



**Homelessness –  
4LSAB Housing Practitioner  
Briefing  
May 2022**

**Contents****Page**

1.	Introduction to this briefing	3
2.	Statutory duties local authorities have to a person experiencing homelessness	4
3.	What needs and risks are considered in homelessness assessments?	7
4.	How a local authority determines priority need for housing	9
5.	Working in partnership to determine whether someone is in priority need, and steps taken when someone is determined not to be in priority need	12
6.	What are the checks in place on whether to refer to adult safeguarding?	13
7.	Multi-agency working – the importance of Multi Agency Risk Management (MARM) meetings	15
8.	Guidance on information sharing	16
9.	Key housing contacts across the 4LSAB area	17
10.	The role of Registered Providers of Social Housing (housing associations) in tenancy sustainment and homelessness prevention	18

## 1 Introduction to this briefing

This briefing note has been produced within the context of Safeguarding Adults Review (SAR) recommendations which have highlighted the complexities of achieving effective engagement between professionals and people experiencing homelessness, where care and support needs may be present.

It is aimed at raising awareness of the responsibilities of local housing authorities (*district housing departments in Hampshire and the housing departments of the Isle of Wight, Portsmouth and Southampton unitary authorities*) and social housing providers (*often referred to as housing associations or Registered Providers of Social Housing*) in the context of preventing and relieving homelessness. In particular, this briefing focuses on how partnerships can effectively reduce the risks for any homeless person with a safeguarding need. This briefing should be read in conjunction with your own organisation's policies and procedures as well as the 4LSAB Multi-Agency Safeguarding Policy:

[https://www.hampshiresab.org.uk/professionals-area/hampshire\\_4lsab\\_multiagency\\_safeguarding\\_adults\\_policy\\_guidance/](https://www.hampshiresab.org.uk/professionals-area/hampshire_4lsab_multiagency_safeguarding_adults_policy_guidance/)

This briefing note is not intended to replace any existing statutory guidance, and practitioners are encouraged to seek their own advice on any matters arising in this briefing. The content of this briefing is intended to provide an overview of key issues to raise awareness and encourage professionals across the network of public services in Hampshire, Portsmouth, Southampton and the Isle of Wight to work effectively together to prevent and relieve homelessness. This briefing will provide an overview of the following:

- The statutory duties local housing authorities have to a person experiencing homelessness.
- Relevant aspects of assessments local housing authorities undertake in accordance with Part 7 of the Housing Act 1996 (as amended) (including 'priority need' as it relates to vulnerability and the scope of the Duty to Refer).
- How local housing authorities work with partners to determine whether someone is in priority need as a homeless person, and what steps are taken when someone does not fulfil the criteria.
- The checks in place when considering an adult safeguarding referral.
- How the issue of fluctuating capacity and addiction is addressed.
- Provide contact details on how to refer for assessment and support.
- How housing associations deliver tenancy sustainment and resettlement for new tenants who have experienced homelessness.

## **2 Statutory duties local authorities have to a person experiencing homelessness**

### **The Law:**

The primary legislation setting out local housing authorities' duties to people who are homeless or threatened with homelessness, is contained within Part 7 of the Housing Act 1996 (as amended). This legislation has been substantially amended over the years; including by the Homelessness Act 2002, the Housing & Regeneration Act 2008, the Localism Act 2011, and more recently, by the Homelessness Reduction Act 2017.

### **The Duty to Provide Advice & Assistance:**

Part 7 of the Housing Act 1996 (as amended) confers the right for a person to approach a local housing authority for advice and assistance about their housing situation and places a duty on the local housing authority to provide advice and assistance that is free of charge. This duty applies irrespective of whether or not the person may be homeless or threatened with homelessness at the time they ask for advice and assistance. It is also applicable regardless of whether or not a person is eligible for assistance. This means that those who may not have recourse to public funds in the United Kingdom should still be given advice and assistance as prescribed in law, if they request it.

The law requires that authorities must provide advice on:

- Preventing homelessness.
- Securing accommodation when homeless.
- The rights of people who are homeless or threatened with homelessness and the duties of the authority in that context.
- Any help that is available from the authority or from anyone else in the authority's district, for people who are homeless or may become homeless (whether or not they are threatened with homelessness), and;
- How to access that help.

