

Birmingham City Council

Coordinating Overview and Scrutiny Committee

Date 17.03.2023



Subject: Exempt Accommodation Scrutiny Recommendations Update

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

Report author: Guy Chaundy, Assistant Director Strategy & Enabling Service, City Housing
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Marie Dobinson, Project & Change Manager, PPI

1 Purpose

- 1.1 To present an update on all the Exempt Accommodation (EA) Scrutiny Review recommendations and outcomes, including inspection activity and ongoing work to shape future government reforms. This can be found in Appendix 1
- 1.2 The latest EA scrutiny recommendation action plan tracker can be found in Appendix 2

2 Recommendations

- 2.1 Receive the report contained in the slide deck presentation (Appendix 1)
- 2.2 For the Committee to review the recommendations R01-R08 updates (Appendix 2) and confirm agreement with relevant status given for each

3 Any Finance Implications

- 3.1 The council's exempt accommodation oversight activity in 2022/23 has been funded through a £1.9m BCC Invest to Deliver budget. Further grant funding has been secured through DLUHC to continue operations for two more years - £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 new DLUHC grant funding and any remaining 22/23 funding will be utilised. It is expected that inspection capacity will be maintained in its current capacity over the next couple of years.

4 Any Legal Implications

- 4.1 The non-commissioned Supported Exempt Accommodation sector is regulated through the Regulator for Social Housing and Charities Commission. The provision is predominantly paid for through Housing Benefit claims in line with Housing Benefit Regulations. It is widely understood the current legal framework is insufficient to ensure appropriate quality and oversight of this type of provision.
- 4.2 The government has been undertaking a national inquiry into Exempt Accommodation since December 2021 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.
- 4.3 The government has introduced a draft Supported Housing Bill which looks to address the gap in sector regulation and includes the following proposals: Setting up a new national advisory group; national standards for supported exempt accommodation; a licensing scheme for local authorities and a new planning use-class for supported exempt accommodation.
- 4.4 Agreeing and implementing the Bill will follow the usual parliamentary process, including consultation with local authorities. It is currently estimated the new regulations will be implemented in Summer 2024.

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; People with multiple/complex needs.

6 Appendices

- 6.1 Supported Exempt Accommodation – OS Committee Slides 17.03.2023
- 6.2 EA Scrutiny Review Recommendations Mar-23 Action Plan v12

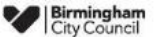
Supported Exempt Accommodation - Update

Guy Chaundy, Assistant Director Housing Strategy & Enablement

Coordinating Overview & Scrutiny Committee – 17th March 2023



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Key updates

- Scrutiny Recommendations
- Inspection Outcomes
- Draft Supported Housing (Regulatory Oversight) Bill
- Full Council - motions update

R01 & R02 – Building on the success of the pilot

- *R01d – Identification of resources to inspect 20,000 units*
 - Business case for 2023/25 being finalised – incorporating DLUHC grant funding (£3.19m)
 - Despite reduced grant funding, expecting to maintain current level of resources for at least the next year with some support from 22/23 budget carried forward.
 - 8.5 year inspection cycle remains based on current resource levels/sector size
 - Longer term, consulting with DLUHC on a new licensing scheme to be introduced as part of the reforms
- *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
 - Website is up and running, additional content reviewed with City wide residents group (meeting 2nd March) to further agree content and structure of updated website, working with Web team to get this finalised early April.
- *R02b – Option of local coordination groups and a charter for local areas where EA concentration is high to be explored*
 - Resident participation officer – recent recruitment has not been taken up, and post is going back out to be readvertised. Resident engagement strategy is being developed with input from the city wide residents group

Inspection outcomes - Since April 2022 / Totals

- Key data: Inspections – 885 since April 22 (Total 1969 since Oct 20)
- Cat 1s & Cat 2s – averaging 97% resolution
- 21 properties decommissioned (Total 64)
- Support plan reviews – 660 (Total 1176), Safeguarding reviews 23 (Total 58)
- Community Safety investigations: 496 (1134), CPW 1 (19) Evictions 116(314) Arrests 8 (36)
- HB overpayments recalled: £963k (Total £4.15m) vacated tenants & insufficient CSS
- Planning Enforcement – 1 this year, (Total 13, from 236 reviews)

