

Birmingham City Council

Homes Overview and Scrutiny Committee

Date 22.02.2024



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 budget allocation for 2022/2023 from the Corporate Invest 2 Deliver programme was £1.9m. The spend against this allocation was £1.2m with an underspend of £0.7m which was returned to the Invest 2 Deliver programme as a contribution to the General Fund savings. The £0.7m Invest 2 Deliver underspend was primarily due to Oracle delays with understanding actual spend and difficulties with recruitment for short term appointments.
- 3.2 For the financial years 2023/24 and 2024/25 the Council have been awarded total DLUHC grant funding of £3.19m. This was the Silver 'ask' of the Gold, Silver and Bronze funding proposal submitted. The allocation of this grant funding has been apportioned as £1.62m for 2023/24 and £1.57m for 2024/25.
- 3.3 The updated business case for the financial years 2023/24 and 2024/25 received approval at the S151 Spend and Workforce Board on 16 November 2023. The Supported Exempt Accommodation partnership are now able to continue the activities of the project and recruit to all vacant posts within the five directorates

of City Housing, Place, Prosperity and Sustainability, Digital and Customer Services, Council Management, City Operations, and Adult Social Care

- 3.4 All 8 Supported Housing Inspection Officer roles have been recruited to on a Fixed Term Contract basis, with onboarding taking place over the next few weeks to end Agency costs. An additional Social Worker is currently being recruited to assist with the assessment of support reviews. It is expected that inspection activity will be largely maintained in its current capacity over the term of the project, however a decision needs to be made in respect of resident engagement without the appropriate funding for the Resident Engagement role in year 2024/25.
- 3.5 This Supported Housing Improvement Programme (SHIP) grant funding ends on 31 March 2025. DLUHC have advised that there is a delay with the wider consultation of the regulations, which could possibly result in a delay with implementation of the Supported Housing (Regulatory Oversight) Act 2023. If this is the case the Council will need to consider how the activities of the SHIP are funded post March 2025. A proposal will be submitted to Cabinet for consideration.

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 regulatory bodies involved may 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 became law 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.

- 4.5 The wider 12 week consultation on the proposed regulations of the Act were due to take place in January 2024. However DLUHC have advised of a delay with clearances outside of their control. DLUHC remain committed to launching the consultation early this year. It is anticipated that local authorities will be required to enforce the Supported Housing (Regulatory Oversight) Act in 2025/2026.

5 Any Equalities Implications

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, refuges and travellers and people with multiple/complex needs.

6 Appendices

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

7 Background Papers

- 7.1 Supported Housing Strategy
7.2 Supported Housing Needs Assessment

Appendix 1

Report of:	Cabinet Member for Housing and Homelessness
To:	Homes O&S Committee
Date:	22 February 2024

Progress Report on Implementation: Exempt Accommodation

Review Information

Date approved at City Council:	7 December 2021
Member who led the original review:	Councillor Jayne Francis
Lead Officer for the review:	Christian Scade, Head of Scrutiny and Committee Services
Date progress last tracked:	19 October 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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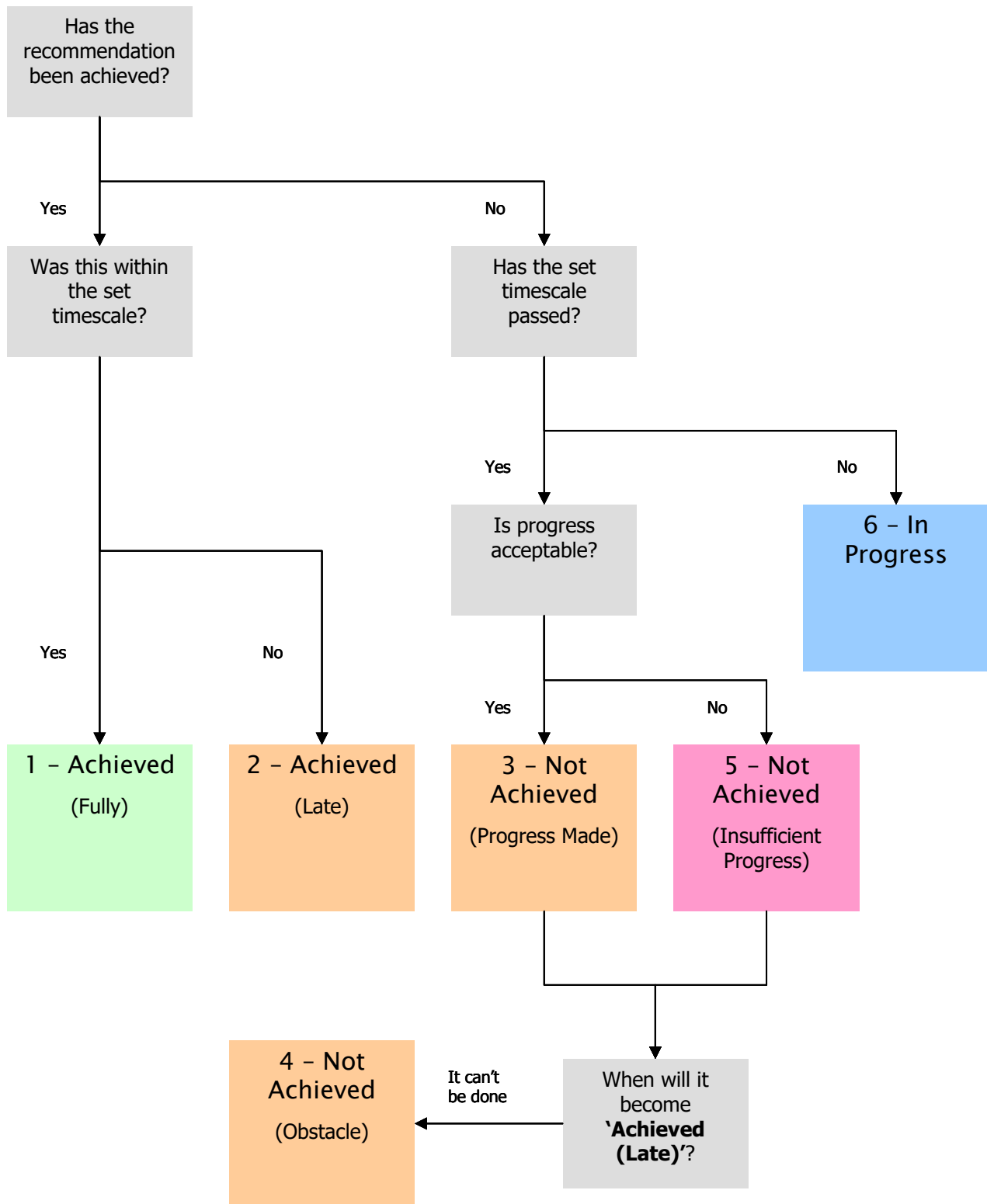
Appendix 1: The Tracking Process