### **The Assessment Process: Duties to People Who Are Homeless or Threatened With Homelessness:**

Where a person gives a local housing authority reason to believe they may be homeless or threatened with homelessness, the authority must make enquiries to determine whether the person may be eligible for assistance (which relates to their immigration status – people must have recourse to public funds in order to be considered eligible) and if so, whether any ongoing duty may be owed to them under homelessness legislation.

Any duty that may be owed will depend on whether the applicant is:

- a) Homeless or threatened with homelessness.
- b) Eligible for assistance.

- c) In 'Priority Need'.
- d) Homeless as a result of a deliberate act or omission on their part (whether they are 'intentionally homeless').

It is worth noting that the local housing authority can also consider whether or not a person has a local connection to their area at certain stages in the assessment process. Local connection is prescribed in Part 7 of the Housing Act 1996 for these purposes. Local connection should ordinarily only be considered in the latter stages of a local housing authority's assessment and should not be used as a reason to deny a homeless person emergency accommodation if they are homeless and in priority need. The explanation of duties included below highlights when local connection can be taken into account and duties referred accordingly.

For people who are considered to have no local connection to the area they have approached for assistance but do have a local connection to the area of another local housing authority, there are some instances whereby the duties under homelessness legislation can be referred to the area where the local connection can be demonstrated. For those people who may have no connection to any local housing authority area, the local connection referral process cannot be applied. For those who have a local connection to more than one area, the person can choose in which of those areas they would like the local housing authority to refer them.

The Homelessness Reduction Act 2017 introduced new duties to Part 7 of the Housing Act 1996. These include:

- Where an eligible person is threatened with homelessness within 56 days, the local housing authority must work with them to prevent them from becoming homeless. (Whether or not the person has a local connection to the area they present is not a factor that the local housing authority should consider under this duty).
- Where an eligible person is homeless or becomes homeless, the local housing authority must secure emergency accommodation for them where there is any reason to believe that person may be in 'priority need'. For all households who are homeless, regardless of whether or not they fulfil priority need, there is a duty on the local housing authority to work with them to relieve their homelessness for a period of 56 days. (Local connection can be considered under this duty and duties referred accordingly where appropriate).
- The law does not require a local housing authority to provide emergency accommodation for any person where it is satisfied that they are not in priority need, even where that person may be homeless. It is, however, good practice for the local housing authority to intervene to prevent incidences of rough sleeping. "Priority Need" is explained in more detail later in this briefing note.
- Both the duty to prevent homelessness, and the duty to relieve homelessness, require local housing authorities to undertake assessments of household needs, and agree steps with the household. These 'personal housing plans' should include actions the person should take, and actions the local housing authority should take, in their efforts to resolve the presenting situation.

- The local housing authority may end its homelessness duties to a household where it considers they are wilfully uncooperative with efforts made to either prevent or relieve homelessness.
- For those households for whom homelessness cannot be prevented or relieved under either (or both) of these duties, the local housing authority must consider whether or not any longer-term duty may be owed. This longer-term duty is known as the 'main housing duty'. When assessing whether or not the main housing duty may be owed, the local authority will consider whether or not the person or household are in priority need and whether they may have become 'intentionally homeless' (this means, essentially, that they have become homeless through some poor decision of their own).
- Households who are found to be homeless, eligible, in priority need but homeless intentionally, are not owed the main housing duty and the local housing authority may seek to discharge its homelessness duties, including bringing to an end any period of temporary accommodation provided for the household.
- Households found to be homeless, eligible, in priority need and not homeless intentionally, will be subject to an ongoing duty to provide temporary accommodation whilst working with the local housing authority to secure a settled housing solution. Once a settled housing solution has been identified, the main housing duty may come to an end. (Local connection can be considered at the point of main duty acceptance, and the duty referred accordingly in appropriate cases).