R03 - Ensuring Council wide practice is consistent with the aims of the Quality Standards, Charter of Rights and Supported Housing Strategy

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
- For non-commissioned provision, collating providers and managing agents most frequently being referred to by Housing Support & Solutions Hubs, in order to prioritise QS accreditation and ensure appropriate rehousing options and prevention, and finalise a 'preferred provider list'
- Pulling together data on referrals to SEA made through BCC or Hubs. Approximately 500 referrals via HSS / SIFA Fireside in 2022
- Supported Housing Strategy now agreed at Cabinet Jan 23.
- 5 year delivery plan is in development (strongly dependent on national reforms).

Birmingham SEA Quality Standards & Charter of Rights

- No specific quality standard for non-commissioned SEA provision exists, although there is the National Statement of Expectations – best practice
- Birmingham has been working with the Birmingham Voluntary Sector Council (BVSC) since 2019 to design a quality standard for Birmingham and improve quality, and develop an approved list (*Recommendation 3b*)
- 40 signed up / fee paid and undergoing rigorous assessment – out of 179 providers in Birmingham
- 11 Awarded – Gold, Silver or Bronze and 3 awaiting approval in March.
- Rigorous assessment process - informed by intelligence from inspection teams, interviews with resident, background checks, onsite visits, interviews with staff and residents, website, media reports
- Providers under regulatory review or judgement with the RSH – any award is suspended for a year subject to addressing concerns of the regulator.

The Charter of Rights for Tenants

- A right to feel safe and protected
- A right to decent living conditions
- A right to clear information on your support entitlement
- A right to security of property
- A right to seek advice and assistance, and to challenge

- Charter of Rights co-designed with 50 residents in Birmingham by Spring Housing & BCC - improve the rights of people living in Supported Exempt Accommodation
- Key to Quality Standards Accreditation – resident policies
- Voluntary, with no fee to sign up – 113 providers are adoptees
- Monthly inductions and quarterly Best Practice forums

Quality Standards Accredited Providers	RP/MA	Award	Date
Spring Housing	RP	Gold	Feb 22
YMCA	RP	Gold	Apr 22
Changes UK	RP	Silver	Feb 22
Midland Mencap	RP	Silver	Apr 22
Ashley Community Housing	RP	Silver	Oct 22
Birmingham Supported Living	RP	Silver	Oct 22
FHSC	RP	Bronze	Feb 22
St Anne's Hostel	RP	Bronze	Apr 22
THS Throughcare	RP	Bronze	Apr 22
Gateway2Housing	MA	Bronze	Oct 22
Servol	RP	Bronze	Oct 22

R04 - Supporting the Housing Benefit Process

R04a - New provider visits – process agreed March 22

- Any new providers not signed up to the Quality Standards – visits continuing
- 8 refused, 13 agreed since March 22
- 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, 7000 2-6 month desktop reviews have taken place since April 22 – 439 claims cancelled due to CSS concerns, leading to 116 additional inspections.
- Ongoing issue around resourcing particularly re ASC team – business case in progress to recruit a 3rd social worker, but likely to still be under resourced for additional volumes

R05 – Strengthening Planning controls

R05 - Recommendation for Planning leads and the relevant O&S committee to review existing practices, enforcement policies and procedures

- Recommendation/action completed March 22, specific action was to circulate planning committee reporting to all members (ongoing)
- Further review Dec 22 – Supporting evidence for Lawful Development Certificates (LDC) be sent to Ward Members for consideration and comment during the planning application process
- Officers can confirm ward members are consulted on LDC applications and all public documents are published, as would be the case for any planning application. Nonetheless, a lot of supporting information for LDCs is likely to contain sensitive information, e.g. sworn affidavit, bills, invoices, tenancy agreements, etc and this information would not be published due to data protection.

R06 – Working with Regional Partners and other LAs

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

- Working with other local authorities now joining the National Supported Housing Improvement Programme, as well as ongoing engagement with core cities
- Supported Housing Bill references introduction of National Standards for Supported Exempt Accommodation and new Licensing scheme. Detail being worked through
- Better regional working is also part of the interim measures in the Supported Housing Strategy, deliver plan for this is underway (due April 23).
- The Council is doing all in its current power, subject to national protocols being agreed.

