

Ending An Occupancy Policy

Our Vision

Building better lives through social care and housing in local communities.

Our Mission

We co-design and deliver services that offer innovative social care solutions and support people to thrive.

Our Values

We are **caring** and **compassionate**



We are **inclusive** and **trusted**



We focus on **excellence** and **innovation**



We work in **partnership** and are **one-team**



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 **Look Ahead**
CARE, SUPPORT AND HOUSING

1. Introduction

- 1.1 We understand that ending an occupancy is a serious and often life-changing intervention. It affects not only the individual customer, but also wider service stability, staff safety, commissioning confidence and organisational reputation. We recognise the weight of these decisions and are committed to ensuring that occupancies are ended lawfully, fairly and only where genuinely necessary.
- 1.2 Ending an occupancy is a measure of last resort. Wherever it is safe, lawful and practicable to do so we will seek to resolve concerns, reduce risk and support customers to remain in their home. Support, prevention and proportionate response are central to this approach; however they do not remove the organisation's responsibility to act where serious or persistent risks cannot be managed.
- 1.3 When an occupancy must end, decisions will reflect our responsibilities as a housing provider, care and support organisation, safeguarding partner and contractual provider. Decisions must be capable of independent scrutiny and justification, including by regulators, commissioners and the courts.
- 1.4 This policy sets out the strategic framework governing how we approach decisions to end tenancies, licences and other forms of occupation. It establishes organisational expectations for judgement, accountability and oversight, while recognising that the precise legal route will depend on the type of agreement in place.
- 1.5 Operational procedures, case-handling guidance and legal processes sit outside this document. This separation ensures that the policy remains focused on principles, standards and decision quality rather than operational detail.
- 1.6 This policy applies to all accommodation that we own, lease, manage or control and to all forms of occupancy agreement issued by the organisation, including tenancies, licences and other arrangements that allow a person to live in our accommodation.
- 1.7 It applies whenever an existing occupancy is at risk of ending, whether permanently or on a planned or unplanned basis. This includes circumstances arising from customer conduct, non-engagement, safeguarding or risk concerns, fraud or non-occupation as well as non-breach situations such as service redesign, commissioning changes, decommissioning, property unsuitability, time-limited provision reaching its conclusion or a customer's own decision to leave.
- 1.8 For the avoidance of doubt, this policy also applies where an occupancy ends following the death of a customer. While such cases do not involve a decision to terminate an occupancy they engage organisational responsibilities around lawfulness, dignity, safeguarding, communication and record-keeping and must be managed in line with the standards set out in this policy.
- 1.9 The policy applies to all staff and managers involved in decisions that may result in an occupancy ending, including housing management, support, safeguarding, risk, service leadership and senior management. It also applies where decisions are

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influenced by external landlords, commissioners or partners to the extent permitted by contractual and statutory obligations.

- 1.10 This policy is concerned with decision-making, governance and standards, not operational process. It sets expectations for how decisions to end an occupancy are framed, justified, authorised and reviewed. Detailed procedures, legal notices and case-handling steps are set out separately to ensure accuracy, flexibility and compliance with changing legal requirements.
- 1.11 This policy does not apply where an action does not place an occupancy at risk of ending. Where an occupancy may end, even if informally or by customer agreement, this policy applies in full.

