

Thurrock Council

Protocol: Adults, Housing and Health

Vulnerable people at risk

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1. Document details

This protocol demonstrates the Councils commitment to partnership working, in order to safeguard the wellbeing of vulnerable people who face various types of risks within housing.

Vulnerable people require a joint approach to the resolution of their housing problems, especially those at risk of eviction.

This protocol outlines how the partners will deliver and develop such an approach.

Document title:	Protocol: Vulnerable people at risk
Purpose:	The prevention of vulnerable people at risk in their homes or those who face re-housing or eviction, wherever possible, through improved joint working across Housing, Social Care Services and partner agencies.
Parties to this protocol:	<ul style="list-style-type: none"> • Adults, Housing and Health Directorate •
Document storage:	Intranet, Internet and EDRMS
Strategic Accountability	<ul style="list-style-type: none"> • Director of Adults, Housing and Health
Supporting documents	Corporate Fair Debt Policy (for the purpose of reclaiming debt from tenants.
Version:	Version 4 – June 2017
Next review:	June 2019
Monitoring:	Safeguarding, Sheltered Housing and Housing representation.

2. Key principles of the protocol

1. **The Paramount Principle:** The Council and its partners have an overriding duty to safeguarding the health and wellbeing of vulnerable individuals living in Thurrock.
2. **Partnership Principle:** Partnership working between Directorates of the Council and their partners are pre-requisites for the success of this protocol.
3. **Responsibility and Accountability Principle:** By identifying the responsibilities and accountabilities of various stakeholders, the protocol ensures that a joint way of working is adopted with the risk of duplication of effort being reduced.
4. **Information Sharing Principle:** To promote co-operation, co-ordination and collaboration across organisational boundaries this protocol encourages information to be **proactively** shared.

3. Introduction

This protocol recognises that the Council has a multi-faceted relationship with vulnerable people for whom it is likely to have a number of statutory responsibilities. For example, while the Council may be the landlord of some vulnerable people it may also be responsible for the provision of their social care, or their education. This demands that a holistic corporate approach is taken when dealing with vulnerable people at risk with regards to their housing arrangements. Officers are required to adopt such an approach and to avoid treating people as isolated '*housing cases*', '*adult social care cases*', or '*children's social care cases*' etc.

At the heart of this protocol is a concern to ensure vulnerable people are protected in their homes and that due regard is given when assessing their housing status. Therefore, it will be important to ensure that necessary checks are carried out to support such vulnerable individuals appropriately.

This protocol also encompasses services delivered through formal partnership arrangements with organisations external to the Council. Where services are delivered through external arrangements, this protocol shall apply to relevant departments / officers of partner organisations.

Where new partnership arrangements or contracts are developed/ reviewed within the remit of this protocol, this protocol will be included as part of the partnership agreement, or contract.

The protection and safety of a vulnerable adult is everyone's responsibility. Thurrock has adopted the Lord Chancellors definition of vulnerability as defined in No Secrets (2000):

"An adult (a person aged 18 years or more) who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation."

This could include:

- people with learning disabilities;
- people with mental health problems;
- older people;
- people with a physical disability or impairment.

The need for additional support to protect themselves may be increased when it is complicated by additional factors, such as:

- physical frailty or chronic illness;
- sensory impairment;
- challenging behaviour;
- drug or alcohol problems;
- social or emotional problems;
- poverty or homelessness

This protocol is built on the foundations that it is every adults and child's right to live free from abuse in accordance with the principles of respect, dignity, autonomy, privacy and equity.

For children, it will usually be the behaviours of the adults caring for them that place them at risk of eviction or compulsory re-housing:

Living with families who through the ill health or disability of the parents, or for other reasons, are not able to provide all aspects of the parenting that children need for the best opportunity to grow;

Children and adults who are the victims of abuse are to be regarded as vulnerable. It is important to note the children and vulnerable adults living in situations where **domestic violence** is taking place are considered to be the subjects of abuse, even when they are not the targets of this violence.

Vulnerability **should not be assumed**. It is an individual matter and depends upon the complex relationship between individuals and their circumstances. For example, not all disabled people are, necessarily, vulnerable. Judgements about a person's vulnerability are only to be arrived at through a process of individual assessments for which the Adult Social Care Services are responsible.

4. Protecting Vulnerable People: Issues specific to housing

There may be occasions when housing officers working with tenants are concerned and worried about someone's welfare. For example:

- There may be concerns about vulnerable adults whose care needs appear to be neglected or who appear to be subject to deliberate mistreatment.
- Tenants may tell their housing provider that they are being abused
- There may be signs of extreme self neglect, examples could be hoarding, living in unsanitary conditions, alcohol or substance misuse
- There may already be issues of maintaining a tenancy, paying bills as a result of a learning difficulty, mental health deterioration, dementia, or financial abuse may be suspected
- A person may be a victim of harassment from neighbours, this may or may not be identified as a hate crime
- Where there is known or suspected domestic abuse

In all cases of concern Adult Social care should be contacted at an early stage to see if the tenant requires social care support to help maintain their tenancy.

Where an officer suspects abuse or extreme self neglect they should contact the Safeguarding Adults team. Information is available on the Council website at:

<https://www.thurrock.gov.uk/keeping-safe-from-abuse/recognising-abuse>

If anyone identifies or suspects a crime is taking place they have a duty to report this to the Police. It is important that the first person who is aware of the alleged crime contacts them as will have most of the information to share with them. The Police will then decide how best to respond to the concern. This measure could prevent crime and or serious harm to a vulnerable person.

If there is any doubt then please refer to your line manager or the Housing Safeguarding team for guidance. Please also notify the ASB Team if the crime relates to antisocial behaviour.