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 2- 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.

- The budget allocation for 2022/2023 was £1.9m from the Corporate Invest 2 Deliver programme with spend of £1.2m and an underspend of £0.7m. This General Fund underspend has been returned given the S114 position.
- DLUHC grant funding of £3.19m awarded for 2023/2025 was the Silver of the Gold, Silver and Bronze funding proposal. The grant funding for years 2023/2025 will be apportioned as £1.62m for 2023/24 and £1.57m for 2024/25.
- 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 2778 inspections undertaken which equates to just under 32% of a growing sector of currently 26,500 claimants and 8,800 properties.
- 8 year inspection cycle is based on current resource levels/sector size
- There have been delays with the recruitment of some of the roles within the partnership as a result of lengthy onboarding processes. 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 2025/26

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R02	<p>Building on the Success of the Pilot (2)</p> <p>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.</p> <p>b) The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored.</p> <p>c) There should be a clear route for local councillors to deal with casework relating to exempt accommodation.</p> <p>d) The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report.</p>	Cabinet Member for Housing and Homelessness	February 2022	<p>R02a 2 - Achieved (Late)</p> <p>R02b 4 - Not achieved (Obstacle)</p> <p>R02c 2 - Achieved (Late)</p> <p>3 - Not achieved (Progress made)</p>

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

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

- Resident Participation officer – 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

R02d - The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report.

- The SEA City-wide Residents Group is Chaired by the Cabinet Member for Housing and Homelessness. The Group meet on a monthly basis and are provided with updates on the activities of the SHIP as well as having the opportunity to discuss and debate other LA approaches to Exempt Accommodation. This Group of residents are an invaluable avenue to consult on strategic approaches for the sector

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 (PPL) was launched in Sept 2023 and has been shared with partners. The Housing Solutions and Support Service are utilising the PPL for referrals into the sector. The Preferred Provider List (PPL) is the benchmark for quality provision within the city
- 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 32 Providers who have now demonstrated they have achieved the standard – 2 Gold, 5 Silver, and 16 Bronze. There are also 9 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			R04a 3 - Not achieved (Progress made)
	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.	Deputy Leader Cabinet Member for Vulnerable Children & Families		
	b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided.	Cabinet Member for Health and Social Care	March 2022	R04b 2 - Achieved (Late)
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.	Cabinet Member for Housing and Homelessness		R04c 6 – In Progress	

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.
- 25 Provider applications – 15 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, 18549 2–6-month desktop reviews have taken place since April 2022, 1240 claims cancelled due to CSS concerns, 8150 cancelled/vacated.
- The ASC team is under resourced – A 3rd social worker, is currently being recruited but the team will still be under resourced given the volumes in question.
- Due to reduced staffing within the partnership with effect from December 2023 (officers secured permanent contracts elsewhere in the Council) a backlog has accrued in this area of work. It is however expected that this backlog will be removed once new appointments commence over the next few weeks.

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')

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

- The Council are working with other local authorities who are part of the National Supported Housing Improvement Programme, as well as ongoing engagement with core cities
- Supported Housing (Regulatory Oversight) Act 2023 makes reference to the introduction of Data Sharing Agreements between Local Authorities. The regulations are subject to wider consultation. DLUHC to announce start of 12 week wider consultation period.
- Birmingham Probation Service protocol implemented in July 2023. Support will be limited to outside referrals that have a local connection to Birmingham and are placed in Supported Exempt Housing with a provider signed up the Quality Standards.
- Better regional working is also part of the interim measures in the Supported Housing Strategy.
- 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	<p>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.</p>	Cabinet Member for Housing and Homelessness	March 2022	1 - Achieved (Fully)

Appendix 2

SHIP Activity Overview

Latest position total since Oct 2020

Activity	Since Oct 2020
Housing Inspection Team Inspections Eviction Prevented Cat 1s & Cat 2s	2778 23 Cat 1 - 5469 - 98% removed. Cat 2 – 4897 - 98% removed.
Properties Decommissioned	72
Adult Social Care Support plan reviews Safeguarding reviews	1756 77
Community Safety Investigations Community Protection Warning Evictions Arrests	1590 28 488 48
Planning Inspections Enforcement	353 22
Revenue and Benefits HB overpayments recalled 2-6 months Support reviews Cancelled due lack of Care Support supervision. Cancelled vacated	£7.18m 28971 1660 13463