2. Definitions

- 2.1 An **occupancy agreement** is the legal arrangement that governs a customer's right to occupy accommodation provided or managed by us and sets out the associated rights and responsibilities.
- 2.2 A **breach** is a failure to comply with the terms of an occupancy agreement where the impact affects safety, service stability, lawful occupation or our ability to manage risk. This may include, but is not limited to, arrears, behaviour concerns, non-occupation, fraud or safeguarding-related issues.
- 2.3 A **non-breach** ending occurs where an occupancy must end for reasons not related to customer conduct. This may include service redesign or decommissioning, commissioning or funding changes, property unsuitability, time-limited provision reaching its conclusion or other organisational or contractual factors. A non-breach ending includes circumstances where an occupancy ends as a result of the death of the customer.
- 2.4 A **safeguarding concern** exists where a customer or another person may be at risk of abuse, harm or neglect. Safeguarding considerations apply throughout all decisions taken under this policy and must actively inform judgement, escalation and risk management.
- 2.5 **Tenure type** refers to the legal category of the occupancy agreement (for example, licence or tenancy) and the statutory protections that attach to it. Tenure affects the lawful routes available for ending an occupancy but does not reduce the seriousness of the decision or the level of care, scrutiny and governance required.
- 2.6 **Non-commissioned homes** are self-contained Look Ahead homes that are not funded or commissioned for support by a council or other body, and which are used mainly for independent living.

3. Policy Principles

3.1 The following principles apply to all decisions that may result in an occupancy ending regardless of tenure, reason or anticipated legal route. They set the minimum standard for organisational decision-making and provide the basis against which decisions will be reviewed, challenged and scrutinised.

Lawful and Defensible Decision-Making

3.2 All decisions must comply with housing law, contractual terms, safeguarding duties and regulatory requirements. The correct legal basis for the occupancy must be identified before action is taken and decisions must be capable of withstanding independent legal and regulatory scrutiny.

3.3 The existence of a lawful route to end an occupancy does not, in itself, justify using it.

Proportionality and Necessity

3.4 Ending an occupancy is a serious intervention with significant consequences. Decisions must be proportionate to the issues identified and necessary in the circumstances.

3.5 Decision-makers must be satisfied that:

- the risks or impact of continuing the occupancy outweigh the harms likely to arise from ending it; and
- ending the occupancy is a reasonable and justified response rather than a default or expedient option.

3.6 Where less intrusive alternatives remain reasonably available they must be actively considered.

Human Rights Considerations

3.7 Decisions to end an occupancy engage fundamental rights, including respect for a person's home, private life and personal dignity. These considerations apply regardless of tenure type or length of occupation.

3.8 Decision-makers must be satisfied that any interference with these rights is lawful, proportionate and justified in pursuit of a legitimate aim and that less intrusive alternatives have been properly considered. The impact of the decision on the individual's stability, wellbeing and ability to maintain a home must form part of the decision-making rationale.

3.9 Where an occupancy ends following the death of a customer we will act lawfully and with dignity. Consideration must be given to safeguarding and equality, communication with relevant parties and the proportional recording of decisions and actions. Although the occupancy ends by operation of law, our response must remain capable of justification and independent scrutiny.

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Fairness, Transparency and Equality

- 3.10 Customers must be treated with dignity and respect throughout the process of ending an occupancy. Fairness requires active consideration of whether apparent non-engagement, breach or behaviour is influenced by vulnerability, trauma, disability, mental ill-health or reduced capacity. Where capacity fluctuates or engagement is inconsistent, decision-makers must distinguish between unwillingness and inability to comply and ensure this distinction informs judgement, escalation and support planning.

Safety, Risk and Safeguarding

- 3.11 The safety and wellbeing of customers, staff and others are central considerations in all decisions. Safeguarding concerns and wider risk factors must actively shape both whether an occupancy should end and how any action is taken.
- 3.12 Where there is a risk of harm, decision-making must be informed by appropriate safeguarding expertise and, where relevant, multi-agency discussion.

Prevention and Early Resolution

- 3.13 We are committed to preventing avoidable tenancy and licence loss. Unless precluded by serious risk, legal constraint or service viability, reasonable steps must be taken to address issues early and support customers to remain safely in their homes.
- 3.14 Failure to prevent loss does not, of itself, indicate poor practice, but the absence of considered preventative action must be capable of explanation.

Responsible Use of Housing and Service Stability

- 3.15 Decisions must balance individual circumstances with our organisational responsibilities to other customers, staff, partners and commissioners. Ending an occupancy may be justified where continued occupation undermines service safety, stability or intended use, provided that this is assessed carefully and evidenced.