5. Housing Officer Responsibilities

- All housing staff must attend mandatory safeguarding training (both adult and childrens) and regularly update themselves with further developments within this area.
- Every effort must be taken to assist vulnerable people to maintain their tenancy - eviction and compulsory re-housing must be seen as a last resort at all times. Officers must demonstrate that they are taking a reasoned and professional view when seeking an eviction and actions must be agreed with relevant teams to ensure the best result is received.

- Officers must demonstrate an understanding of what may lie behind behaviour that may appear unreasonable, whilst at the same time taking appropriate steps to address that behaviour.
- The management team must ensure that officers have, not only, been briefed about this protocol, but also, actively use it as part of their policies, procedures and every day work.
- Officers including agents/contractors have a duty to report suspected criminal offences to the Police on 101 for non-emergency, on line at <https://www.essex.police.uk/> or 999 in an emergency.

The above responsibilities are held by all housing staff. Below are responsibilities for specific teams.

5.1 Housing management staff:

These officers are responsible for the day-to-day management of tenancies, including dealing with anti-social behaviour and harassment on the Council's housing estates. This includes domestic violence, hate crime and all types of abuse. In the event of problems, early communications with the alleged perpetrator (if appropriate) and complainant is vital. The Housing Tenancy Management Policy must be used in conjunction with this policy, to ensure that action is efficient and effective.

Housing staff must be mindful of customers, who have known, or suspected support needs, and who may need an immediate referral for Housing Support Services or liaison with Social Care Services. This may include, but is not limited to, people who misuse alcohol and/or drugs, care leavers, ex-prisoners, victims of domestic abuse or sexual violence, people with a disability, or mental health problems, or frail older people

5.2 Housing Solutions

This team consists of the homeless, homeless prevention and advice, temporary accommodation, private landlords and allocations teams who deliver the Council's statutory responsibilities to people in housing need including the homeless.

The team are responsible for assessing vulnerability in homeless people to determine whether the statutory re-housing duty is held.

People assessed as eligible for social care services may also be considered vulnerable under homeless legislation.

People requiring services from the Housing Solutions team will be assessed for any actual or potential risk due to their vulnerability.

The allocations team will also assess potential tenants for vulnerability based on their applications for housing.

Vulnerable adults in need of support should be referred to the appropriate social services – either adults or children's as appropriate.

5.3 The Housing Tenancy Welfare and Rent Recovery Team:

This is the team responsible for ensuring that all tenants pay their rent promptly and regularly. No eviction of a vulnerable tenant must take place, due to rent arrears, unless this has been discussed with social services and it has been progressed through the Rent Arrears Panel. It must be noted that vulnerable people enduring this process should be offered advocacy support when meeting officers.

Where there is involvement, the tenant will be asked to agree to information being shared between Housing and Social Care Services staff, and the name of a key worker will be obtained where possible to ensure the best level of support is given to the vulnerable person.

Where the vulnerable tenant is not known to Social Care but has clear support needs and failure to address rent arrears may result in eviction, a referral will be made to Social Care Services, as appropriate. Implicit in the referral will be the Housing department's wish to avoid eviction. The referral will include the expectation of and commitment to joint working, including the production of a Joint Support Plan, to address issues impacting on the client's ability to maintain their tenancy.

5.4 Social Care Services

These services provide support to vulnerable people designed to enable them to successfully manage their own affairs. This protocol explicitly recognises that homelessness and the experience of eviction and compulsory rehousing will have an immediate and negative impact on the ability of parents to care for children and on the ability of informal carers to care for their family.

5.5 Registered Providers

External service Providers have a clear duty to alert and inform the council where they are concerned about the vulnerability of their tenants or the impact tenants are having on vulnerable people.

5.6 Private Landlords

Whilst private landlords have no statutory duty towards vulnerable tenants they are encouraged to voluntarily report any concerns to the Council. Training on safeguarding awareness will be provided and advertised through the Landlords forums.

Any landlords working with the Council to provide accommodation to the Homeless team have to be accredited and will be awarded extra CPD points if they take part in the training offered.

5.7 Client Contract Team and Contractors

The Client Contract Team and Contractors have a duty to check flags on the Council's computer systems which highlight the vulnerability of customers before making a visit, to ensure adequate support is in place. If there is any doubt with regards to vulnerability further checks must be made with the Council.

The Client Contract Team and Contractors also have a clear duty to alert and inform the appropriate department within the council, where they are concerned about the vulnerability of their tenants, or the impact tenants are having on vulnerable people.

Any contractors working with the Council must be adequately trained with regards to safeguarding vulnerable tenants. The council will aim to provide this training to all contractors along with regular refresher training within the timeframe guidelines.

6. Joint working, early Intervention and Communication

Early intervention with the vulnerable person and various partners in service delivery is crucial in managing areas which are potentially problematic. Practitioners in housing and Social Care Services will work proactively with other agencies and share information, as appropriate, with them about the customer.

Referrals to Social Care Services

Where the parties to this protocol have concerns relating to the wellbeing of a vulnerability of person, or potentially vulnerable person and it is established that the person is **not known** to Social Care Services a referral will be made to the appropriate Intake/Initial Response Teams within the Directorate. If the Directorate know the person all concerns should be passed on to the responsible social worker.

Where the concern is related to safeguarding of a child, referrals must be made to the Multi Agency Safeguarding Hub (MASH) through the service representative who sits on the MASH

Examples of where Housing staff would make a referral to Social Care Services include:

- Where the tenant's behaviour, or the behaviour of their children is significantly disturbing other residents.
- Where the risk of eviction threatens the interests of vulnerable adults and, or children.

- Where domestic violence is taking place in a household in which a vulnerable adult and, or a child resides.

Housing staff will try to obtain the tenant's permission before making a referral to social care, discussing with the tenant the benefits of sharing information with the Council's Social Care Services in order to address concerns.

However, where this is not possible the principles set out in the Council's overarching guidance on information sharing with regard to sharing personal information without consent will apply. This will include writing to the tenant and explaining what consequences this refusal may have and the negative impact this may have on their tenancy. For example they may not receive the right level of support from the council to sustain their tenancy which may result in eviction.

