

**Inclusion London’s comments on housing providers’ role to support Deaf and Disabled people exploited by gangs**

Inclusion London’s comments focus on Disabled victims who are targeted by criminal gangs who take over their homes in order to deal drugs and carry out other criminal activities, sometimes described as ‘cuckooing’.

Below we provide comments from the perspective of Stay Safe East, a Deaf and Disabled people’s Organisation working with Deaf and Disabled victims of cuckooing. Following this we provide information on the legal framework regarding the responsibilities of housing providers.

**1. Comments from SSE regarding Disabled victims of cuckooing**

[Stay Safe East,](http://staysafe-east.org.uk/) (SSE) has been funded by MOPAC to provide support to Disabled victims of cuckooing and hate crime.

Below SSE gives an overview of what often occurs in cases of cuckooing involving Disabled victims, illustrated with two case examples. SSE then provides some suggestions for solutions regarding the problems that can occur.

Ruth Bashall, CEO of SSE comments on the usual response of housing providers regarding Disabled victims of cuckooing:

“…the first inclination of housing providers is often to put the neighbours first and take proceedings against the disabled person and the abusers without differentiating between victim and abusers - so a housing provider might work with the police to obtain evidence that the disabled person is allowing the abusers to enter their property and cause nuisance, or deal in drugs etc. They would go to court to get a closure order which in effect bars that person from their own property.

Very rarely is any work done by housing providers to unravel the often complex relationship between an isolated disabled person (this includes people with substance misuse issues who have become disabled as a result of drugs or alcohol) and who see the abusers as their "friends"). “

Below are two case examples:

**Case 1**

‘Joe’ a man with learning difficulties and lived experience of mental distress/trauma who had some low level drug use was targeted by a group of drug users. A drug dealer also became involved, he moved into Joe’s home and was physically abusive so Joe became terrified. The dealer also got Joe seriously addicted to drugs.

SSE managed to get Joe rehoused but the drug dealer found where Joe’s new home was. It took a lot of work by SSE’s advocate to persuade the Council’s housing department to accept that Joe was not intentionally homeless and to place him in good quality temporary housing.

Joe has cut down the use of drugs enormously but he will need long term support, which SSE will be providing.

**Case 2**

**‘**Annie’ is a woman with learning difficulties and is also physically disabled. Annie was targeted by a group of street drinkers. One of them, a male, moved into Annie’s home and took control of her life. This involved strong psychological control, control of her benefits and he trashed the home. He was physically violent towards Annie in the home i.e. there was also ‘domestic violence’.

Annie was evicted and deemed to be intentionally homeless so responsibility for her care fell onto social services.

Annie spent two years in hospital and institutional care. Now, at last she is waiting to be housed in supported housing by social services, not by the Council’s housing department who still say she is intentionally homeless.

Disabled people, particularly people with learning difficulties can be convinced that the perpetrators are their friends or boyfriends or girlfriends, when in fact they are being exploited.

Cuts in social care can limit or stop some Disabled people’s ability to go out and maintain social connections. Also carers who will speak to the Disabled person and check on their situation are not calling regularly. Therefore Disabled people can become more isolated and vulnerable to abuse.

Ruth describes the type of work needed by victims of cuckooing:

“A referral to an advocate is needed, also a housing officer needs to gain the confidence of the disabled tenant. In areas where there is a community Multi-agency Risk Assessment Conference (MARAC), which looks at such cases, there is much more joint working with other agencies to resolve issues.

Moving the victim may not solve anything if the person is targeted again. So what Stay Safe East does is to work with the victim long term (once we have worked out a way of making safe contact) and work with the person on all aspects of their life, how they ended up in this situation in the first place.”

**2. Solutions**

Below are solutions suggested by SSE which we recommend are put in place in all London boroughs:

* **Ensure there is a Multi-agency Risk Assessment Conference (MARAC) in all London boroughs where cuckooing cases can be discussed. The advantage of a MARAC is that they will:**
  + **Hold housing providers and local authorities to account**
  + **Provide collective problem solving.**
* **Undertake a risk assessment of the Deaf or Disabled victim of cuckooing.**
* **Support the Deaf or Disabled victims of cuckooing in a similar way to the support provided for domestic violence victims, instead of blaming cuckooing victims or treating them as a perpetrator. Support the victim even if they say they wish to stay with the abuser.**
* **Put measures to increase the safety of the cuckooing victim.**
* **Put the cuckooing victim in contact with support agencies such as Deaf and Disabled People’s Organisations which provide advocacy.**
* **Put ‘Partial Closure Orders’ in place. These enable the victim to remain in their own home, (which may have been adapted so it is wheelchair accessible) and allows for friends, family and an advocate to visit, while evicting the actual perpetrator.**
* **Use of the Pan-London Housing Reciprocal, which is coordinated by Safer London. The Pan-London Housing Reciprocal is a housing pathway for people with a social housing tenancy in London who are at high risk of harm where they live.[[1]](#footnote-1)**
* **More generally, there needs recognition that Disabled tenants are put into a vulnerable situation through reduced care packages and as such need additional attention to identify potential abusive situations and prevent them from escalating.**

**3. Local authorities’ responsibilities**

**Duty of care**

We are not legal experts, but from our experience we have understood that a local authority has a duty of care towards their tenants. Especially if gang members are also their tenants as tenancy agreements would apply. The duty of care includes allowing the person to enjoy their property, which implies a preventative duty. This would also imply a duty to neighbours who are affected by the cuckooing.