This section has provided a very brief overview of a complex area of law as it relates to local housing authority homelessness assessment processes. It should not be considered comprehensive or exhaustive. It is provided with the intention of raising awareness of the duties that affect local housing authorities when they are presented with a person who requires housing advice, or who may be homeless or threatened with homelessness.

At various stages of the assessment process, the person or household can request a review of the Council's decision making. This includes challenging the contents of personal housing plans.

### **The "Duty to Refer":**

The "Duty to Refer" was introduced by the Homelessness Reduction Act 2017. It requires specified public bodies to actively identify service users who are, or who may become, homeless or threatened with homelessness. Having identified a service user who is homeless or at risk of homelessness, they are then required in law to refer the person to the local housing authority, thereby alerting it to the fact the person requires urgent advice and assistance to resolve their housing need. The person's consent must be obtained to refer.

The specified public bodies are named in the Homelessness (Review Procedure etc.) Regulations 2018. The named bodies subject to the Duty to Refer are:

- Prisons.
- young offender institutions.

- secure training centres
- secure colleges.
- youth offending teams.
- probation services (including community rehabilitation companies).
- job centres in England.
- social service authorities (both adult and children's).
- emergency departments.
- urgent treatment centres.
- hospitals in their function of providing inpatient care.
- Secretary of State for defence in relation to members of the regular armed forces.

The Department for Levelling Up, Housing and Communities (DLUHC) have produced guidance on the Duty to Refer which can be found [here](#).

As a legal requirement, the Duty to Refer helps ensure that services are working together effectively to prevent homelessness by identifying people at risk of losing their homes, or who are already homeless, and ensuring that their housing needs are proactively considered when they come into contact with public services.

It is also anticipated that it will encourage local housing authorities and other public services to build strong partnerships which enable them to work together to intervene earlier to prevent homelessness through increasingly integrated services.

It is good practice for all services, statutory and voluntary, whether they are named in law as a specified public body or not, to observe the principles of the Duty to Refer and contribute to the early identification of, and support for, people who are or who might become, homeless without the right support.

All local authorities working across the 4LSAB area have signed up to a joint Hampshire Homelessness Referral Protocol. The protocol sets out how the local authorities and public bodies operating in Hampshire will operate when dealing with making and receiving referrals for those service users who are homeless or threatened with homelessness. The referral protocol simplifies the process for specified bodies (and others who wish to refer). The protocol can be found [here](#).

### **3 What needs and risks are considered in homelessness assessments?**

Local housing authorities provide generic services. As demonstrated in earlier sections, they are subject to duties to provide advice to anyone who presents to them with a housing related problem and this duty applies regardless of whether or not the person may have recourse to public funds. They also receive referrals from specified public bodies, of people identified by those public bodies as homeless or at risk of homelessness.

Local housing authorities are under various duties to prevent and relieve homelessness and undertake these duties in partnership. This includes work to prevent and relieve rough sleeping.

Whilst the case load of a local housing authority may be generic, there will always be a proportion of cases where complex needs and risk factors are present.

Examples of risk factors that may present to the local housing authority at initial assessment:

- Poor mental health including undiagnosed mental health and behavioural problems.
- Addiction to alcohol and/or drugs.
- Domestic abuse.
- Violent conduct.
- Sexual exploitation.
- Neglect including self-neglect.
- Learning disabilities.
- Physical disabilities.
- Sexual offending.
- People subject to Multi-Agency Public Protection Arrangements (MAPPA).

When assessing a person or a household's needs, certain matters must always be considered:

- The circumstances which led to homelessness or threatened homelessness.
- The housing needs of the applicant.
- What support would be necessary for the applicant and their household to have and retain suitable accommodation.

There is some discretion for local authorities to decide exactly what the assessment should include

As part of its assessment, the local housing authority will consider any support needs and/or risk factors that may be present in a particular household or that may be applicable to any individual they are seeking to assist. This is generally in the context of what may be required to facilitate accommodation being sustainable, but also in the interests of meeting a duty of care to the person or household, and to the wider community.

The wider system of public services are encouraged through statutory guidance to engage in this process, including in the forward-looking strategies that are developed by local housing authorities that set out how homelessness will be addressed.

Information sharing is a key factor to ensure identifiable risk and support needs are managed.