It is also important to note that in line with the council's data protection policies, officers may still share information with social services, where the law allows in certain circumstances – for instance if failure to do so will seriously affect the health or well being of a community member. Advice on such actions must always be sought from the Information Management Team.

7. Information sharing

Timely, appropriate information sharing is essential for successful partnership working aimed at identifying and addressing possible risks to vulnerable people.

Information on the Council's policy for information sharing can be found at

https://inform.thurrock.gov.uk/chief_executive/information_management/content.php?page=information_sharing_policies

Information sharing should be conducted in line with the Council's overarching information-sharing protocol. Information can and should be shared in situations where the Council has relevant information, or concerns that might impact on the maintenance of a tenancy. Information sharing with the relevant Housing team is vital to enable joint working on behalf of the tenant.

Similarly, new applicants for housing will be asked to identify whether they are receiving services from other Council Directorates. This will ensure help ensure that social services staff are always promptly and appropriately consulted. New applicants for housing will be given relevant Fair Processing information at the point their personal data is collected and will be told how their personal data is likely to be shared.

The Overarching Information sharing protocol sets out the key responsibilities and considerations for Council staff, where the Council is the data owner (the Data Controller for the purposes of the Data Protection Act (1998)).

Not every instance of information sharing can be documented, however staff can use existing guidelines as set out in the Protocol as well as local working procedures.

All Council staff will ensure they comply with the Council's Information Security policies when sharing personal data (both internally and externally). Guidance is available on the Council's intranet (via Information Matters web pages) but key policies are:

- Information Security Policy
- Data Security and Encryption Policy (including the use of secure email options such as GCSX and/or Leapfile accounts)
- Protective Marking policy

8. Providing the right support

8.1 Applications for housing from vulnerable people

At the point of registration, the application will be checked to note any issues of vulnerability and if so, to confirm whether, or not, the tenant is known to social services, or other Council Directorates, or partner agencies. This information will be noted on the applicant's file.

Potential risk or vulnerability will have been checked prior to the accompanied viewing of the property, and any appropriate action taken to ensure a safe viewing for both staff and clients. Where the customer is known to social services, this may include suggesting that the responsible social worker is present.

In addition, Housing will also make checks to ensure that a vulnerable person is not offered accommodation where the behaviour of neighbours is likely to exacerbate their vulnerability. Conversely, checks should also be made to identify whether, or not, the customer is likely to threaten the wellbeing of potential neighbours who are, themselves, vulnerable.

8.2 Offer of Tenancy & Tenancy Sign up for a vulnerable person

Where practicable and particularly where vulnerability is identified, the tenant will be asked to confirm whether there is any current social services involvement and asked to agree to information being shared between housing and social services in order for a joint approach to be taken to supporting them in their tenancy.

Practitioners should ensure that there is frequent liaison between each other where there is a mutual client rehoused. Records of all such liaison – correspondence, emails, and file notes of conversations - *must* be

maintained, and where contact with the client is made by one agency this should be flagged with the other.

8.3 Supporting a vulnerable person at a new tenancy visit:

A new tenancy visit will be made within six weeks of the tenancy starting. If there have been any reports of nuisance at this stage these will be discussed and the conditions of tenancy reiterated. The assigned housing officer will have read the rehousing file to ensure a good understanding of the tenant and their needs.

For new tenants, further visits will also be carried out during their initial introductory tenancy period.

If it is apparent that the tenant has a degree of vulnerability and is experiencing problems settling into the new home an appropriate referral to Housing Support and/or Social Care Services should be made.

8.4 Early indications of Anti-Social Behaviour

Where complaints regarding the conduct of a tenant or their household are received an investigation will be opened by housing services. The investigating officer will check the tenancy records to identify any issues of vulnerability and / or health and safety concerns and where the alleged perpetrator is known to social services.

Investigation of the complaint may identify a need for extra assistance by a referral to Housing Support and / or Social Care Services. Where practicable and safe a joint visit or office interview should take place as soon as possible. The purpose of the visit / interview will be to highlight the problems and possible consequences for the tenant should the situation continue.

The visit / interview may identify support needs to be addressed by housing and / or social services that will help the client to sustain the tenancy. An action plan will be agreed between all parties and the situation monitored. Where a person known to Social Care Services is rehoused by Housing there is an obligation on both sides to ensure that successful joint working occurs to support the tenant in settling into their new home and to prevent future homelessness caused by a breach of tenancy conditions. Checks must be made with Children, Education & Families, in respect of children, as well as Adult Social Care.

As with arrears avoidance, staff must engage with tenants at key stages of the tenancy process to seek to identify risk factors and vulnerability.

8.5 Supporting vulnerable people through eviction

The key point of the process highlighted in appendix 1 are:

1. The first occasion on which the Housing Officer will activate the protocol will depend on the reason. Broadly, such reasons will fall into two categories:

- Rent Arrears
- Other breach of tenancy – usually nuisance/anti-social behaviour.

In the case of rent arrears, this will be managed in line with the rent arrears policy.

In the case of other breaches of tenancy, the Housing Officer will manage the issue in line with the relevant policy and procedure.

2. The Housing Officer will judge if the person may be vulnerable given the definitions set out in this protocol. If so, they will inform the tenant about the Council's policy and protocol in relation to vulnerable people and check if the tenant is known to Social Care Services. If the tenant is known they will be asked for their permission to inform Social Care Services.

3. If the tenant says they are not known to Social Services, the Housing Officer will ask their permission to discuss their situation with Social Care Services with a view to making a referral for help.

4. If the tenant refuses to give permission to contact Social Care Services, the Housing Officer must judge whether to inform Social Care Services without the agreement of the tenant. This decision should have regard to the sharing of information protocol. The threat of eviction will normally be sufficient reason to share information with Social Care Services, on the grounds that the overriding aim is to safe-guard vulnerable people in our community.