R07 – Lobbying for Change

R07 - The Council should work with the government to address the issues set out in the Scrutiny report. It should also be made clear the 2 year programme for legislative change is unacceptable – raise with DLUHC

- Project team is regularly engaging DLUHC on the reforms needed.
- Supported Housing (Regulatory Oversight) Bill introduced June 2022 – largely informed by the Birmingham pilot
- It is a Private Members Bill with Government Support
- Royal Assent estimated by the close of parliamentary session Autumn 23.
- Implementation of new regulations is currently estimated to be Summer 2024.

Draft Supported Housing Bill – What is included

A range of measures intended to regulate Supported Housing

- National Advisory Panel
- Strategic planning duty
- National Standards
- Licensing Scheme (subject to consultation)
- A new planning class; and duty requiring the government to consider planning reforms within 3 years after licensing commences
- Change in homeless legislation – leaving supported housing due to quality issues cannot be intentionally homeless
- Powers to make regulations enabling information relating to licensing to be shared



Further lobbying required

- Review of funding model and HB regulation – not yet timetabled by the government, but expected to link up with licensing
- Citizens funding their own support in some cases – currently not means tested. Further lobbying needed to ensure this is picked up in the National Standards or the Licensing scheme consultation
- Detail re Licensing scheme and national standards currently being developed
- Greater powers for community safety enforcement

Update on Full Council Motions

Covenants policy

- Data matching exercise - SEA addresses and RTBs
- Draft policy being worked through, inc testing cases with Legal
- Develop a process for Commercial property, HMOs and Right to Buys

Standards Committee – members declarations of interest

- Commissioning a model code of conduct which will take into account the motion on exempt.

Independent Inquiry

- Work is ongoing to finalise terms of reference and agree the lead agency to chair and service the inquiry



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Exempt Accommodation Scrutiny Review Recommendations - Action PI

Latest update: March 22

[Click link for Exempt Accommodation Scrutiny Review Report - December 2021](#)**KEY TO RAG**

Issue/ significant delay	RED
Risk of delay / not on track	AMBER
Progress is on track	GREEN
Action complete/ ongoing	BLUE

Rec	Description	Key Deliverables / Action	Who	Start Date	Planned Completion Date	Progress Update (Latest highlighted at top)	Status	RAG
R01	Building on the success of the pilot (1)		Cabinet Member for Housing and Homelessness Cabinet Member for Finance & Resources Cabinet Member for Social Inclusion, Community Safety & Equalities		Feb-22	Scrutiny / Cabinet Member Assessment: R01a-c - Achieved fully R01d - 4) Not achieved (Obstacle)	Risk/Issue	A
R01a	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.	1) Agree Business Case for 2022/23 funding with Invest to Deliver Group 2) Ensure approvals and process of recruitment agreed at Workforce Board 3) Confirm lead for waste management and any processes to link with Operational teams	Guy Chaundy / Workstream leads / HR leads / Marie Dobinson	01/01/2022	28/02/2022	11/22: The multi-disciplinary team includes specialist officers from Community Safety and a seconded Police Officer, Housing Inspection Officers, Adults and Social Care, Revenue and Benefits and Planning. Additional Waste Management link has been made. The Project Delivery group also includes partners BVSC and Spring Housing who are leading the work around the Quality Standards and the Charter of Rights. The BCC Adults Commissioning team are leading the work on the Needs Assessment and Supported Housing Strategy. The Supported Exempt Accommodation Officers have attended Ward meetings and provided an overview of the multi-disciplinary property inspections that have taken place with Housing – (property standards) Adult and Social Care, Community Safety and in some instances Planning. The number of inspections undertaken and outcomes in respect of property hazards, support to tenants, ASB/Crime and city wide benefit reviews have been explained. March 22: The Business Case and funding for 2022/23 has been agreed at Invest to Deliver Group. Recruitment is being taken through directorate workforce review/spend boards. The team in place for the pilot (including agency resources) has been extended, and a number of new posts will be recruited via BCC internal and external process. New posts will commence as soon as possible from April 2022. Waste management link has been identified and will provide resource to work with the Delivery group and improve team's ability to respond to issues.	Complete/ Ongoing	B
R01b	The multi-agency pilot team should also work closely with the Regulator of Social Housing.	4) Continue working arrangements - team has established working arrangements through GC.	Guy Chaundy	01/01/2022	28/02/2022	We continue to work with the Regulator for social housing, particularly around providers going through the Quality Standard process, and any providers who are exiting the market.	Complete/ Ongoing	B
R01c	There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work.	5) Confirm schedule for continuing Exempt Accommodation Sponsor Boards	Guy Chaundy	01/01/2022	28/02/2022	11/22: Ward level data on inspections and outcomes is now in place and available where required. Terms of reference of Exempt Accommodation Board is being reviewed to update recent membership changes, and incorporate revised outcomes for National Supported Housing Improvement Programme, and the additional motions passed at City Council in November 2022. The current members of the Board are Cllr Sharon Thompson (Chair), and Paul Langford, Interim Managing Director of City Housing (Co-chair); Cllr Mariam Khan (Health & Social Care), Cllr Yvonne Mosquito (Finance & Resources), Cllr John Cotton (Social Justice, Community Safety & Equalities); plus Directors for ASC, Revenues & Benefits, Community Safety and Place, Prosperity & Growth directorates. March 22: There is clear leadership and accountability through the Exempt Accommodation Sponsor Board. Schedule of Boards is in place monthly for the next 12 months in line with the business case.	Complete/ Ongoing	B

