

15 August 2022

s9(2)(a)

On 14 July 2022, you emailed a request for information to Hon Dr Megan Woods, Minister of Housing, and several staff at Kāinga Ora – Homes and Communities.

We have considered your request under the Official Information Act 1982 (OIA).

'I am writing to request your policy or stand on your tenants smoking drugs inside Kāinga Ora Homes.'

We have attached a copy of the Kāinga Ora Drug Policy (POL-356). I trust you find this information helpful.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published, with your personal information removed, at: <https://kaingaora.govt.nz/publications/official-information-requests/>

Yours sincerely



Rachel Kelly
Manager Government Relations

Attachment: Kāinga Ora Drug Policy (POL-356)

Policy: Drug Policy

(POL-356)

Issue Date	September 2021	Approved by	General Manager, National Services
Owner	Practice and Customer Contact	Author	Operational Policy

Purpose

1. This policy outlines Kāinga Ora – Homes and Communities (Kāinga Ora) response to the harmful use of alcohol and other drugs in our homes.
2. This policy is guided by the Kāinga Ora ‘Sustaining Tenancies Framework’ and is one of a suite of policies that supports our customers to live well, with dignity and stability in connected communities.

Background

3. Kāinga Ora is committed to providing public housing solutions that contribute positively to wellbeing and support our customers to successfully sustain their tenancies.¹ The Kāinga Ora ‘Sustaining Tenancies Framework’ outlines the key principles to our tenancy management approach that provides customers with targeted and tailored support based on identified need.
4. Kāinga Ora applies a customer-centred approach to tenancy management. We assist our customers to access any support services they may need to sustain their tenancies, stay well connected to their communities and lead lives with dignity and the greatest degree of

¹ Section 14, Kāinga Ora – Homes and Communities Act 2019

independence possible.² We will ensure that our policies reflect the principles of Te Tiriti o Waitangi to help drive a positive outcome for our customers and their whānau.

5. The presence of illegal drugs in our homes used to be grounds for termination. We now view the use of illegal drugs, and the potential harm they cause, primarily as a health and wellbeing issue, rather than a compliance issue.
6. We have ceased terminating tenancies for illegal drug use, as our experience is that customers we evict ultimately return to the public housing system, often in more vulnerable states than before.
7. Any criminal matters regarding illegal substances are dealt with in the first instance by the Police. The Justice system is responsible for determining criminal activity and has proper processes and controls for determining guilt.
8. Our primary role is still to provide warm, dry and stable homes and excellent tenancy management services. A home that is not vulnerable to the threat of termination can provide a stable platform that supports customers to address other issues in their lives such as harmful use of alcohol and other drugs.
9. Our people are not experts in identifying or treating issues related to the harmful use of alcohol and other drugs, and we do not expect them to be. However, due to their unique relationship with our customers, they can serve as a vital link between our customers and the services they need. It is important that our people feel comfortable and supported in this role.

Scope

10. The Kāinga Ora Drug Policy provides a clear approach to responding to the harmful use of alcohol and other drugs in our homes. It applies to both legal and illegal drugs. This policy does not cover information about:
 - contamination caused by methamphetamine use and manufacture. (See Methamphetamine Management for further information).
 - instances of disruptive behaviour (previously known as anti-social behaviour) related to the use of alcohol and other drugs. These are managed as part of the Disruptive Behaviour Policy.
11. This policy applies to any customer who is the legal tenant of a Kāinga Ora property. It also applies to a household member or visitor who is present in the home with the customer's permission. This policy should be read in conjunction with the Sustaining Tenancies Framework.

² Section 14, Kāinga Ora – Homes and Communities Act 2019

12. This policy should be read in conjunction with the *Staying Safe and Secure Guidelines* (SS-GDL-110). This sets out requirements relating to personal safety while in the office and the community, for employees and contractors and others working for Kāinga Ora.