Accountability and Escalation

- 3.16 Decisions must be taken at the appropriate level of authority. Complex, high-risk or exceptional cases must be escalated for senior oversight.
- 3.17 Decisions are considered high-risk where they involve, for example:
- significant safeguarding concerns;
 - legal uncertainty or contested tenure status;
 - severe potential impact on the customer
 - reputational, regulatory or contractual risk to the organisation

Clear accountability for decisions must be identifiable in every case.

4. Grounds for Ending Occupancy

- 4.1 Ending an occupancy, whether for breach or non-breach reasons, is a significant intervention and must rest on a clear, lawful and evidenced basis. We will only consider ending an occupancy where there is an identifiable, legal ground supported by credible information.
- 4.2 The existence of a legal ground does not in itself justify action. Any decision to proceed must also meet the strategic principles set out in this policy, including proportionality, necessity and fairness.

Breach Related Grounds

- 4.3 Breach-Related Grounds are grounds that arise when a customer has failed to comply with the terms of their occupancy agreement and the impact is serious, persistent or cannot be safely managed within the service. This may include, but is not limited to:
- rent arrears or other financial breach where the impact is sustained or escalated;
 - behaviour that presents a risk to the safety or wellbeing of the customer, other residents, staff or the wider community;
 - serious or persistent non-engagement that undermines effective service delivery or risk management;
 - non-occupation or misuse of accommodation;
 - fraud or misrepresentation relating to the occupancy.
- 4.4 In breach-related cases, decision-makers must consider:
- the nature, seriousness and persistence of the breach;
 - the extent to which the behaviour is linked to vulnerability, health, disability or trauma;
 - the risks of continuing the occupancy compared with the risks of ending it; and
 - whether reasonable and proportionate alternatives remain available.

Non-Breach Grounds

- 4.5 Non-breach grounds arise where an occupancy must end for reasons not related to customer conduct. These grounds are not fault-based but can nevertheless have significant impact and must be approached with the same care and scrutiny as breach-related decisions.
- 4.6 Non-breach grounds may include:
- service redesign, decommissioning or closure;
 - commissioning, funding or contractual changes;
 - time-limited provision reaching its planned conclusion;
 - property unsuitability or loss of use;

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- a customer's informed decision to leave;
- the death of the customer.

4.7 In non-breach cases, decision-makers must ensure that:

- the rationale for ending the occupancy is clear, evidenced and unavoidable in the circumstances;
- the customer has been treated fairly and with transparency; and
- any equality, safeguarding or reputational risks have been actively considered.

Informal and Customer-Initiated Endings

4.8 An occupancy must not be treated as ending by customer choice where that decision is influenced by fear, pressure, misinterpretation of rights or the absence of realistic alternatives.

4.9 Where a customer indicates an intention to leave in circumstances of dispute, risk, or service pressure, the decision must still be assessed under this policy to ensure that the ending is genuinely voluntary, informed and fair.

5. Assessment of Grounds

5.1 Where multiple grounds are present, they must be considered together and in context, rather than sequentially or mechanically. Grounds must not be overstated to justify a predetermined outcome.

5.2 Ending an occupancy must not be pursued solely because it is legally available, operationally convenient or contractually permitted. Decisions must instead reflect a balanced assessment of:

- risk and impact;
- the customer's individual circumstances;
- service and organisational responsibilities; and
- the availability and consequences of alternatives.

5.3 Where the validity, relevance or severity of grounds is uncertain - or where the potential impact is high - the decision must be escalated for senior consideration.

6. Legal Framework and Tenure Considerations

6.1 Different forms of occupancy carry different legal protections, notice requirements and routes to possession. Decisions to end an occupancy must be based on a correct understanding of the legal status of the agreement in place and the obligations that flow from it.