R01d	Resources to continue work to oversee and inspect over 20,000 units should also be identified.	6) Following Business Case approval, agree targetted plan for inspections over 2022/23, linking with Quality Standards schedule	Guy Chaundy / Collette Campbell / BVSC / Marie Dobinson	01/01/2022	28/02/2022	03/23: An updated business case for 23/24 and 24/25 is being prepared to set out how the new DLUHC grant funding and any 22/23 carry forward will resource teams going forward. It is expected that the team size will be maintained in its current capacity over the next couple of years, and possibly increased in some areas such as Adult Social Care. Longer term, as part of the consultation on the Supported housing bill, DLUHC is currently exploring with local authorities the introduction of a new Supported Housing Licensing scheme. 11/22: The SEA partnership was set up in Nov 2020. To date this small team have conducted 1700 property inspections, some of these inspections will include repeat inspections to the same property. The city currently has 8511 Exempt properties, this equates to 23,434 units. The rate of inspections continues to be around 1000 properties per year, which would indicate	Risk/Issue	A
R02	Building on the success of the pilot (2)		Cabinet Member for Homes and Neighbourhoods		Feb-22	Scrutiny / Cabinet Member assessment - 3) Not achieved (Progress made)		A
R02a	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.	1) Confirm process for raising citizen/resident and councillor concerns (including icasework process and dedicated email address), including links to corporate contact centre 2) Finalise content for	Guy Chaundy / Collette Campbell / Marie Dobinson	01/01/2022	28/02/2022	03/23: Agreed complaints route is through PRS@birmingham.gov.uk mailbox. Website is up and running, A recent meeting was held with representatives of the city-wide residents group to further agree the content and structure of the updated website. This has mostly been agreed with a further two weeks given to the group to review the updated version. The CWRG have also been asked to provide suggestions as to the enagement work they would like included as part of an egagement strategy 11/22: The route for concerns and complaints continues to be the PRS mailbox, progressed via the iCasework process. Additional web content is in process of being finalised, delayed due to resource issues. Data on complaints is being reviewed to understand if any further re-	In Progress	G
R02b	The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored.	3) Continue to engage city-wide resident groups 4) Recruit Comms & Engagement officer 5) Confirm local areas to be targetted re charter development	Guy Chaundy / Collette Campbell (plus Comms Officer/Tenancy officer when recruited)	01/01/2022	28/02/2022	03/23 - Resident Participation officer - recent recruitment has not been taken up. The post is going back out to be readvertised, in order to ensure capacity to engage residents. Resident engagement strategy is being developed with input from the city-wide residents group. 11/22 - Recruitment of Tenancy participation officer has been subject to ongoing delays however, now successful. Candidate to start December, and take forward engagement with local resident groups including development of a charter for local areas. SEA Senior Housing Modernisation manager continues to support the EA residents forum. 08/22 - There is a risk around this due to the current vacancy and potential lack of ongoing funding to recruit the Tenancy Participation officer. Future DLUHC funding will not cover this for 2023-25 March 22 update Engagement with resident groups is continuing. A City-wide residents group is well established	Risk/Issue	A
R02c	There should be a clear route for local councillors to deal with casework relating to exempt accommodation.	6) Ensure Councillors are aware of and utilise the agreed process for raising and resolving concerns in R02a	Guy Chaundy / Collette Campbell	01/01/2022	28/02/2022	11/22: The Supported Exempt Accommodation Officers have attended Ward meetings and provided an overview of the multi-disciplinary property inspections that have taken place with Housing – (property standards) Adult and Social Care, Community Safety and in some instances Planning. The number of inspections undertaken and outcomes in respect of property hazards, support, ASB/Crime and city wide benefit reviews have been explained. 06/22: There are named managers in City Housing responsible for ensuring complaints for a particular area of the city are dealt with through the iCase process. March 22: Connected to a) above, the process for complaints will also include local councillors to	Complete/ Ongoing	B
R02d	The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report.	7) Engage local resident groups which were involved in the Scrutiny report and ensure they are taking part in the resident groups which have been set up	Guy Chaundy / Collette Campbell Resdent Engagement Officer when recruited)	01/01/2022	28/02/2022	11/22: While some meetings were cancelled over the summer period, there has continued to be engagement with the Exempt Accommodation forum and resident groups on the Supported Housing Strategy and an update on the Scrutiny recommendations is planned for December 22. Connected to a) above, all residents groups who contributed to the Scrutiny Report are part of the city-wide group meeting monthly.	Complete/ Ongoing	B
R03	Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy		Cabinet Member for Housing & Homelessness		Jun-22	Scrutiny/Cabinet Member Assessment - 6) In progress R03a - planned completion date now moved to January 2023 in line with Cabinet decision		A