Policy

13. The objectives of this policy are to ensure that:

- The use of illegal drugs is considered first and foremost a health and wellbeing issue and customers understand that drug use will not threaten their tenancy.
- Customers and household members are supported to connect with appropriate service providers that have the expertise to help them.
- Our people have a clear understanding of their role in relation to minimising harm from customers' misuse of alcohol and other drugs and are well supported to act within that role.
- Our people know they are not expected to undertake tasks outside their area of expertise and experience.
- Our people are clear about when and how to refer drug-related criminal matters to the Police.
- All concerns about the safety or wellbeing of children are referred to the appropriate authorities in a timely manner.
- All efforts are made to protect the safety of our people and contractors when interacting with customers in homes where alcohol and other drugs are harmfully used, or when entering properties where drugs may be manufactured or supplied.

Policy overview

14. This policy reinforces the view that the harmful use of alcohol and other drugs is a health and wellbeing issue and does not pose a threat to the sustainability of our customers' tenancies. Any criminal matters relating to illegal substances will be dealt with by the Justice sector.

15. In summary, this means that Kāinga Ora:

- Will not end tenancies for illegal drug use; however, we still need to respond. Kāinga Ora has a duty to report illegal activity and to operate as a good social landlord. Kāinga Ora will tell customers that if there is evidence of illegal drug use in their

home, they will not have their tenancy ended as a result. However, information relating to criminal activities may be passed on to the Police.

- Will treat the safety and wellbeing of our people and contractors as paramount. This includes recording information about potential or actual drug or alcohol harm or concerns, to allow visitors to the property (staff, contractors etc) to assess risks appropriately. We also expect to staff to always follow the Safe Work Plan procedures when appropriate.
- If a customer discloses concerns about their own use of alcohol or other drugs, we will support them by providing them with information about appropriate support services.
- Will continue to notify the Police of any immediate safety risks and any information related to drug manufacture and supply.

Guiding principles

16. The following principles guide the Kāinga Ora response to the harmful use of alcohol and other drugs in our homes. The Kāinga Ora 'Sustaining Tenancies Framework' guides our key behaviours as we deliver our services in a way that is customer-centred and reflects our role as a responsible public housing landlord.

Minimise harm

17. Kāinga Ora views the harmful use of alcohol and other drugs as a health and wellbeing issue. This means that our customers understand that their use of illegal drugs does not in itself threaten their tenancy. This provides reassurance that their housing is secure.
18. Kāinga Ora will continue to provide excellent tenancy services and prompt maintenance for our customers who may experience issues with drugs. This should be our first priority, as customers may become frustrated if we focus on their health and addiction issues if we have not first listened and responded to any concerns, they may have that are more directly related to their property or tenancy.
19. The use of alcohol and other drugs in and of itself is not usually an immediate safety risk. However, the use of some drugs (including alcohol) can cause people to become irrational/violent and we expect staff to exercise situational awareness to keep themselves safe as a first priority (see further guidance on staying safe in our guidance for staff on [Situational Awareness \(document SS-GDL-110\)](#)). Staff and contractors are not expected to enter a property if this puts them at risk, and they should organise to come back at another time.
20. If staff believe there is a safety risk to themselves, the customer, or others (including children) living in the home, information regarding illegal activity may be discussed with the Police, and concerns about child welfare may be discussed with Oranga Tamariki.

Refer to specialised support

21. Kāinga Ora operates under a referral model. This means that customers and their whānau are supported to connect with appropriate support services that have the expertise to help them.
22. Our Housing Support Managers are not experts in drug-related harm and addiction. Due to their unique relationship with our customers, however, customers may choose to discuss issues related to their use of alcohol or other drugs with them.
23. Our people are not expected to raise the subject of suspected harmful use of alcohol and other drugs with customers directly. However, they will be equipped to offer appropriate levels of support if customers choose to seek their assistance.
24. Training and guidance will support our people to know what level and type of support is appropriate, given their role and their relationship with the customer. Staff also have access to Professional Supervision to support their well-being.
25. Illegal activity relating to drugs is a matter for the Police. For more information see: [Referring to the Police](#). The safety of children is a matter for Oranga Tamariki. For more information see: [Referring to Oranga Tamariki](#).