**Legal position re duty of care**

However, the legal position regarding local authorities’ housing department’s duties is not clear as it seems to depend on whether a local authority has policy regarding hate crime in place. A House of Commons briefing on “Anti-social behaviour in social housing (England)” which discusses a court case regarding “a duty of care to protect vulnerable adults from abuse by third parties” states:

“Thus an authority does not owe a duty of care to a person to protect him from the criminal acts of others, unless the authority has assumed a specific responsibility for doing so.”[[2]](#footnote-2)

Some if not all local authorities in London do have appropriate policies in place, for instance Havering Council’s “Housing Services Hate Crime Policy” document states:

“Housing Services condemns all forms of hate crime and will use all available powers and resources to deal effectively with individuals, groups and perpetrators involved in any hate motivated incident where either the person suffering harassment, or the perpetrator, is a resident of Havering….”[[3]](#footnote-3)

The policy also states:

“Aims, Objectives and Outcomes”

“We will take a ‘victim centred’ approach when responding to cases of hate crime. If the victim feels the case is motivated by hate it will be treated as a hate crime. The perception will be used as a starting point to help focus the investigation.”

In Haringey:

“The Council and Homes for Haringey are committed to creating an environment where anti-social behaviour and hate crime is not tolerated and to allow Council tenants and other residents to live free from violence, disturbance and nuisance.”[[4]](#footnote-4)

Brent Councils document on hate crime states:

“Hate incidents happen because of hostility or prejudice based on the identified monitored strands. The police and housing providers should treat them as hate incidents not as anti-social behaviour. So acts of ASB that are motivated by hostility and prejudice should be recognised as hate incidents.”[[5]](#footnote-5)

Other London boroughs also have similar policies.[[6]](#footnote-6)

**We strongly recommend that all local authorities in London have a policy which places a duty on housing providers to support Deaf and Disabled people with hate crime, gang related crime such as cuckooing and anti-social behaviour.**

**Safeguarding duty under the Care Act 2014**

All local authorities have a clear safeguarding duty under the Care Act 2014 regarding adults with “needs for care and support (whether or not the authority is meeting any of those needs), is experiencing, or is at risk of, abuse…”[[7]](#footnote-7)

The statutory guidance states that:

“The safeguarding duties have a legal effect in relation to organisations other than the local authority for example the NHS and the Police.[[8]](#footnote-8)

As we understand it “other organisations” include housing providers. For instance according to SCIE:

“Safeguarding duties apply under the Care Act 2014. Housing providers should ensure that they are represented on or linked to Safeguarding Adults Boards which the Care Act requires to be established in each local authority area…..

The Care and support statutory guidance states that ‘all workers need to be vigilant about adult safeguarding concerns’:”[[9]](#footnote-9)

The Care Act Statutory Guidance also says:

“14.7 Safeguarding means protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect…..

14.8 Organisations should always promote the adult’s wellbeing in their safeguarding arrangements.[[10]](#footnote-10)

**Anti-social behaviour**

**Social housing landlords - anti social behaviour**

According to a House of Commons briefing

“Social landlords (local housing authorities and private registered providers of social housing/housing associations) have a number of powers at their disposal to deal with tenants who exhibit anti-social behaviour (ASB)….

New provisions are contained in the Anti-Social Behaviour, Crime and Policing Act 2014….” [[11]](#footnote-11)

There is statutory guidance regarding the Anti-Social Behaviour, Crime and Policing Act 2014,[[12]](#footnote-12) which applies to relevant bodies and responsible authorities, which are: Councils; Police; Clinical Commissioning Groups; Registered providers of social housing who are co-opted onto case review groups.[[13]](#footnote-13)

The statutory guidance states:

“The relevant bodies should collectively agree an appropriate ASB Case Review/Community Trigger threshold…… The threshold must be no higher than three qualifying complaints of anti-social behaviour in a six month period.”

“The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the threshold is met because the more vulnerable will be less resilient to anti-social behaviour. People can be vulnerable for a number of reasons….”[[14]](#footnote-14)

**That concludes Inclusion London’s comments and information regarding housing providers’ role to support Deaf and Disabled people exploited by gangs.**

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1. <https://saferlondon.org.uk/pan-london-housing-reciprocal/> [↑](#footnote-ref-1)
2. <https://www.housingnet.co.uk/pdf/Anti-social_behaviour_in_social_housing_England.pdf> [↑](#footnote-ref-2)
3. <https://www.havering.gov.uk/download/downloads/id/1592/housing_hate_crime_policy.pdf> [↑](#footnote-ref-3)
4. <https://www.homesforharingey.org/sites/default/files/anti_social_behaviour_policy_and_procedures.pdf> [↑](#footnote-ref-4)
5. <https://www.brent.gov.uk/media/16409061/responding-to-hate-crime-advice-and-support-services-2017.pdf> [↑](#footnote-ref-5)
6. <https://www2.merton.gov.uk/strategic_work_plan_2017-2021_-_website_edition.pdf> [↑](#footnote-ref-6)
7. <http://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/safeguarding-adults-at-risk-of-abuse-or-neglect/enacted> [↑](#footnote-ref-7)
8. <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1> [↑](#footnote-ref-8)
9. <https://www.scie.org.uk/safeguarding/adults/practice/housing#care-act> [↑](#footnote-ref-9)
10. <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1> [↑](#footnote-ref-10)
11. <https://www.housingnet.co.uk/pdf/Anti-social_behaviour_in_social_housing_England.pdf> [↑](#footnote-ref-11)
12. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf> [↑](#footnote-ref-12)
13. <https://www.housingnet.co.uk/pdf/Anti-social_behaviour_in_social_housing_England.pdf> [↑](#footnote-ref-13)
14. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf> [↑](#footnote-ref-14)