5. If Social Care does not know the tenant, its first responsibility is to determine whether s/he is vulnerable. They must do this within 5 working days, and inform the responsible Housing Officer of what action they will take.

6. The core task of Social care with respect to vulnerable people threatened with eviction is consists of coordinating the production and delivery of the interagency/interdisciplinary Joint Support Plan. This will address the issues that lie behind the behaviour that is leading to the threat of eviction and must take into account the individual's ability and willingness to tackle those issues in order to arrive at a reasonable Plan. Social Care Services will engage Housing, which must play its full part, to ensure that the Housing and Social Care perspectives are built into the Plan and its underlying assessment.

7. The assessor will tell the Housing Department how long the assessment will take. Usually it will be within 35 days for a family with children in need and 20 days for a vulnerable adult.

8. Social Care Services will share with the Housing the key outcomes of the assessment. The former will manage the customer's agreement to share the information. They will set out what change can be expected and the time scales. The latter will be based on what is realistic for the customer.

9. Social Care Services and Housing will agree the frequency of review of each case in accordance with their individual Joint Support Plan. Where a tenant fails to respond to the Plan and continues to be in breach of their rent or tenancy obligations, Housing will, after discussion Social Care Services, activate their usual eviction procedures.

10. The Housing Department and Social Care Services will agree how the eviction process should be amended to allow for the Joint Support Plan to be effective. As previously noted, eviction cannot proceed whilst the Joint Support Plan is being delivered in accordance with its objectives, no matter the time scale. If, the officers dealing with the case cannot agree the Head of Housing and Head of Social Services should make a decision.

11. The Housing Officer will keep the Homeless Families Unit informed throughout the above stages.

8.6 Supporting vulnerable people after eviction

Any person evicted or facing eviction can approach the Council's homeless team for advice and assistance.

Where the Council is evicting a vulnerable person or a family with children it is important to discuss the case with the homeless team at the earliest stage. This is usually achieved through the attendance of a homeless officer at the rent panel meetings who will then contact the person to arrange an interview with the homeless team.

It may be necessary for the person or family to be temporarily accommodated pending the outcome of the homeless application. Bed and breakfast accommodation will only be used as a last resort and if so, only for a minimal period. During any period of time in temporary accommodation support should be offered and close monitoring maintained.

Close consultation with the appropriate social worker or support worker is vital.

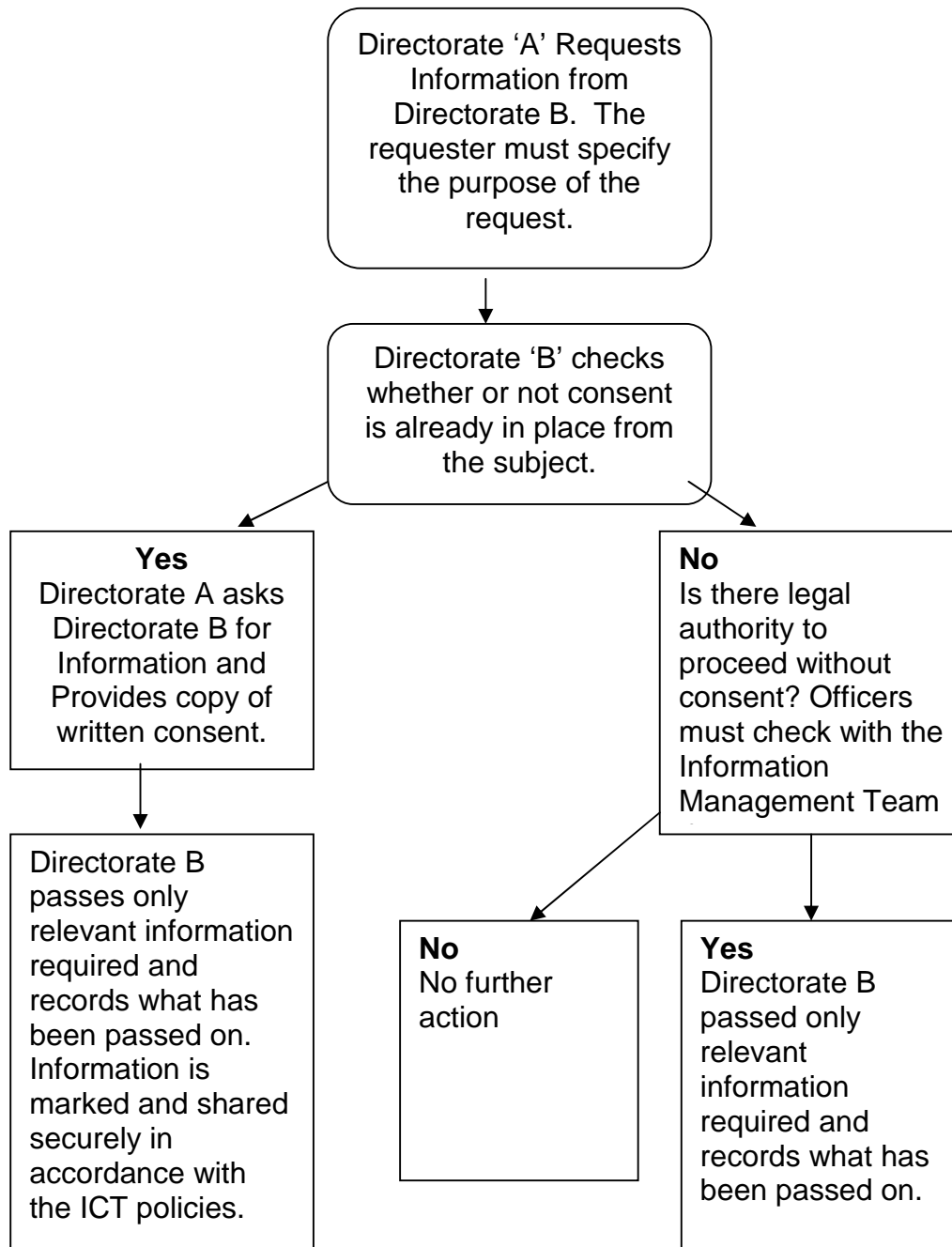
Social Care Services are not an accommodation agency. However, they have a responsibility to amend Care and Support Plans to take account of the new situation.