6.2 Before any action is taken we must be clear about:

- the nature of the occupancy agreement held;

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- the level of statutory and contractual protection that applies; and
- the lawful routes available for bringing the occupancy to an end.

Lawful Routes and Professional Judgement

- 6.3 All action must follow the correct legal route for the tenure in question and comply with statutory, regulatory and contractual requirements. Where the legal position is unclear, contested or atypical, specialist advice must be obtained before decisions are finalised.
- 6.4 The availability of a lawful route does not determine whether it should be used. Legal permissibility must be accompanied by sound judgement, informed by the strategic principles in this policy, including proportionality, fairness and risk.

Tenure Does Not Determine Seriousness

- 6.5 The level of legal protection attached to an occupancy does not determine:
- the seriousness of the consequences for the customer; or
 - the level of care, scrutiny or oversight required in decision-making.
- 6.6 Decisions involving licences, excluded licences or time-limited arrangements require the same level of ethical consideration and governance discipline as those involving more secure forms of tenure.

External Landlords, Commissioners and Property Interests

- 6.7 Where we manage accommodation owned by third-party landlords or operate under commissioning or funding arrangements, decisions to end occupancy must comply with:
- the terms of relevant leases, management agreements or contracts; and
 - any lawful requirements imposed by landlords or commissioners.
- 6.8 However, contractual pressure or external preference does not remove our responsibility to act lawfully, fairly and proportionately. Where external requirements create legal, safeguarding or ethical tension, this must be addressed through escalation and senior oversight, rather than resolved at operational level.

Risk, Uncertainty and Escalation

- 6.9 Cases involving legal uncertainty, disputed tenure, novel arrangements or heightened risk must not proceed without appropriate scrutiny. Such cases must be escalated in line with organisational governance arrangements to ensure that decisions are robust, defensible and consistent with organisational standards.
- 6.10 Ending an occupancy where the legal position is weak, ambiguous or poorly understood presents significant risk to both the customer and the organisation and must be treated accordingly.

Decision-Making and Governance

6.11 Decisions to end an occupancy require careful judgement, clear accountability and appropriate oversight. Given the seriousness of the impact on customers and services, decisions must be taken deliberately and with sufficient senior scrutiny to ensure they are lawful, proportionate and defensible.

Decision Quality and Reasoned Judgement

6.12 All decisions must be based on a balanced assessment of available evidence, rather than a single factor or isolated incident. Decision-makers must be able to demonstrate that they have considered:

- the identified grounds for ending the occupancy;
- the customer's individual circumstances and potential vulnerabilities;
- the risks of continuing the occupancy compared with the risks of ending it; and
- the availability and consequences of alternative options.

6.13 Decisions must not be automatic or outcome-driven. Where judgement is exercised, the reasoning behind that judgement must be clear and capable of explanation.

7. Levels of Authority

7.1 Escalation is a governance safeguard designed to protect customers, staff and the organisation. It is mandatory where the seriousness, uncertainty or impact of a case exceeds routine management decision-making.

7.2 Routine, low-risk decisions may be taken within standard management authority, provided they meet the requirements of this policy. High-risk, complex or exceptional cases must be escalated for senior approval.

7.3 Cases must be treated as high-risk where they involve, for example:

- significant safeguarding concerns or potential harm;
- severe or long-term impact on the customer;
- legal uncertainty or disputed facts;
- equality or discrimination risk;
- reputational, regulatory or contractual implications; or
- disagreement between internal teams or external partners.

Oversight and Consistency

- 7.4 Governance arrangements must support consistent and equitable decision-making across services. Senior oversight is intended not only to manage risk, but also to promote learning, consistency and fairness.
- 7.5 Where similar cases have led to different outcomes, decision-makers must be able to explain why. Precedent should inform decisions but must not replace individual assessment.

Involvement of Partners and Multi-Agency Working

- 7.6 Where decisions involve external landlords, commissioners, safeguarding partners or other agencies, appropriate engagement must take place to inform the decision. However, multi-agency input does not remove our responsibility for the final decision where we are the occupancy provider.
- 7.7 Where there is significant disagreement or risk of conflicting obligations, the matter must be escalated for senior resolution.