Whilst the local housing authority can provide advice and support with housing, it cannot replicate the support that may be available from health, social care, addiction services and others. Often, the provision of a holistic package of support cannot be delivered by the local housing authority, if it acts in isolation. It is anticipated, and acknowledged in statutory guidance, that homelessness assessments will lead to the identification of care and support needs that the local housing authority *cannot* meet.

Whilst the local housing authority may be subject to the primary legal duties to prevent and relieve homelessness, they cannot address the wider support needs and underlying causes of homelessness. It is vital that the wider system works together to take ownership of homelessness and to resolve housing need as a system.

#### **4 How a local authority determines priority need for housing**

The Housing Act 1996, Part 7 (as amended) sets out that local housing authorities must fulfil certain duties for people who are homeless and who are considered to be particularly vulnerable. The law sets out categories of people who may fulfil this “priority need” criteria.

In some instances, establishing ‘priority need’ is more straight forward than in others. The law sets out categories of priority need, and these include:

- Pregnant women, or any household which includes a pregnant woman.
- Households with whom dependent children reside or might reasonably be expected to reside (the latter aspect of this category is less than straightforward, and it is worth noting that the local housing authority is not expected to apply the same tests and decision making as a Family Court in assessing whether or not children might be ‘reasonably expected to reside’ in a particular household).
- All 16 and 17 year olds, provided they are not a “relevant child” (relevant children remain the responsibility of social services) or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989.
- All 18 to 20 year olds (other than “relevant students”) who “at any time after reaching the age of sixteen but while still under eighteen” were, but are no longer, looked after, accommodated, or fostered.
- Any person who has lost their accommodation because of an emergency such as flood, fire or other disaster.

The law also sets out that a person may be considered to be in priority need if the authority is satisfied that they are vulnerable because of any of the following:

- Old age, mental illness or learning disability, physical disability, or other special reason.
- Having been looked after, accommodated, or fostered and is aged 21 or over (other than “relevant students”).
- Having been a member of Her Majesty's regular naval, military or air forces.

- Having served a custodial sentence, been committed for contempt of court or similar offence, or been remanded in custody.
- Having had to leave accommodation because of violence or threats of violence from another person that are likely to be carried out.

In cases where the local authority has reason to believe that someone may be in priority need as a result of 'vulnerability', they must undertake a contextual and practical assessment of the person, taking into account all the relevant facts and circumstances (including mental health, physical disability or learning disability), in order to determine whether, if that person became homeless, the applicant would be significantly more vulnerable than an 'ordinary person' would be if they became homeless.

This is a complicated test to apply, and the local housing authority is only required to demonstrate that it has applied the right test and done so in a rational and reasonable way. The 10 bullet points below provide some background to this test to support practitioners to understand the way it ought to be applied and the considerations that a local housing authority ought to be concerned with in conducting such an assessment.

1. Close attention should be paid to the particular circumstances of the person. The issue of vulnerability must be determined not so much by reference to each of the person's challenges but by reference to them when taken together. The question whether a person is vulnerable should involve looking at their particular characteristics and situation when homeless in the round.
2. The resources available to the authority when assessing duties under Part 7 of the Housing Act 1996 (as amended) are not relevant to an assessment of whether or not a person is in 'priority need'.
3. Statistics should not be used to determine vulnerability.
4. When considering whether a person may be "vulnerable" as a result of old age, mental illness, physical disability, other special reason, as a result of having been in care (for those over 21 and other than certain students), having served in the armed forces or having been in custody, and as a result of leaving accommodation on account of violence or threats of violence, the local housing authority should assess the person to see if they are vulnerable as a result of any of those characteristics – the characteristics themselves do not render a person vulnerable and so do not necessarily confer "priority need" in their own right.
5. The vulnerability test can involve comparison, but it must involve the *right* comparison.
6. In order to decide whether an applicant is in priority need the local housing authority should compare them with "an ordinary person if made homeless". This should be in the context of ordinary people generally and not seek to

compare with ordinary people from the locality of the district. The comparison is with ordinary people who happen to be homeless. It should not be made with 'ordinary homeless people', and not with 'ordinary street homeless people'. The relevant test is whether the applicant would be *significantly* more vulnerable if homeless than an ordinary person. The local housing authority retains discretion in assessing who is vulnerable under this test.