Where a homeless person is found to be intentionally homeless and there are children within the household, officers must follow the agreed protocol – see Appendix 5

9. Mental Capacity

Where there are concerns that a tenant lacks the capacity to make decisions regarding accepting or ending a tenancy – officers must follow the agreed protocol and flowchart for housing officers at Appendix 6

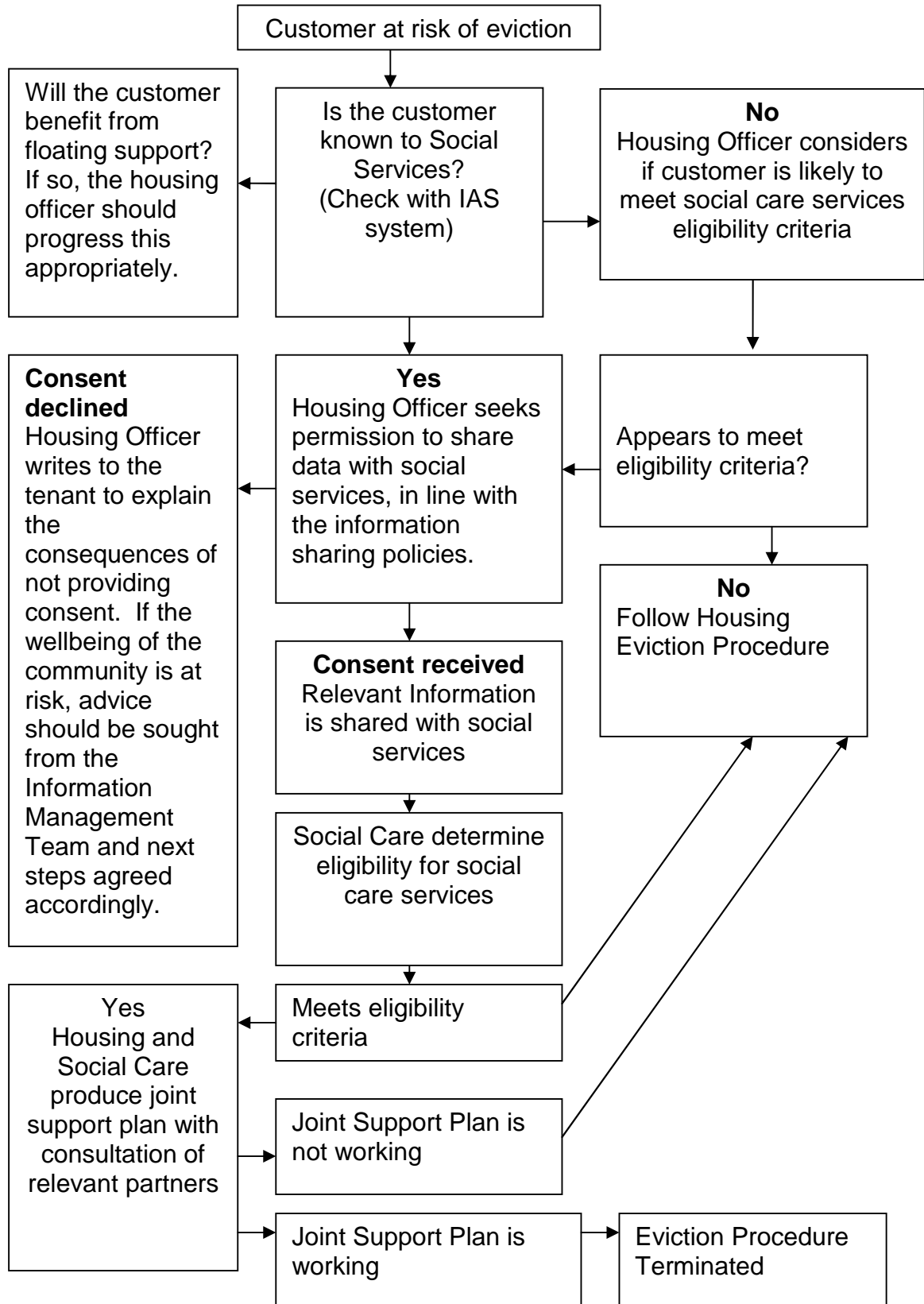
Appendix 1: Information Pathway



Disputes about whether, or not to pass on information should be resolved through line management arbitration and the use of legal advice from the Information Management Team. All decisions must be recorded.

Appendix 2: Housing Eviction Process for Vulnerable People

Decision Making Process Prior To Eviction



Appendix 3: Key definitions

Adult Social Care means those services provided by the Transformation and Independence Division of Social Care Services.

Child means an individual under the age of 18 years.

Child in need means a child whose family cannot provide all aspects of parenting that the child needs to grow and develop.

Council means Thurrock Council

Customer means people who use the services of the Council.

Housing means the Housing Directorate.

Home means the place in which a person normally resides in the community. This may be social or private housing of any type or tenure.

Joint Support Plan means a plan developed by Social Care and Housing to support individuals at risk of eviction or compulsory re-housing to address those issues which have placed them at risk of being evicted or compulsorily re-housed.

Responsible Managers means the managers within the Council with oversight and responsibility for the partnership and service provision arrangements the Council has with external agencies.

Social Care Services means the Adults and Children's Social Care Services.