Referring to the Police

26. All immediate safety risks should be notified to the Police on 111. Further details are set out below relating to different types of circumstances that may arise.

Manufacture and supply

27. All instances of suspected manufacture or supply of illegal substances on Kāinga Ora property should be reported to the Police. Kāinga Ora will co-operate with Police in their efforts to reduce the manufacture and supply of illegal substances in Kāinga Ora properties. This includes sharing information with the Police in accordance with the Memorandum of Understanding between Kāinga Ora and the New Zealand Police.

Other suspected illegal activity

28. Our people are not obliged to share information about customers' use of illegal substances with the Police. When deciding whether to share information with the Police, they should consider their relationship with the customer, the customer's circumstances and the effect that Police involvement may have on both the customer and the Housing Support Manager's relationship with them.
29. Our people may choose to discuss/share information regarding criminal activity relating to drugs (for example, possession, use) with local Police but are not obliged to do so. The easiest way to do so is to call the secondary non-emergency Police number 105. The Police may not act on information, particularly if there is no immediate risk; however, they appreciate being provided with information, no matter how small. The Police are there to offer advice as well as receive information.

30. Our people can also report information anonymously (24/7) via Crimestoppers on 0800 555 111.
31. Kāinga Ora will foster and maintain relationships with Police at the regional and local level to ensure alignment between the responses of both agencies to issues affecting the communities we operate within. For further information about working with the Police see: Supporting customers who use alcohol and other drugs – Working with the Police.

Referring to Oranga Tamariki

32. If a child has been harmed or there is an imminent risk to the child, our people should contact the Police or other relevant emergency services. Anyone who believes a child or young person has been, or is likely to be, harmed, ill-treated, abused, neglected or deprived must report this to Oranga Tamariki — Ministry for Children, or Police.
33. All of our people (including contractors) have a responsibility to discuss any child protection concerns, including suspected abuse or neglect, with their manager or supervisor.
34. If our people have any other concerns about the welfare of a child/children, they are encouraged to discuss their concerns with their Manager. Our people can contact Oranga Tamariki on 0508 326 459. A social worker will discuss any concerns and can give advice.
35. For information about sharing information to help protect a child from harm, please see the [Family violence and child protection sharing information](#) policy guidance.

Safety

36. Kāinga Ora prioritises the safety of our people, who need to be aware of the following:
- Any Kāinga Ora worker (employees or contractors) can and should cease or refuse to carry out any work they consider to be unsafe. Our people should speak to their people leaders about other ways of completing the task.
 - Any hazards in relation to customer behaviour need to be reported in Kotahi. Hazards can include exposure to erratic and potentially violent behaviour, threats, harassment, coercion or intimidation.
- All incidents must be reported in Noggin. Kāinga Ora will investigate all serious reported incidents and injuries to identify and correct the contributing factors.
- Customers who pose a known threat to personal safety are listed on the Customer Risk Register. Our people are required to have a Safe Work Plan in place prior to any planned face to face interactions with customers on the Customer Risk Register.

- Kāinga Ora will take all reasonably practicable steps to remove or reduce exposure to risks and hazards.
- Kāinga Ora will provide our people with adequate training and resources to carry out their duties safely and without risk to their health (both psychological and physical).
- Kāinga Ora will ensure that any contractors visiting a property are made aware of any potential hazards as part of the work order commissioning the work. Kāinga Ora will take all reasonably practicable steps to remove or reduce exposure to risks and hazards for our contractors.