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.	1) Confirm process for commissioning new and current providers incorporating QS and Charter of Rights process 2) Confirm the aims of the Supported Housing Strategy, undertake consultation and agree Cabinet decision.	Guy Chaundy / John Hardy	01/01/2022	12/12/2022	03/23: Work is currently being undertaken to collate providers and managing agents mostly referred to by the Housing Support and Solution hubs in order to prioritise for QS accreditation and ensure appropriate rehousing options and prevention. This will allow for the formulation of a 'preferred provider list' 11/22: A review of providers signed up to the SEA Quality Standards remains underway, along with risk assessment in order ensure appropriate capacity and specialisms before any decision on switching to a 'preferred list'. Delivery of this recommendation is later than planned due to the supported Housing Strategy also being delayed, however expected to be confirmed alongside the Strategy in January 2023. 02/08/2022 - Supported Housing Strategy sign off is delayed to December 2022, decision has moved in line with overall Housing Strategy. BVSC are supporting a review with the Housing Solutions team to review the referral list, capacity etc. Referrals list, capacity etc will be reviewed in September - decision to be made after this March 22 update Commissioned provision is under contract, the non-commissioned provision will be subject to a standardised approach for those going through accreditation. Any Providers who are not currently signed up to the Quality standards are being targeted. As providers complete the awards, a referral and placement process is also in the process of being agreed - expected September 2022. A draft Supported Housing Strategy is in development, based on the findings of the Supported Housing Needs Assessment which was finalised at the Sponsor Board in	Risk/Issue	A
R03b	A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies.	3) Finalise a current list of agreed providers process for maintaining it and regular share with agencies	Guy Chaundy / BVSC	01/01/2022	30/06/2022	03/23: A further 3 providers are due for formal decision/outcome in March 23 11/22 - A total of 11 providers have been awarded the Quality Standard, and a further 2 are developing. 2 providers are suspended due to RSH judgements. In total 40 providers are signed up/being assessed or awarded. BCC webpages are being updated in line with decisions made at Exempt Accommodation Board. 07/22 - BCC Webpage updated, this will be shared/communicated regularly with agencies March 22: 7 providers have had their Quality Standard award confirmed at Exempt Accommodation Board in February - 2x Gold, 2xSilver, 3x Bronze. A press release has been issued about the Gold Standard award, and the Silver and Bronze awards will be issued in the coming weeks.	Complete/ Ongoing	B
R04	Support the Housing Benefit Process		Cabinet Member for Finance & Resources Cabinet Member for Housing & Homelessness Cabinet Member for Health and Social Care		Mar-22	Scrutiny/Cabinet Member Assessment - 6) In progress		A
R04a	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.	1) Confirm new process for reviewing HB "SEA Status" applications to incorporate ASC visits	David Kinnair / Operations team	01/01/2022	30/03/2022	03/23: Any new providers applying for enhanced HB, not signed up to the Quality Standards - visits are continuing. 8 have been refused, and 13 agreed since March 22 11/22 - Since January 2022, 10 new providers have been awarded SEA status, and 7 refused based on the new housing benefit application process 09/22 - Benefits Team confirmed action is ongoing. Any applications from new providers not already signed up to the Quality standards are being sent through to the multi-disciplinary group to arrange a visit with the RP and MA present, including a review of support to residents prior to SEA status being granted. Due to ongoing resourcing issues with the Adults Social Work team, if a social worker is unable to join the first visit, the SEA Housing Team will lead including a review of support standards, and will escalate to the ASC team as necessary. March 22 update Process for SEA Status applications has been agreed. There remains an issue with capacity of both the ASC and HB teams to undertake on the ground visits to review support for tenants, but this is being supported with the rest of the multi-disciplinary teams.	Complete/ Ongoing	B
R04b	The Quality Standard should be used to help determine whether the appropriate level of support is being provided.	2) Ensure QS is incorporated in the process for 1	See above	01/01/2022	30/03/2022	The Housing team are already making an assessment of support as part of the inspection processes.	Complete/ Ongoing	B