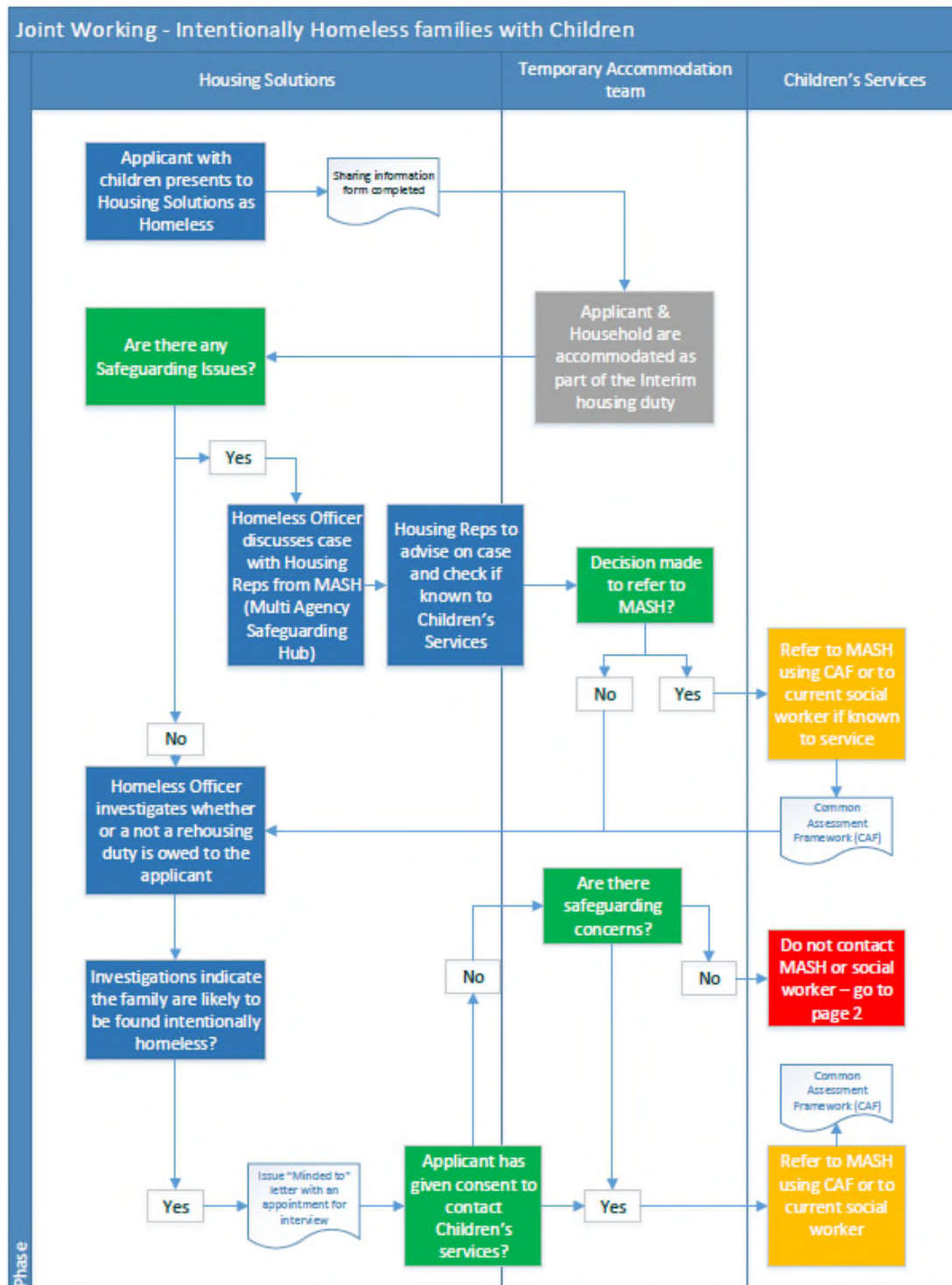
Vulnerable People the council recognise that anyone can be vulnerable at some point in their life. For the purposes of this protocol a vulnerable person is:

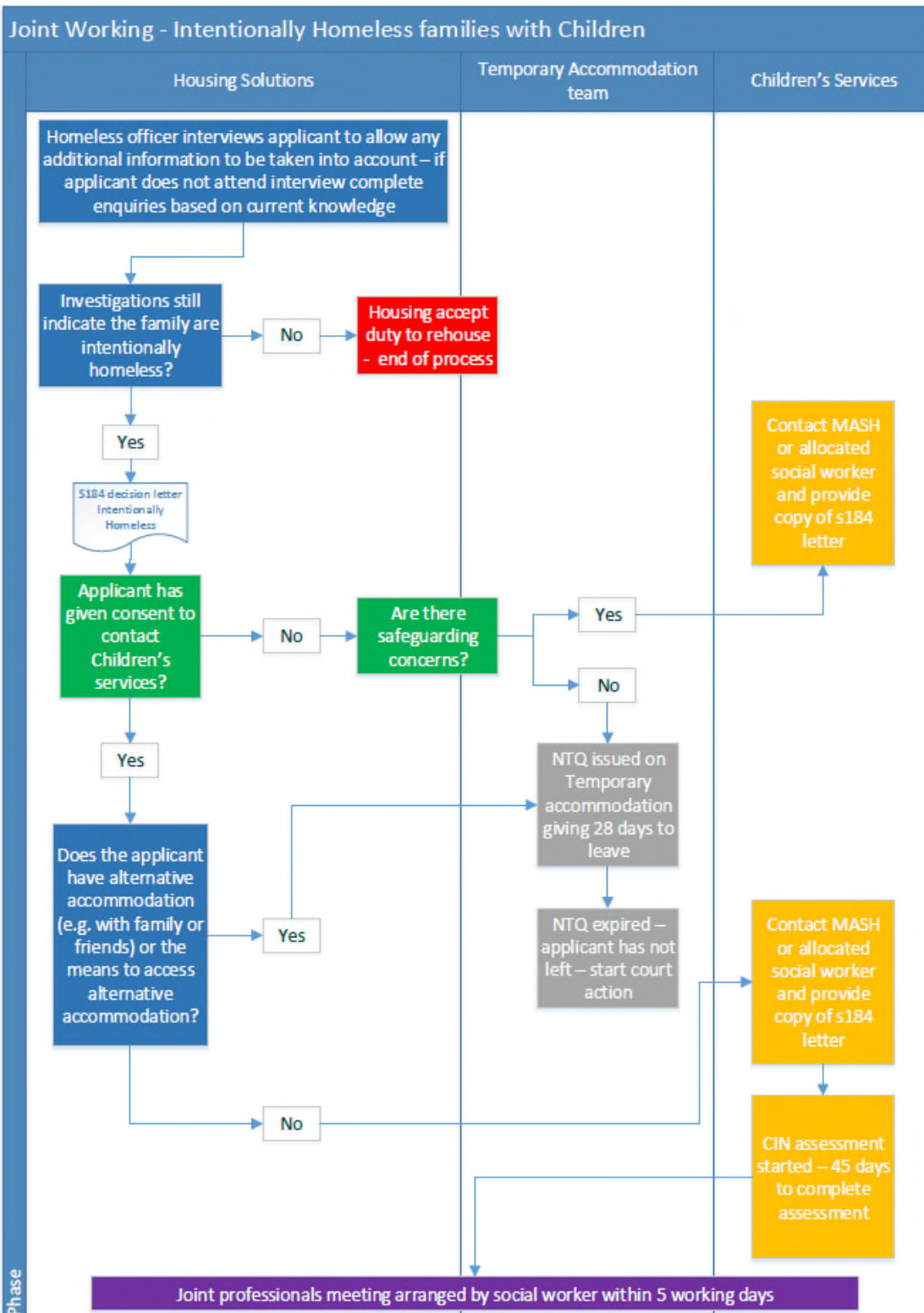
"An adult (a person aged 18 years or more) who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation."

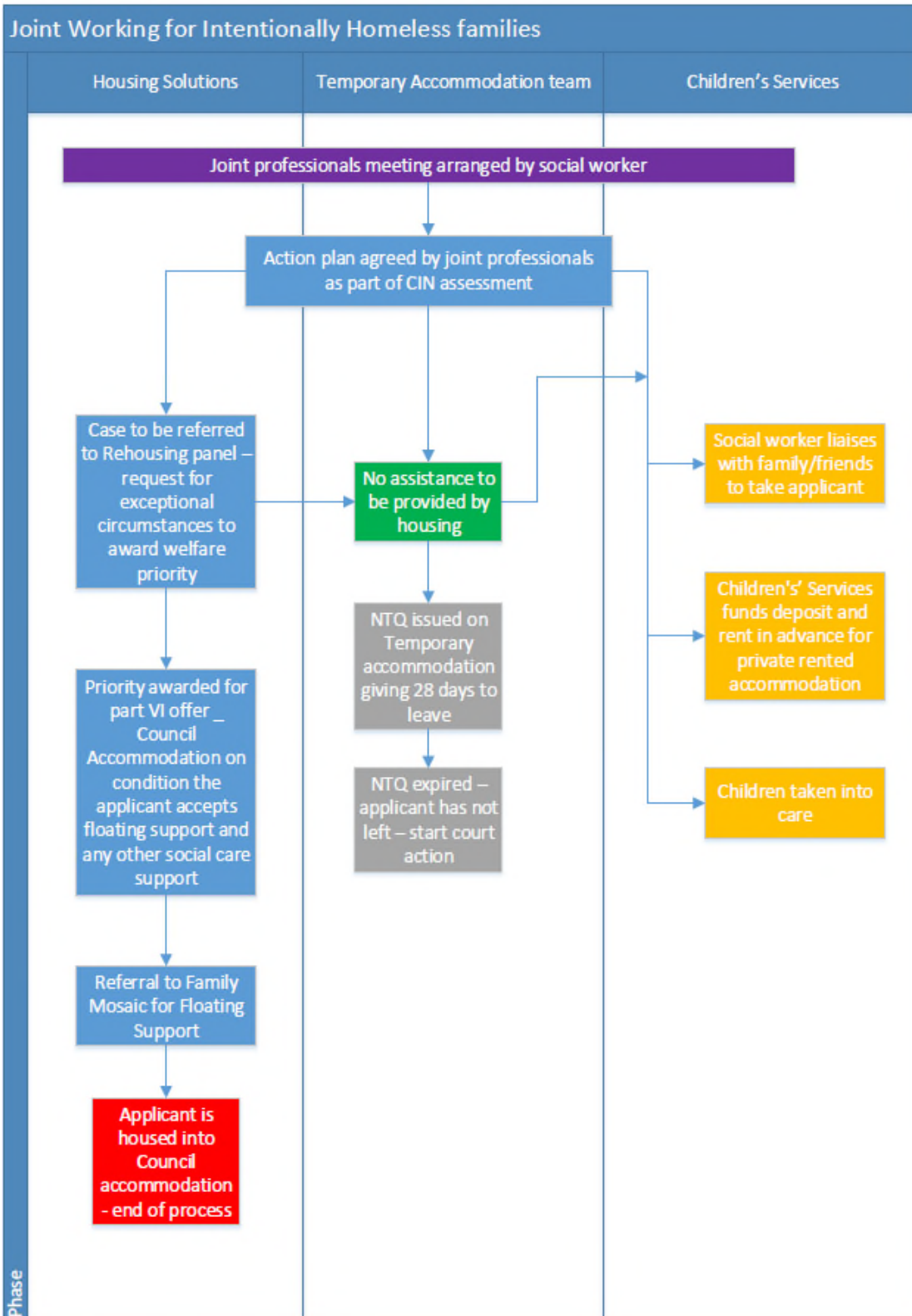
From *No Secrets*, published by the Department of Health.