7. Where there is available support for the person, the local housing authority is entitled to consider whether, in light of all the facts of the case, this support may mean the person is not vulnerable as a result of the support. The fact that such support would be available in itself may not, however, prevent the person from being vulnerable. Anything arising from this consideration should be considered in the context of the person's particular characteristics and situation when homeless in the round.
8. When assessing available support in the context of vulnerability, the local housing authority can consider whether there is a duty on statutory services to supply support and a corresponding right for the person to receive them. This may indicate that the person is not vulnerable. In the context of non-statutory support, the support must (as a *minimum*) be consistent, predictable and reasonable to expect the third party to provide for this particular person. This last point may in itself give rise to doubt over whether it is appropriate to take family support into account, however, each case should be assessed on its merits and this does not mean that family support cannot be taken into account. Anything arising from this consideration should be considered in the context of the person's particular characteristics and situation when homeless in the round.
9. Each stage of the decision-making process, as to whether a person with an actual or possible disability or other "relevant protected characteristic" (as defined in Section 4 of the Equality Act 2010) are in priority need, must be made with clear regard to the equality duty, and "*must be exercised in substance, with rigour, and with an open mind*". This means the local housing authority should show that they have considered:
  - a. whether the person is under a disability (or has another relevant protected characteristic).
  - b. the extent of such disability.
  - c. the likely effect of the disability, when taken together with any other features, on the person if and when homeless, and;
  - d. whether the person is, as a result, "vulnerable".

The particular circumstances of the person in all vulnerability cases should be carefully considered by the local housing authority, but in cases where the Equality Act 2010 applies, the local housing authority should focus on the effects of disability on the person. In practice this may not add to the assessment already being carried out but should form part of the decision-

making process. Anything arising from this consideration should be considered in the context of the person's particular characteristics and situation when homeless in the round.

10. Where at least one member of the household is vulnerable and one or more others are not, both the vulnerable and the non-vulnerable will qualify as being in priority need. The non-vulnerable can apply on behalf of the household and priority need still be conferred based on another household member where they normally reside or might reasonably be expected to reside together.

## **5 Working in partnership to determine whether someone is in priority need, and steps taken when someone is determined not to be in priority need**

The section above explains priority need in some detail including the approach the local housing authority should take to establish whether someone may be vulnerable to the extent that they fulfil the priority need criteria. Clearly, as suggested by the detailed considerations required to establish priority need, it will be necessary for agencies to work in partnership, in the interests of supporting the local housing authority assessment. Statutory guidance sets out that when assessing vulnerability, local housing authorities may seek the assistance of and have regard to advice from:

- Medical professionals.
- Social services.
- Community Health Providers.
- Community Mental Health Teams.
- Other current providers of care and support.

In some cases, the local housing authority may request that the Social Services department carries out an [assessment under the Care Act 2014](#). There may be a duty on Social Services to meet the care and support needs (which can include housing) of people in this category under the Care Act 2014.

This may be appropriate in certain cases of single homelessness and rough sleeping, and where there are concerns about the unmet support needs of people who may meet the eligible care threshold.

Where a person or a household are not owed a duty or homelessness duties come to an end, including where someone may not be considered to be in priority need, a partnership approach to meeting need is required.

Each local housing authority area will have an offer of support for clients who may find themselves without accommodation options and where the local housing authority may not be under a duty to provide accommodation. Services vary from area to area but may include outreach support for those who may be sleeping rough, through to support provided by the voluntary sector.

Local housing authorities may be unable to act in order to resolve the housing situation because there are underlying support needs that are not being met and the individual has already been supported through the system a number of times but no accommodation has been sustained as a result of unmet needs. In these circumstances a multi-agency approach is necessary to ensure the system operates differently and does not continue to 'process' the person in the same way, when it has already failed multiple times.

