

Birmingham City Council

Homes Overview and Scrutiny Committee

Date 19.10.2023



Subject: Exempt Accommodation Inquiry Recommendations Tracking Update

Report of: Guy Chaundy, Assistant Director Strategy & Enabling Service, City Housing

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1 Purpose

- 1.1 To present an update on the Exempt Accommodation (EA) Scrutiny Review outstanding recommendations.

2 Recommendations

- 2.1 For the Committee to review the recommendations of R01- R04 and R06 updates and confirm agreement with the relevant status given for each.

3 Any Finance Implications

- 3.1 The Council were awarded DLUHC grant funding of £3.19m for 2023/2025. This was the Silver 'ask' of the Gold, Silver and Bronze funding proposal submitted. The budget allocation for 2022/2023 was £1.9m from the Corporate Invest 2 Deliver programme and it is forecast to spend £1.2m with an underspend of £0.7m. This underspend will be returned. The grant funding for years 2023/2025 will be apportioned as £1.62m for 2023/24 and £1.57m for 2024/25.
- 3.2 An updated business case for 23/24 and 24/25 is being prepared to set out how the DLUHC grant funding will be utilised. It is expected that inspection activity will be maintained in its current capacity over the next couple of years, however decisions may need to be made in respect of resident engagement without the appropriate funding for the Resident Engagement role in the final year.

4 Any Legal Implications

- 4.1 The non-commissioned Supported Exempt Accommodation sector is regulated through the Regulator for Social Housing and Charities Commission. Other

bodies involved in regulation might include The Financial Conduct Authority; and The Office of the Regulator of Community Interest Companies if they have been established as CICs.

- 4.2 The provision is predominantly paid for through Housing Benefit claims in line with Housing Benefit Regulations. It is widely understood that the legal framework is insufficient to ensure appropriate quality and oversight of this type of provision.
- 4.3 The government undertook a national inquiry into Exempt Accommodation to determine future legislation requirements for the sector, and Birmingham City Council's Overview & Scrutiny report and Supported Housing Needs Assessment was included as evidence towards this in line with Scrutiny Recommendation 07.
- 4.4 The Supported Housing (Regulatory Oversight) Act 2023 came into force on 29 August 2023. The Act looks to address the gap in regulation and includes: setting up a new national advisory group; national standards for accommodation and support; a licensing scheme for local authorities; an amendment to homelessness legislation preventing an intentionally homeless decision being made for someone leaving unsuitable supported exempt accommodation. The introduction of a new planning use-class for supported exempt accommodation has been deferred for 3 years. It is anticipated that local authorities will be required to enforce the Supported Housing (Regulatory Oversight) Act in early 2025. Any Equalities Implications

5 Any Equalities Implications

- 5.1 The Scrutiny recommendations are seeking positive improvements for citizens who access supported exempt provision and local communities and neighbourhoods. This includes the following vulnerable groups: Young people leaving care, young people at risk and teenage parents; People with experience of the criminal justice system; People experiencing mental ill health, people with drug and alcohol dependency and people who have physical/learning disabilities that are below the threshold of care; People at risk of domestic abuse; Homeless people with identified other support needs, rough sleepers, refugees and travellers and people with multiple/complex needs.

6 Appendices

- 6.1 Appendix 1 - Exempt Accommodation Tracking Report
- 6.2 Appendix 2 - SHIP activity outcome

7 Background Papers

- 7.1 [Supported Housing Strategy](#)
- 7.2 Supported Housing Needs Assessment

Report of:	Cabinet Member for Housing and Homelessness
To:	Homes O&S Committee
Date:	19 October 2023

Progress Report on Implementation: Exempt Accommodation

Review Information

Date approved at City Council:	7 December 2021
Member who led the original review:	Councillor Carl Rice
Lead Officer for the review:	Christian Scade, Head of Scrutiny and Committee Services
Date progress last tracked:	17 March 2023

1. In approving this Review the City Council asked me, as the appropriate Cabinet Member, to report on progress towards these recommendations to this Overview and Scrutiny Committee.
2. Details of progress with the remaining recommendations are shown in Appendix 2.
3. Members are therefore asked to consider progress against the recommendations and give their view as to how progress is categorized for each.