Wellbeing

37. It is important that our people prioritise their own personal wellbeing. To support that wellbeing Kāinga Ora will:

- Provide our people with adequate training and access to resources to help them carry out their duties without risk to their health (both psychological and physical).
- Provide our people with meaningful escalation pathways to ensure they feel confident and capable of performing the duties within the scope of their role and have support when those duties require more senior input or experience. (See 'Supporting customers who use alcohol and other drugs – Escalation pathways').
- Provide our people with meaningful and multiple means of seeking support when working with customers who may have issues with alcohol and other drugs. This includes ensuring our people have adequate opportunity and support to debrief from stressful situations. See also Tools and Resources.
- Over time we intend to provide our people with an understanding of whānau and its significance to the wellbeing of Māori, this will provide them confidence and protection when dealing with situations that require Māori cultural awareness, and or a whānau-centred approach.

Kāinga Ora Review Group

36. We recognise that complex or challenging situations occur where escalation is necessary. The Kāinga Ora Review Group will serve as a forum for our people to escalate individual cases where further action or guidance is required to safely manage a tenancy.

37. The Review Group is tasked with ensuring that recommendations affecting our customers are fair and reasonable and that all steps taken to manage the tenancy are consistent with our policies and legislative obligations.

38. While Kāinga Ora will not end a tenancy due to drug related matters, our people may escalate cases to the Review Group to seek further advice and guidance on managing a tenancy.
39. When making a recommendation, the Review Group will need to be satisfied that all steps taken to manage a tenancy are consistent with relevant policies and our legal obligations. We encourage our people to escalate challenging situations or complex issues to the Review Group for further advice and support.

Definition of terms

40. The following definitions apply when interpreting this policy:

Term	Definition
Alcohol	Any beverage containing ethyl alcohol (ethanol) including, but not limited to, beer, wine, distilled spirits and pre-mixed drinks.
Customer	The tenant of a Kāinga Ora property and anyone living at the home with the tenant's permission.
Drugs	This includes drugs controlled under the Misuse of Drugs Act 1975 such as cannabinoids (e.g. cannabis, cannabis concentrates, synthetic cannabinoids), opiates (e.g. heroin, morphine), cocaine, amphetamine type drugs (e.g. MDMA, methamphetamine), newer psychoactive substances like BZP party pills or mystery white powders), over-the-counter and prescription medicines used without medical supervision (e.g. tranquilisers, sedatives and pain killers with no prescription).

Related documents

Related Kāinga Ora policies:

- [Sustaining Tenancies Framework](#)
- Disruptive Behaviour Policy
- [Drugs Policy](#)
- Referral to Social Service Providers Policy (to be revised)
- Placement Policy (to be revised)
- [Complaints Policy](#)

Relevant legislation:

- [Kainga Ora – Homes and Communities Act 2019](#)
- [Residential Tenancies Act 1986](#)
- Privacy Act 1993
- [Public and Community Housing Management Act 1992](#)
- [Health and Safety at Work Act 2015](#)

Related documentation:

- [Family violence and child protection sharing information policy guidance \(CT-POL-101B\)](#)
- [Guidance for Staying Safe and Secure \(SS-GDL-110\)](#)
- [Safe Work Plan \(SWP\) Guidelines Information](#)
- Memorandum of Understanding between Kāinga Ora and New Zealand Police
- Memorandum of Understanding between Kāinga Ora and Oranga Tamariki

The Privacy Act

41. The provisions of the Privacy Act must be upheld to protect customers’ privacy. The Privacy Act sets out principles for the collection, storage, use and disclosure of personal information to which Kāinga Ora must adhere. See the Kāinga Ora Guide to the Privacy Act.

Document control

Date	Reviewed/Modified by	Comments/Descriptions of changes
Jan 2020	§ 9(2)(a), Senior Operational Policy Analyst	Revised to incorporate references to new Kāinga Ora – Homes and Communities Act 2019
Sept 2020	§ 9(2)(a), Senior Operational Policy Analyst	Policy updated to reflect operating principles
June 2021	§ 9(2)(a), Manager Operational Policy	Updated to reflect Customer Programme Final Decision Document, Health, Safety and Security review and Māori Interest Review