Private landlord means people letting accommodation that is not social housing.

Appendix 4: Intentionally Homeless Families with children







Appendix 5: Mental Capacity

TENANCY AGREEMENT GUIDANCE RELATING TO PEOPLE WHO LACK CAPACITY

INTRODUCTION

The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this. The Act came into force in 2007.

The 5 key principles of the Act are

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
- A person is not treated as unable to make a decision merely because he makes an unwise decision.
- An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made in his best interests.
- Before this act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive or the person's rights and freedom of action.

PURPOSE

To ensure that staff of Thurrock Council and partner agencies are aware of and working within their legal responsibilities and obligations within the provisions of the Mental Capacity Act in relation to the signing of or termination of tenancy agreements for people who may lack mental capacity in this area of decision making.

This is in line with Court of Protection Guidance issued in 2011 and updated February 2012 which clearly sets out the process to be followed in relation to signing tenancy agreements or terminations which are legal documents.

RESPONSIBILITIES

Anyone supporting someone to enter into or terminate a tenancy agreement is responsible for ensuring that that person has the mental capacity to do so or make the appropriate arrangements to support and provide legal oversight adhering to the following procedure. It is the responsibility of any landlord to satisfy themselves that tenants have capacity at the time of contract start or completion of a tenancy agreement. Assistance may be sought from the relevant agencies working with the individuals who lack capacity.

PROCEDURE FOR ENTERING INTO, OR TERMINATING, A TENANCY AGREEMENT.

This procedure must be applied each time a tenancy agreement is entered into or terminated and applies to people over the age of 18. In most circumstances this will be the allocated worker from Adult Social Care Teams with support as identified through the process

The principles of the Mental Capacity Act must be applied at all times.

STEP 1 Identify the individuals who will be entering into or terminating a tenancy. (Consider whether this is a joint of a single tenancy – if joint further advice needs to be sought.)

STEP 2 Establish if they have the mental capacity to make the decision to enter into or terminate a tenancy agreement, and make arrangements themselves.

A person can be said to have capacity regarding entering into a tenancy agreement if they are able to understand the basic concepts of money, owing it and exchanging it for something, i.e. rent. As well as the basic concepts of rules and promises which need to be abided – requiring assistance to do this does not negate their understanding. This would evidence to a Court that the person had the required capacity at the time of the commencement or termination of the tenancy.

If the person has capacity they can sign the tenancy agreement or termination.

If the person lacks this capacity, evidence by a capacity assessment (MCA2 specific issue) proceed to STEP 3

STEP 3 Complete a Mental Capacity Assessment to identify whether the person has capacity to make a decision about their proposed move or, in the case of the initial review of the residential/nursing placement, whether to remain (made permanent resident), thereby necessitating a termination of tenancy of their previous accommodation. This needs to be a separate capacity assessment MCA2 and recorded as such (issue specific)

A person may have the capacity to understand the changes proposed and be able to express their wishes and feelings about where they live.

STEP 4 Best Interest Meeting held and minutes taken with all relevant people associated with the person, including advocate, identifying an appropriate person to make the decision. As outlined in MCA Guidance.

Someone can only sign a tenancy agreement or termination on the person's behalf if they are:

- An attorney under a registered lasting power of attorney (LPA) or enduring power of attorney (EPA)
- A deputy appointed by the Court of Protection; or
- Someone else authorised by the Court of Protection.

If YES – Tenancy or termination agreement can be signed.

If NO – go to STEP 5

STEP 5 Make application to the Court of Protection.

The application form should request the court to make a single order or declaration that it is in the person's best interests for the tenancy arrangement to be signed or terminated on their behalf. The following forms are required and before application will be checked by Thurrock Council Legal Services (templates available to assist with completion)

- COP1 Application form setting out the order or declaration required. (Where multiple orders are requested all of the individual's names can be listed on this form – collated by Safeguarding Strategy & Legal Intervention Team)
- COP3 Assessment of capacity for **each** adult. The assessment should deal specifically with the adult's capacity to sign or terminate the agreement.
- COP24 Witness statement for **each** person setting out the circumstances behind the moves and confirming that a best interests assessment has been carried out, including consultation with close family members, or people in close contact with the person, where applicable. Including arrangements for clearance of property and effects.
- An application fee – in line purchase order and invoice arrangements

- Where there is more than one individual involved a covering letter to explain. – as per COP 1
- At the same time notice to be given to landlord of these proceedings in relation to termination of tenancy were appropriate and liaison with family/representatives for preparations to clear the property in anticipation of the authorisation in line with protection of property regulations unless there are safeguarding concerns.

- STEP 7 Once the application is issued by the Court of Protection,
- COP 14 will be completed to notify the individual – served by the allocated worker completing the application, within 7 days (maximum 21 in exceptional circumstances). Together with a COP 5 giving them the opportunity to make representation.
 - COP 20A returned to the Court to advise COP 14 served - within 7 days of this notification.

Once notified the person has 21 days to object or respond to the application.

- STEP 8 Once the 21 day time limit expires, the court will issue an order either for an individual or a single order naming multiple persons with the tenancy matter requested.
- Allocated worker must now ensure that the property has been cleared at the point of handover of keys – in liaison with any other interested party e.g. family members, advocate, or representatives.
 - Where required LA have the responsibility to store contents of LA property for up to 3 months.
 - All papers to be collated and forwarded to agreed signatory prior to authorisation.
 - Notification to Housing Benefit team re change of circumstances
 - Notification to rents (if LA tenant)
 - Notification to customer finance

Consideration must be made about how the individual's property and affairs will be managed and appropriate application to COP or appointeeship sought by the most relevant person/authority.

Flowchart for Housing officers