Appendices

1	Scrutiny Office guidance on the tracking process
2	Recommendations you are tracking today
3	Recommendations tracked previously and concluded

For more information about this report, please contact

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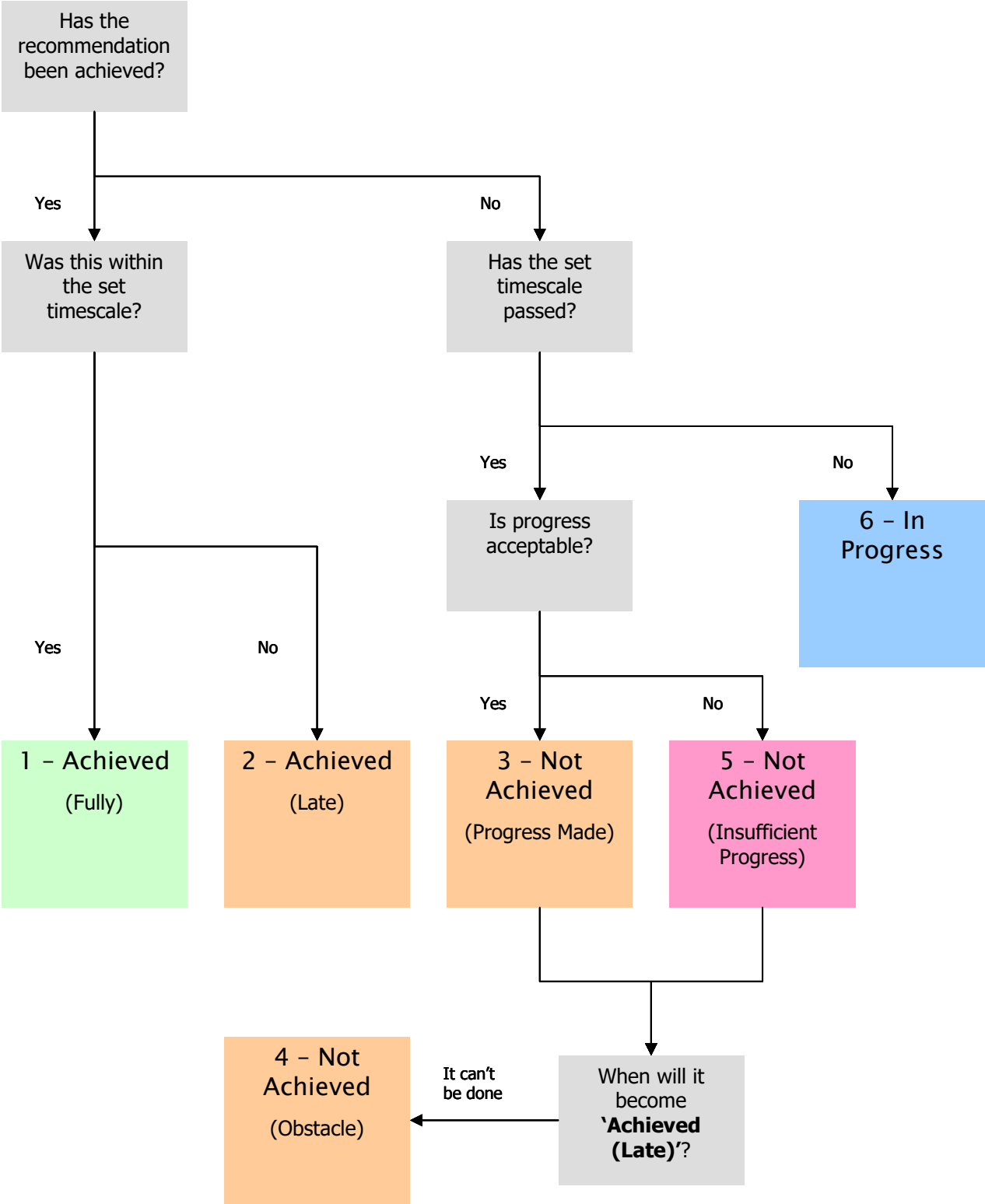
Appendix 1: The Tracking Process