There is more information about multi-agency working in a safeguarding context later in this briefing. It may be appropriate in these situations to use the Multi-Agency Risk Management Framework (see section 7 below) or other multi-agency task and targeting approach to identify and remove obstacles to the person accessing and sustaining both engagement with health and support services, but also in the context of accommodation.

## **6 What are the checks in place on whether to refer to adult safeguarding?**

Safeguarding Adults means protecting an adult's right to live in safety, free from abuse and neglect (this includes self-neglect). It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect. At the same time, it is also about agencies collectively making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. Adults sometimes have complex interpersonal relationships and may be ambivalent, unclear, or unrealistic about their personal circumstances.

Housing staff are experienced and work to predetermined protocols. They will raise any safeguarding issues with partners as appropriate, in line with [4LSAB Safeguarding Concerns Guidance](#).

- Common reasons for referrals from a housing/homelessness setting include (but are not limited to):
  - Self-neglect (including among the rough sleeper cohort and as a result of rough sleeping itself when accommodation has been made available).
  - Complex unmet mental health needs, leading to suicidal ideation and risky behaviour (towards self and others).
  - Victim of abuse (could be physical, financial, verbal etc.).
- It is important to note that whilst some clients are well known to the housing teams, often they can be working with people who they have very little information about, especially if they are new to the area or have never approached the service before.
- Therefore, to determine whether there is a care and support need alongside the immediate safeguarding risk is sometimes challenging.

## Safeguarding Contacts:

The following details provide contacts to use to raise a concern about an adult who is believed to have care and support needs and is at risk of, or experiencing, abuse or neglect (including self-neglect).

IN AN EMERGENCY, CONTACT THE POLICE BY DIALING 999

### Southampton:

Health and Social Care - 023 8083 3003 (023 8023 3344 for Out of Hours)

### Hampshire:

Adult Health and Care - 0300 555 1386 (0300 555 1373 for Out of Hours)

Agencies can also contact the Hampshire Safeguarding Advice line on 01962 847214; this is managed by the Hampshire MASH team who can provide further advice and guidance. This line is for advice only and referrals are not accepted via this number.

### IOW:

Adult Social Care - 01983 814980 (01983 821105 for Out of Hours)

### Portsmouth:

Adult Safeguarding - 023 9268 0810 (0300 555 1373 for Out of Hours)

The person can be referred in for either further signposting or assessment of needs, with their consent, or if the person is a subject of abuse, a Safeguarding concern can be raised.

If it is deemed that the safeguarding concern meets the criteria for Section 42 duties (set out in Section 42 of the Care Act 2014), a safeguarding enquiry will be undertaken.

More guidance is available from the 4LSAB - 4LSAB Safeguarding Concerns Guidance can be downloaded using the link below:

<https://www.hampshiresab.org.uk/wp-content/uploads/4LSAB-Safeguarding-Concerns-Guidance-Oct-2020-1.pdf>

For cases that are not determined to meet the criteria for a Safeguarding Enquiry then you should consider using the 4LSAB multi-agency risk management framework (see section 8).



## 7 Multi-agency working – the importance of Multi Agency Risk Management (MARM) meetings

Evidence tells us that in some cases, agencies have closed down their involvement with a vulnerable adult facing homelessness due to their non-engagement. This is sometimes without any multi-agency notifications or any discussions to consider the impact of the withdrawal of a particular service.

**Where people may be experiencing multiple exclusion homelessness, safeguarding is everyone’s business. As SARs identify, people sleeping rough and in temporary accommodation are at risk of financial and physical abuse, and exploitation. They often have multiple physical and mental health problems, are prone to self-neglect, and, not infrequently, die as a result of chronic ill-health and the effects of long-term substance misuse and mental ill-health, including suicidal ideation.**

All agencies are reminded that there will be people experiencing multiple, complex needs, and who may refuse support when it is offered a number of times before they feel able to accept it or even actively consider accepting it. It is absolutely vital that services across the system do not view this behaviour, which may be the result of entrenched problems and the experience of trauma, as a lifestyle choice. It is even more important that this is not used to inform service disengagement, in place of continuing efforts to build a relationship with the individual to address their support needs.