R04c	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.	3) Review process for 2 month reviews to incorporate ASC, Housing and Community safety input 4) Develop system of risk-based reviews to ensure prioritisation of those known to be at higher risk	David Kinnair / Other area leads / Marie Dobinson	01/01/2022	30/03/2022	03/23 - Since April 22, 7000 HB reviews have taken place at 2-6month point (desktop) - 49 claims cancelled due to CSS concerns, leading to 116 additional inspections (including social care). There remains an ongoing issues with resourcing these visits particularly in the ASC team. A business case is in progress to recruit a 3rd social worker although this may still be insufficient for the additional volumes of visits requested. 11/22 - Visits are continuing to focus on any 2-6month reviews where Care Support and Supervision has been identified as 'less than minimal'. These are referred through to the Operational Teams to undertake a whole property/support inspection, and are adding to the overall caseload for the team, leading to some delays undertaking the inspection. The situation continues to be monitored, but the SEA team would benefit from increased ASC resources so they can support more visits and increased resource in City Housing for property visits proportionate to the number of units in the City. 09/22 - similar to R04a, ASC resources are limited, so if they are unable to lead a visit, a SEA Housing officer will lead a review of support and escalate if required. A process is set up through the weekly multi-disciplinary group, although could be improved by introduction of a data sharing agreement. Currently a whole property/support review is scheduled to take place, which depending on the size of the property could be a very resource intensive exercise. These whole property reviews do often highlight issues with other claims at the same property however. Action remains open as there is potential the teams will be unable to manage all additional CSS visits, as well as ongoing complaints, H&S and safeguarding issues which arise but this is something which continues to be monitored.	Risk/Issue	A
R05	Strengthening Planning Controls		Leader and relevant O&S Committee		Mar-22	Scrutiny / Cabinet Member Assessment: 1) Achieved (Fully)	Complete/ Ongoing	B
R05a	There is a gap between Councillors' and residents' expectations of planning enforcement and the service delivered by the Planning Department. We ask the Leader and the relevant O&S Committee to review existing practices, enforcement policies and procedures.	1) Review of Planning practices, enforcement policies and procedures 2) Confirm recommendations at additional Scrutiny Committee	James Fox & Uyen-Phan Han to support Leader/Committees	01/01/2022	30/03/2022	03/23: Recommendation / action completed in March 2022. Specific action was to circulate planning committee reporting to all members, which remains ongoing. Further review took place in December 2022. A request was made for supporting evidence for Lawful Development Certificates (LDC) to be sent to Ward members for consideration and comment during the planning application process. Officers can confirm ward members are consulted on LDC applications, and all public documents are published as would be the case for any planning application. Nonetheless, a lot of supporting information for LDCs is likely to contain sensitive information eg sworn affidavit, bills, invoices, tenancy agreements etc and this information would not be published due to data protection.	Complete/ Ongoing	B
R06	Working with Regional Partners and other Local Authorities		Leader Cabinet Member for Housing & Homelessness		Mar-22	Scrutiny/ Cabinet member Assessment - 6) In progress	Risk/Issue	A
	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.	1) Confirm process for allocation of EA placements - including those from out of area - as part of the Supported Housing Strategy	Guy Chaundy, John Hardy, Pam Powis, David Kinnair	01/01/2022	30/03/2022	03/23: Collette/Pam/David - Is there much more to add here? I cant think of anything CC 11/22 - Supported Housing Bill references introduction of National Standards for Supported Exempt Accommodation which will include quality of support, referral processes. 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. 09/22 - Supported Housing Bill now due for 2nd reading in November 2022, currently no evidence of regional working or national protocol around referrals being included. Proposal is also included in the BCC Supported Housing Strategy delivery plan expected to be signed off by Cabinet in December 22 08/22 - Regional asks around the TDD devolution deal have been submitted, to provide powers at a regional level to control provision 03/22 - While there are regional forums for partners to work together, what is lacking is a national protocol about how referrals are made. This has been referenced in our submission to the DLUHC inquiry in February. While there is a local process around allocation in some areas, not all agencies are adhering to this and the council lacks power to enforce currently. Process and approach will be included as part of the Strategy but will still require national change to fully achieve this. Original update - March 22 A meeting has taken place with MET leaders (chaired by the BCC Leader) on 26th January, in order to reach consensus on the recommendations and rally up regional response to the inquiry. There is a proposal to use another meeting with MET leaders to further discuss the lift and shift issue with regards to local authority placements, although this will still require national changes to give council's powers to control movement. However, unfortunately there is not comprehensive data on the origin of placements as it is not recorded as standard and therefore BCC officers have started to collect it when out on visits. However, it will take time to collect a meaningful amount. From the limited data collated so far, there are currently no London boroughs named. Currently, some are residents from neighbouring authorities but there is not enough data to act on this at the moment. It is also to be noted that	Risk/Issue	A