Recording and Governance Assurance

- 7.8 The rationale for decisions to end an occupancy must be recorded clearly and proportionately. Records should demonstrate:
- what decision was taken;
 - who authorised it; and
 - why it was considered justified in the circumstances.
- 7.9 Records should focus on reasoning and approval, rather than reproducing full case histories or operational detail.
- 7.10 Governance activity, including audits, reviews and thematic learning, will be used to provide assurance that decisions reflect this policy and to inform continuous improvement.

8. Communication and Customer Support

- 8.1 Ending an occupancy has significant practical and emotional consequences. Customers must be treated with dignity, respect and fairness throughout, regardless of tenure type or the reason the occupancy is ending.
- 8.2 Communication with customers must be clear, timely, accessible and appropriate to their circumstances. Customers must, wherever possible, understand:
- the concerns or reasons under consideration;
 - the basis on which a decision has been reached; and
 - what the decision means for them.
- 8.3 Communication must be proportionate and sensitive, taking account of vulnerability, language needs, mental health, disability and any safeguarding

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considerations. Where complex or distressing decisions are involved, communication must be paced and supported, provided this does not compromise safety or legal requirements.

- 8.4 Customers must not be misled, given false reassurance or left unclear about the seriousness of the situation.

Supporting Customers Where an Occupancy Must End

- 8.5 Where a decision is taken to end an occupancy, we will, wherever reasonably possible, support customers to plan next steps and explore alternative accommodation options. Support may include information, practical assistance or signposting, depending on the circumstances.
- 8.6 The level and nature of support must be appropriate to risk. Support expectations do not override the need to take prompt action where:
- there is risk of harm to the customer or others;
 - continued occupation is unsafe or unmanageable; or
 - legal or contractual compliance requires immediate action.
- 8.7 Where continued engagement presents immediate or unmanageable risk, support may need to be limited or adapted.

Safeguarding and Risk During Communication

- 8.8 Safeguarding considerations apply throughout communication and support activity. Staff must remain alert to:
- increased risk arising from notification of decisions;
 - the potential for escalation of harm, distress or withdrawal; and
 - the need for multi-agency involvement.
- 8.9 Where communication may increase risk, this must be anticipated and managed through appropriate planning and escalation.

Transparency and Expectations

- 8.10 While compassion and support are essential, communication must remain honest and realistic. Customers must be given accurate information about their position and the options available, without overstating what we can provide or influence.
- 8.11 Clarity supports fairness and reduces the risk of misunderstanding, dispute or harm.

9. Reviews and Appeals

- 9.1 Customers have the right to challenge decisions taken under this policy. Reviews provide an important safeguard, ensuring that decisions to end an occupancy are lawful, reasonable, proportionate and consistent with organisational standards.

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Purpose of Review

- 9.2 A review is not a re-hearing of the case, nor a substitute for legal proceedings or statutory appeals. Its purpose is to establish whether:
- the decision was taken in line with this policy;
 - the correct legal framework and tenancy or licence status were applied;
 - relevant information was considered and irrelevant factors excluded; and
 - the reasoning and level of authorisation were appropriate in the circumstances.
- 9.3 The focus of a review is on decision quality and governance, not operational delivery.

Independence and Fairness

- 9.4 Reviews must be carried out by a manager who was not involved in the original decision and who has appropriate authority and competence to consider the matter objectively.
- 9.5 The reviewer must approach the case with an open mind and without presumption. Where new or materially different information is provided, this must be given proper consideration.

Conduct of the Review

- 9.6 The review must consider:
- the grounds relied upon for ending the occupancy;
 - the evidence available at the time the decision was made;
 - the way in which the strategic principles in this policy were applied;
 - the proportionality of the decision and its likely impact; and
 - any equality, safeguarding or risk considerations.
- 9.7 Reviews must be conducted promptly and proportionately, recognising the impact on the customer while also having regard to safety, legal compliance and service stability.