This is particularly relevant in the context of people who may be rough sleeping or otherwise leading chaotic lives. Rough sleepers may have multiple needs that have no relation to housing need, but that, without beginning to address them, will prevent those individuals from accepting offers of accommodation. It is only through a commitment to partnership working, with tenacity, that we can collectively ensure we are doing all we can for those people for whom traditional service pathways may have failed or may not be appropriate.

There are various tools available to support multi-agency working in this context and the wider context of safeguarding vulnerable adults. The 4LSABs have produced shared multi-agency guidance on managing cases relating to adults where there is a high level of risk. Nevertheless, the circumstances may sit outside the statutory adult safeguarding framework, but a multi-agency approach would still be beneficial to identify appropriate support and a holistic approach to resolving presenting issues of concern.

Developed in response to learning gained from serious cases, the 4LSAB Multi-Agency Risk Management Framework (MARM) enables a multi-agency, proactive approach which helps to identify and respond to risks before crisis point may be reached. It enables a collaborative, coordinated and multi-agency response to risks ensuring timely information sharing of risk, a holistic assessment of risk and the development of multi-agency risk plans.

The guidance is based on a number of key principles including the duty to protect from foreseeable harm even when the adult has the mental capacity to make the

decision to not engage in care and support. As set out above, it recognises that complex cases involving people with long term and entrenched behaviours, require a relationship-based approach focused on building trust and rapport in order to reduce harm.

The guidance does not replace single agency risk management arrangements and instead, seeks to build on and complement these by providing a multi-agency perspective on otherwise internal processes. Nor does it replace section 42 safeguarding enquiries for those who meet the criteria. Professionals must also refer to relevant statutory frameworks and operational policies which they are required to follow.

The links below take you to key elements of guidance produced by the 4LSAB:

4LSAB MARM Framework:

<https://www.hampshiresab.org.uk/wp-content/uploads/4LSAB-MARM-Multi-Agency-Risk-Management-Framework-June-2020.pdf>

Supporting information and documentation can be found here:

[https://www.hampshiresab.org.uk/professionals-area/hampshire\\_4lsab\\_multiagency\\_safeguarding\\_adults\\_policy\\_guidance/](https://www.hampshiresab.org.uk/professionals-area/hampshire_4lsab_multiagency_safeguarding_adults_policy_guidance/)

## **8 Guidance on information sharing**

The 4LSAB have developed guidance which is designed to support safeguarding partner organisations to understand their roles and responsibilities when seeking to co-operate with one another to share information for safeguarding purposes in accordance with the statutory guidance provided by the Care Act 2014. It also takes into account the strengthened protections on personal data contained within the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This guidance should be read in conjunction with your own organisational guidance for information and data sharing, when considering sharing information relating to Adult Safeguarding.

[4LSAB-MA-Information-Sharing-Guidance.pdf \(hampshiresab.org.uk\)](#)

Partner agencies will already have in place information sharing agreements and/or protocols to enable and facilitate effective inter-agency communication, partnership working and decision-making, but it is always recommended that these are reviewed regularly to ensure they are fit for purpose and do not act as a barrier to resolving safeguarding issues locally.

### **Where might a safeguarding partner agency refuse to share information?**

There are only a limited number of circumstances where it would be acceptable not to share information pertinent to safeguarding with relevant safeguarding partners. These would be where the person involved has the mental capacity to make the



decision and does not want their information shared and:

- nobody else is at risk.
- no serious crime has been or may be committed.
- the alleged abuser has no care and support needs.
- no staff are implicated.
- no coercion or duress is suspected.
- the public interest served by disclosure does not outweigh the public interest served by protecting confidentiality.
- the risk is not high enough to warrant a multi-agency risk assessment conference referral.
- no other legal authority has requested the information.

Should a disagreement arise between agencies with regards to sharing information, then resolution should be sought within the shortest timescale possible to ensure the adult at risk has a proportionate level of response, promoting the wellbeing of the adult and taking full account of their views and wishes and/or where appropriate, their representative.

In all situations relating to adult safeguarding practice, where disagreement between organisations remain unresolved by practitioners, then use of the 4LSAB Escalation Protocol may assist.