In making its assessment, the Committee may wish to consider:

- What progress/ key actions have been made against each recommendation?
- Are these actions pertinent to the measures required in the recommendation?
- Have the actions been undertaken within the time scale allocated?
- Are there any matters in the recommendation where progress is outstanding?
- Is the Committee satisfied that sufficient progress has been made and that the recommendation has been achieved?

Category	Criteria
1: Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2: Achieved (Late)	The evidence provided shows that the recommendation has been fully implemented but not within the timescale specified.
3: Not Achieved (Progress Made)	The evidence provided shows that the recommendation has not been fully achieved, but there has been significant progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
4: Not Achieved (Obstacle)	The evidence provided shows that the recommendation has not been fully achieved, but all possible action has been taken. Outstanding actions are prevented by obstacles beyond the control of the Council (such as passage of enabling legislation).
5: Not Achieved (Insufficient Progress)	The evidence provided shows that the recommendation has not been fully achieved and there has been insufficient progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
6: In Progress	It is not appropriate to monitor achievement of the recommendation at this time because the timescale specified has not yet expired.

The Tracking Process



Appendix ②: Progress with Recommendations

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R01	<p>Building on the Success of the Pilot (1)</p> <p>a) The multi-disciplined, cross-departmental, team that is dedicated to Exempt Accommodation should be continued beyond the pilot. Mainstream funding should be identified and included in the 2022/23 budget, to resource the team, including officers from housing, adult social care, community safety, housing benefits, waste management, environmental health and planning.</p> <p>b) The multi-agency pilot team should also work closely with the Regulator of Social Housing.</p> <p>c) There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work.</p> <p>d) Resources to continue work to oversee and inspect over 20,000 units should also be identified.</p>	<p>Cabinet Member for Housing and Homelessness</p> <p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Finance & Resources</p> <p>Cabinet Member for Social Inclusion, Community Safety & Equalities</p>	February 2022	<p>R01a-c 1- Achieved (fully)</p> <p>R01d 4 - Not achieved (Obstacle)</p>

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

R01d – Identification of resources to inspect 20,000 units.

- DLUHC grant funding of £3.19m awarded for 2023/2025 was the silver of the gold, silver and bronze funding proposal. The budget allocation for 2022/2023 was £1.9m from the Corporate Invest 2 Deliver programme and it is forecast to spend £1.2m with an underspend of £0.7m. A request will be made to carry forward this underspend into 2023/24.
- Despite the reduced grant funding, it is anticipated that the current level of inspections will be maintained for the duration of the SHIP Project ending March 2025. Since 2020 there have been 2465 inspections undertaken which equates to 28% of the sector.
- 10.5 year inspection cycle is based on current resource levels/sector size
- Recruitment of some of the roles within the partnership has been problematic particularly in terms of the Environmental Health Officer and Resident Engagement Officer. This has resulted in a number of vacancies within the partnership.
- The Supported Housing (Regulatory Oversight) Act 2023 will introduce new Supported Housing licensing regulations in early 2025.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R02	Building on the Success of the Pilot (2) a) There should also be a single, clear route for citizens (residents of both exempt accommodation and the local areas) to raise concerns and have them resolved and work on remedies for change. b) The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored. c) There should be a clear route for local councillors to deal with casework relating to exempt accommodation. d) The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report.	Cabinet Member for Housing and Homelessness	February 2022	3 - Not achieved (Progress made) 3 - Not achieved (Progress made) 3 - Not achieved (Progress made) 3 - Not achieved (Progress made)

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

R02a – Single clear route for citizens (tenants and residents) to raise concerns and have them resolved.

