



TENANT RISK POLICY

Responsible Director:	Director of Homes & Wellbeing
Responsible Manager:	Head of Homes and Wellbeing
Last updated:	June 2019
Next update:	June 2022

NCHA Tenant Risk Policy

1. Purpose

- 1.1 The Tenant Risk Policy aims to fulfil NCHA's health and safety responsibilities by identifying tenants and members of their household or visitors who have been violent and/or potentially violent, exhibit behaviour that causes staff concern for their safety/welfare and may otherwise pose a risk to members of staff, relevant contractors and relevant partner agencies (hereafter referred to as staff for the purpose of this policy).
- 1.2 To this purpose, those tenants so identified will have their tenancy records marked with a Red Flag on the Open Housing management system.
- 1.3 The Tenant Risk Policy also aims to:
 - I. To ensure that NCHA acts fairly, openly and consistently when identifying service users who pose a threat to staff, and adheres to General Data Protection Regulation (GDPR) and NCHA's Personal Information, Protection and Access Policy.
 - II. To ensure that where appropriate tenants are made aware that they have been identified as a risk to staff and that they can appeal the decision made. Where this will not apply for example, at the request of the Police or Probation services in very high risk cases, upon the service of a Court Order or when the Service Manager deems that to do so will further compromise the safety of the member of staff or employment agent of NCHA.
 - III. To make all staff aware that any information we store relating to a tenant or member of their household linked to a red flag is considered personal data under the Data Protection Act. Information should be relevant, factual, non-subjective and evidenced from incidents and shared information from official sources.
 - IV. To ensure that red flag information is reviewed every 12 months, and any information that is held that is considered to be out of date or not relevant is removed from the Open Housing management system.

2. Compliance with General Data Protection Regulation (GDPR)

- 2.1 The first data protection rule requires that the processing must be fair and lawful. This means to put a Red Flag marker on an individual's file it must be based on a specific incident, expression of clearly identifiable concern by a professional or clearly identified risk to the welfare of staff, rather than general opinion about that individual.
- 2.2 The individual or their activities should pose a genuine risk and the decision should be based on objective and clearly defined criteria. The criteria should take into account the need to accurately record any incident.
- 2.3 This procedure provides guidelines to all staff about how we should respond to a violent or aggressive incident at work and what procedures should be followed to minimise any future risks.

- 2.4 The sharing of personal information with a third party, other than the data controller or their officers, will be in accordance with NCHA's Personal Information and Access Policy and GDPR. Where necessary, approval should be given by a Service or higher level manager.

3. Definition of risk ratings and criteria

- 3.1 These definitions are intended only as a guide and not as a conclusive list. The actual assessment of risk ratings should be based on the individual tenant's circumstances and a consideration of the information received.

Low risk

Angry and making aggressive personal comments about staff members.
Exhibits behaviour that causes staff concern for their safety/welfare.

Known substance misuse where there is evidence that the abuse of the substance can result in changes in behaviour that may pose a perceived risk to staff.

Known needle stick risk in property. This reflects the risk of needles being disposed of improperly even where the use of needles is for a legitimate purpose.

Minor false, vexatious and malicious complainants/allegations. For the purposes of this policy, a malicious or vexatious complainant is a person who has a history of making 'unfounded, exaggerated or dishonest complaints' that are intended to harass, intimidate or cause harm to a member of staff (please see the NCHA Complaints Policy for further information) A Red Flag marker should only be applied where malicious or vexatious complaints have been made against NCHA members of staff or the staff of other organisations providing a service to the tenant.

Medium risk

Threatening behaviour including personal threats to harm. Previous unspent convictions for violent and sexual offences as revealed by the tenant, Police or Probation services. These include:

- Common Assault
- Sexual Assault (where there is no violence involved)
- Mental health problems with reported risk of violence to others.
- Serious false, vexatious and malicious complaints/allegations against members of staff. These should be evidenced and authorised by a senior manager a, Head of Service or the level above.

High risk

Specific incidents of violence or attempted violence. Previous unspent convictions for serious violent and sexual offences. These include:

- Sexual assault where violence has been used
- Rape
- Assault with intent
- Actual bodily harm
- Grievous bodily harm

- Knife and firearm offences

This is not an exhaustive list and further offences could be considered for inclusion at the discretion of a Service Manager. Where possible, the date relevant convictions are spent should be entered on the notepad. A review of Red Flag markers will be undertaken to assess if they should be removed when all relevant convictions are spent.

NCHA will not inform tenants that a red flag has been placed on its management system where it is deemed by the Service Manager that informing the tenant that they have a Red Flag against them would further compromise the safety of the member(s) of staff or employment agent of NCHA, or that it has been requested by a partner agency such as the Police, Social Services, Probation Service, or on the service of a Court Order. In such circumstances the tenant should not be informed of the decision to identify them as a risk, for to do so might put the welfare of staff or staff working for partner agencies at a greater risk than normal.

Examples of, but not limited to, where such information may be withheld where it is recommended by the Police and/or Probation Services that a person is a risk to members of staff and members of the public, would be where that person is the subject of ongoing monitoring, suspected involvement in organised crime gangs (information provided by the Police), previous unspent convictions for other serious criminal offences involving serious violence and/or the use of offensive weapons, knives and firearms.

4. Right to appeal

- 4.1 Where a decision has been made to apply and inform the tenant that a Red Flag marker has been applied, the tenant, member of their household or visitor to their property should be advised that they have a right to appeal against the decision to the Service Manager within 14 days of being notified in writing.
- 4.2 The appeal should include an explanation of why the Red Flag should be removed.
- 4.3 The Service Manager will respond to the appeal within 7 working days.