[4LSAB Multi-Agency Safeguarding Adults Escalation Protocol July 2018 \(hampshiresab.org.uk\)](http://hampshiresab.org.uk)

## 9 Key Housing contacts across the 4LSAB area

Local housing authorities:

- Portsmouth City Council - [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)
- Southampton City Council - [www.southampton.gov.uk](http://www.southampton.gov.uk)
- Isle of Wight Council - [www.iow.gov.uk](http://www.iow.gov.uk)
- Basingstoke and Deane Borough Council – [www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)
- East Hampshire District Council – [www.easthants.gov.uk](http://www.easthants.gov.uk)
- Eastleigh Borough Council – [www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)
- Fareham Borough Council – [www.fareham.gov.uk](http://www.fareham.gov.uk)
- Gosport Borough Council – [www.gosport.gov.uk](http://www.gosport.gov.uk)
- Hart District Council – [www.hart.gov.uk](http://www.hart.gov.uk)
- Havant Borough Council – [www.havant.gov.uk](http://www.havant.gov.uk)
- New Forest District Council – [www.newforest.gov.uk](http://www.newforest.gov.uk)
- Winchester City Council – [www.winchester.gov.uk](http://www.winchester.gov.uk)
- Test Valley – [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

Registered Providers / housing associations (contributing to this work as members of the 4LSAB Housing and Homelessness subgroup):

- Vivid Homes – [www.vividhomes.co.uk](http://www.vividhomes.co.uk)

- Abri – [www.abri.co.uk](http://www.abri.co.uk)
- Clarion – [www.clarionhousing.com](http://www.clarionhousing.com)
- Sovereign Housing – [www.sovereign.org.uk](http://www.sovereign.org.uk)
- Aster – [www.aster.co.uk](http://www.aster.co.uk)
- Saxon Weald – [www.saxonweald.com](http://www.saxonweald.com)

## 10 The role of Registered Providers of Social Housing (housing associations) in tenancy sustainment and homelessness prevention

The route into accessing social housing can vary, ranging from temporary accommodation to full assured tenancies. Registered Providers of Social Housing put a number of measures in place to support vulnerable adults being rehoused from a homelessness background, such as:

Pre-tenancy work – housing providers work closely with local housing authorities in accommodating people who have experienced homelessness, including those who may be owed homelessness duties by the local housing authority. Pre-tenancy assessments are used to help identify any vulnerability or support need that may affect a person’s ability to manage and maintain their tenancy. Ahead of tenancy, sign-up mechanisms can be put in place to help support resettlement. Registered Providers are all too aware that the initial stages of a tenancy are the most risky in terms of tenancy failure and repeat homelessness, and so they actively work to ensure every tenancy is a success. There is a particular emphasis on support for those people who may have experienced homelessness or rough sleeping in the past, to ensure their tenancies are set up in the right way and to ensure they are sustainable.

A number of housing associations within Hampshire, Portsmouth, Southampton and the Isle of Wight now provide “Housing First” accommodation, which is tailored for a person from a homelessness pathway by providing intensive support with the local authority, landlord and support provider working together. Referrals to peer mentors with lived experience of homelessness are also used to help in resettlement.

Registered Providers have a contractual arrangement with their tenants in the form of a tenancy agreement. There are grounds in law through which a landlord can seek to obtain possession of the property, normally in respect of rent arrears or persistent and serious anti-social behaviour, but can also include abandonment and breaches under the Right to Rent. Whilst eviction is a course of action that can be taken in the most serious of cases, landlords are committed to creating sustainable communities and preventing homelessness. Registered Providers in the 4LSAB area tend to view evictions as a failure and will actively work to avoid having to regain possession of tenancies.

The services a social housing landlord offers to residents in helping to sustain their tenancy vary. Each housing provider will have a different support model available to residents. These are discretionary and may include:

- Employment and Training Officers.
- Tenancy Support Advisors.
- Money advice and Welfare Benefits Officers.
- Well-being team.
- Homeless prevention team.
- Supported Housing Team.
- Housing officers/income officers.
- Community support officers.
- Tenancy sustainment teams.