- Agreed complaints route is through PRS@birmingham.gov.uk mailbox.
- The Council SEA website page are in its final stages of being refreshed in consultation with the city wide residents group. It is anticipated that the Website will be finalised early November.
- The Council meet with the City wide residents Group on a monthly basis to share information and provide updates on the progress of the SHIP activities

R02b – Option of local coordination groups and a charter for local areas where EA concentration is high to be explored.

- Resident participation officer – ongoing recruitment has been unsuccessful. There is currently no funding for this role in 2024/2025.
- It is anticipated that the Supported Housing (Regulatory Oversight) Act 2023 will enable the Council to manage provision based on the Supported Housing Needs of the City

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R03	<p>Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy</p> <p>a) Adopt a council wide approach to commissioning, placing conditions on use of exempt accommodation based on their adherence to the quality standard and Charter.</p> <p>b) A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies.</p>	<p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Housing and Homelessness</p>	June 2022	<p>6 - In progress</p> <p>2 - Achieved (late)</p>

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

R03a Adopt a council wide approach to commissioning, placing conditions on use of exempt accommodation based on their adherence to the quality standard and charter.

- Commissioned provision is managed contractually and is not part of the Quality Standards Assessment. Alignment of the contractual requirement with that of the Quality Standards is being discussed.
- For non-commissioned provision, a Preferred Provider List has been launched and shared with partners. The Housing Support and Solution HUBs are utilising the PPL for referral into the sector. This list of providers will form a Preferred Provider List (PPL) for Birmingham
- The Quality Standards had been aligned to incorporate the Charter of Rights <https://www.bvsc.org/quality-standards>
- To date accreditation has been awarded to 16 Providers who have now demonstrated they have achieved the standard – 2 Gold, 5 Silver, and 9 Bronze. There are also 19 Providers awaiting assessment.
- Birmingham Probation Service have adopted a protocol as of the 1 July 2023, Birmingham Probation Service will only approve transfers where: The case has a local connection to Birmingham and where the transferring area evidences this is into suitable supported accommodation, with a signed up provider of the City Councils 'Quality Standards register'
- 5 year delivery plan is in development (strongly dependent on national reforms).
- Right To Buy (Restrictive Covenant) Policy agreed by cabinet on 4th July 2023. This policy is in line with Priority 2 of the Council's Supported Housing Strategy of Rebalancing the Provision of Accommodation in the City and sets out the management of properties sold under Right to Buy scheme where the accommodation has previously been designated for use as a private dwellinghouse or a single private dwellinghouse (or wording of a similar effect) by way of a covenant/restriction applied in the transfer deed.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R04	Supporting the Housing Benefit Process a) As part of the process of reviewing housing benefit applications, Adult Social Care visits with other relevant staff should be undertaken where a provider has not signed up to the Quality Standard accreditation scheme, so that the evaluation of 'support' is informed by Adult Social Care expertise in care, support and safeguarding, whilst responsibility for the HB determination rests with the Housing Benefit Team. b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided. c) Payment should be reviewed after two months or at least within six months (so as to ensure providers are not forewarned of when the review will take place) with Adult Social Care, Housing and Community Safety input where appropriate. Reviews should include a site visit, not just a desk exercise. A system of risk-based reviews should be developed targeting a proportion of each category of provider as well as those known to be at higher risk.	Deputy Leader Cabinet Member for Vulnerable Children & Families Cabinet Member for Health and Social Care Cabinet Member for Housing and Homelessness	March 2022	3 - Not achieved (Progress made)

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

R04a - New provider visits – process agreed March 22

- Any new providers not signed up to the Quality Standards – visits continuing.
- 23 Provider applications – 13 Agreed, 10 refused, since April 2022
- This does not include applications rejected without a visit as providers are unable to evidence the required criteria for exempt status.

