1 - Vulnerable Council Tenants and Leaseholders Policy

Appendix 2 - Safeguarding Council Tenants and Leaseholders Policy

Appendix 3 – Equalities Impact Assessment of the Vulnerable Council Tenants and Leaseholders Policy

Appendix 4 - Equalities Impact Assessment of the Safeguarding Council Tenants and Leaseholders Policy

10 Background papers

- **Haringey Housing Strategy 2024-2029:**
<https://www.minutes.haringey.gov.uk/documents/s142443/APPENDIX%201%20-%20A%20new%20housing%20strategy%20for%20Haringey%202024%20v3.1.pdf>

- **Housing Services Improvement Plan:**
<https://www.minutes.haringey.gov.uk/documents/s138660/Appendix%201.pdf>
- **Housing Ombudsman Special Report on London Borough of Haringey, July 2023:** <https://www.housing-ombudsman.org.uk/wp-content/uploads/2023/07/Haringey-P49-report-FINAL.pdf>