R07	Lobbying for Change		Cabinet Member for Housing & Homelessness		Mar-22	1) Achieved (Fully) - Ongoing	Complete/ Ongoing	B
	The Council should work with government to address the issues set out in 2.5.2. 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).	1) Letter to minister - setting out the 'ask', responding to the DLUHC Inquiry 2) Further lobbying activity to be identified	Guy Chaundy	01/01/2022	30/03/2022	<p>03/23: The project continues to regularly engage DLUHC on the reforms needed. Supported Housing Bill is about to conclude its 3rd reading in Commons March 23, at which point it goes to the Lords. Royal Assent is estimated by the close of the parliamentary session (Autumn this year due to the coronation). Consultation with local authorities on the detail behind the Bill is ongoing, and implementation of new regulations is currently estimated by DLUHC to be Summer 2024.</p> <p>11/22: Motions passed at City Council to lobby government - see entry below CC Motions 4-10 10/22 - Cllr Thompson requested this priority is re-opened as lobbying is an ongoing activity and should remain ongoing until the reforms take place - status updated to complete/ongoing 09/22 Conference planned for 5th October - a number of influential people and organisations to examine SEA issues 08/22 update: Select Committee visited - 16th June. Ongoing engagement with DLUHC over summer as part of policy workshops. Workshop with Crisis 26th August, to feed in information to Supported Housing Bill.</p> <p>Original action update - March 22 As part of the national DLUHC Inquiry in Exempt Accommodation, the Board and the Cabinet Members for Homes & Neighbourhoods and Vulnerable Children & Families have been working with the regional authorities, core cities and pilot authorities to develop some common messages and recommendations for national change. Letters were distributed to other pilots, LGA and METs to ensure they were also sending in submissions to the inquiry. A joint pilot meeting reached agreement on policy recommendations for government. Councillor Thompson presented alongside BCC officers and Jean Templeton, Chair of WMCA Homeless Taskforce to MET Leaders meeting, chaired by the BCC Leader. Also reached agreement and sign off from</p>	Complete/ Ongoing	B
R08	Reporting on progress		Cabinet Member for Housing & Homelessness		Mar-22	1) Achieved (Fully) ongoing	Complete/ Ongoing	B
	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.	1) Prepare Action plan and updates 2) Confirm reporting schedule to Scrutiny	Guy Chaundy, Marie Dobinson	01/01/2022	30/03/2022	<p>Reporting prepared for 17th March O&S Committee</p> <p>November 22: Reporting is being prepared for 9th December O&S Committee March 22: Reporting is being prepared for 11th March Committee (papers due 2nd March)</p>	Complete/ Ongoing	B
CC Motions	Additional Exempt Accommodation motions agreed at Full Council 07 December 21				Mar-22			