R04c – Payment to be reviewed at 2-6months, to include a site visit not just a desk exercise. System of risk based reviews.

- System of risk based reviews in place. Visits are continuing to focus on any 2–6 month reviews where Care Support and Supervision (CSS) evidence has been provided and is 'less than minimal'.
- In total, 11012 2–6-month desktop reviews have taken place since April 2022, 686 claims cancelled due to CSS concerns, 5943 cancelled/vacated.
- Ongoing issue around resourcing particularly re ASC team – business case to be finalised to recruit a 3rd social worker, but likely to still be under resourced for additional volumes.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R06	<p>Working with Regional Partners and other Local Authorities</p> <p>The Cabinet Member should work with the regulator and other local authorities to prevent/reduce "lifting and shifting" of vulnerable people from elsewhere in the country.</p> <p>This is a national issue, and the Leader should raise this with WM Leaders and Core City groups.</p>	<p>Leader</p> <p>Cabinet Member for Housing and Homelessness</p> <p>Cabinet Member for Vulnerable Children and Families</p>	March 2022	6 - In progress
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>R06 - The Cabinet member should work with the regulator and other local authorities to prevent/reduce 'lifting and shifting' of vulnerable people from elsewhere in the country. This is a national issue, and the Leader should raise this with WM leaders and Core City Groups</p> <ul style="list-style-type: none"> Working with other local authorities now joining the National Supported Housing Improvement Programme, as well as ongoing engagement with core cities Supported Housing Act 2023 makes references to the introduction of Data Sharing Agreement between Local Authorities. Reforms are still in consultations phase. Birmingham Probation service will hold the list of quality standards providers, and referrals will be approved where the case has a local connection to Birmingham, and it has been placed in Supported Exempt Housing that is signed up the Quality Standards regime. Better regional working is also part of the interim measures in the Supported Housing Strategy, deliver plan for this is underway. The Council is doing all in its current power, subject to national protocols being agreed. 				

Appendix ③: Concluded Recommendations

These recommendations have been tracked previously and concluded. They are presented here for information only.

concluded

No.	Recommendation	Responsibility	Date Concluded by Overview and Scrutiny Committee	Tracking Assessment
R05	<p>Strengthening Planning Controls</p> <p>There is a gap between Councillors' and residents' expectations of planning enforcement and the service delivered by the Planning Department.</p> <p>We ask the Leader and the relevant O&S Committee to review existing practices, enforcement policies and procedures.</p>	Leader and relevant O&S Committee	March 2022	1 - Achieved (Fully)
R07	<p>Lobbying for Change</p> <p>The Council should work with government to address the issues set out in 2.5.2.</p> <p>It should also be made clear that the two year programme for legislative change is unacceptable and this should continue to be raised with the Department for Levelling Up, Housing and Communities (DLUHC) (formerly MHCLG).</p>	Cabinet Member for Housing and Homelessness	March 2022	1 - Achieved (Fully)
R08	Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee no later than March 2022. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Housing and Homelessness	March 2022	1 - Achieved (Fully)

Appendix 1

SHIP Activity Overview

Latest position April – September 2023 (plus, total since Oct 2020)

Activity	Since April 2023	Since Oct 2020
Inspections	498	2465
Properties decommissioned	2	71
ASC Support plan reviews	348	1667
Safeguarding reviews	9	68
Community Safety investigations	193	1470
CPW's	3	24
Evictions	65	437
Arrests	1	46
HB overpayments recalled	£1.21m	£6.66m
Cat 1s & Cat 2s	455 Cat 1 (98%) resolved Cat 2 (95%) resolved	6182 Cat 1 (98%) resolved Cat 2 (95%) resolved