Outcomes and Remedies

- 9.8 Where a decision is upheld, the reasons must be explained clearly. Where a decision is overturned or amended it must be implemented without undue delay.
- 9.9 Review outcomes must be communicated in a way that is accessible, respectful and unambiguous. Customers must understand what has been decided and what this means for them.

Relationship to Other Routes of Challenge

9.10 Under this policy the review process does not remove or restrict a customer's right to:

- pursue a formal complaint;
- seek independent legal advice; or
- rely on statutory protections or court processes.

9.11 However, internal review provides an important opportunity for us to correct errors, respond to challenge and demonstrate fairness before matters escalate further.

Learning and Assurance

9.12 Themes and learning arising from reviews must be used to inform organisational learning, training and policy development. Repeated findings or patterns of concern must prompt senior consideration and, where necessary, changes to practice or governance arrangements.

10. Governance and Management Responsibility

10.1 Managers are responsible for ensuring that:

- decisions are properly authorised;
- records are complete and accessible; and
- documentation reflects compliance with this policy.

10.2 Senior managers have responsibility for ensuring that local practice aligns with organisational standards and that weaknesses in recording or decision-making are addressed.

Record Keeping and Confidentiality

Clear and proportionate record keeping is essential to lawful decision-making, organisational accountability and effective assurance. Records provide the evidence that decisions to end an occupancy were taken carefully, for proper reasons and with the appropriate level of authority.

Records relating to decisions under this policy must be accurate, concise and sufficient for independent scrutiny. They must clearly demonstrate:

- what decision was taken;
- the grounds relied upon;
- how relevant risks and impacts were considered; and
- who approved the decision and at what level.

Records should explain why a decision was made, rather than provide a detailed chronology of events or reproduce operational case notes.

The depth of recording must be proportionate to the seriousness and risk of the decision. More complex or high-risk cases will require fuller reasoning and clearer documentation of judgement and escalation.

Records must avoid unnecessary duplication and should not attempt to create a defensive narrative. Good record keeping supports clarity, consistency and learning, rather than documentation for its own sake.

It is the Policy Owner's responsibility to update the Asset & Liability Register with any risks and/or information arising from the implementation of this policy.

We will comply with our Data Protection and Confidentiality Policy which can be found by clicking [Here](#) or visiting our website at www.lookahead.org.uk

Policy Sign Off and Ownership

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Related Policies/Procedures	Asset & Liability Register Tenure & Occupancy Policy Safeguarding Adults Policy Safeguarding Children Policy

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	<p>Tenancy Management Policy Non-Engagement Policy Behaviour Support Approach Policy Transfers & Mutual Exchange Policy Income Collection Policy Voids Policy</p>
Relevant Legislation and Regulatory Requirements	<p>Housing Act 1988 Protection From Eviction Act 1977 Renters Rights Act 2025 Human Rights Act 1998 Regulatory Framework – Tenancy Standard 2024 Supported Housing (Regulatory Oversight) Act 2023 Equality Act 2010</p>

Version History			
Version	Date	Description of Changes	Author
4.0	May 2026	Updated to refresh new approach to ending an occupancy.	Joe Thomas
3.0	July 2025	Updated to include decants and cuckooing.	Fowsiya Abdulle
2.1	Nov 2023	Updated in line with legislation and regulation. Formalised warnings and appeals processes. Established managerial controls for notices and evictions. Introduced standardised forms, eg warnings and to request notices. Review for immediate notices served on excluded licences.	Assiah Awaleh Head of Housing
2.0	Oct 2016	Updated in line with legislation and regulation. Formalised warnings and appeals processes. Established managerial controls for notices and evictions. Introduced standardised forms, eg warnings and to request notices. Review for immediate notices served on excluded licences.	Sue Baxter Senior Housing Manager