3.1	This Council calls on Birmingham City Council to actively enforce all existing covenants on properties preventing the conversion of single dwelling family use to other uses.	1) Enforce all existing covenants on properties preventing conversion of single dwelling family use	Legal/Housing/PPS	07/12/2021	30/03/2022	<p>03/23: Data matching and policy development is underway, working with legal to test cases. 3 processes to be developed - Commercial, HMOs and RTBs</p> <p>11/2022 Further motion passed at City Council in November 22 - below ref CC Motion 7 - issue of delay is being progressed by CH/PPS Directorate</p>	Risk/Issue	A
3.2	Call on the Council's legal team to draft a statutory instrument (referenced on page 26 of EA Scrutiny report) to present to Government.	2) Council's legal team to draft a statutory instrument (referenced on page 26 of report) to present to Government	Legal services	07/12/2021	30/03/2022	<p>01/09/2022 - Legal have confirmed that it is not for Legal services to 'draft a Statutory instrument to present to government. Government would never accept one from BCC, and this point is better dealt with by the Council Lobbying Central Government for the relevant Statutory Instrument - which was included in the DLUHC inquiry evidence, and continues to be in lobbying activity.</p> <p>March 2022: The need for a Statutory instrument was Included in the recommendations which were forwarded as part of the DLUHC Inquiry in February</p>	Complete/ Ongoing	B
3.3	The Council also calls on the Executive to bring forward a report to Cabinet looking at placing a covenant on all council properties, including right to buy sales, which would prevent single dwelling family homes from being converted to other uses.	3) Cabinet Report re covenant on all Council properties, including right to buy sales to prevent single dwelling family homes from being	Housing/PPS	07/12/2021	30/03/2022	<p>03/23: Data matching and policy development is underway, working with legal to test cases. 3 processes to be developed - Commercial, HMOs and RTBs</p> <p>11/2022 - Housing update: Covenant for Right to Buys is in place. PPS update: Cabinet member has been provided with confirmation the commercial portfolio has been reviewed - 5 assets out of 5000 which we manage are occupied as exempt accommodation. Legal services have been instructed to insert a clause in all new agreements expressly prohibiting any new assets for this</p>	Risk/Issue	A
CC Motions	Additional Exempt Accommodation motions agreed at Full Council 01 November-22							

7.1	Support the campaign led by the homelessness charity Crisis to 'Regulate the Rogues', which calls on the Government to urgently introduce new laws in England to strengthen the regulation of Supported Exempt Accommodation.	Press release and other communications to ensure this campaign is widely understood by citizens and politicians throughout the country	Corporate Comms	01/11/2022	30/11/2022	11/2022 - Press release issued, and work continues as part of the Supported Housing Improvement Programme to ensure legislation meets the needs of Birmingham. https://www.birmingham.gov.uk/news/article/1211/birmingham_city_council_responds_to_dl_uhc_report_on_exempt_accommodation	Complete/ Ongoing	B
7.2	Welcome the Levelling Up, Housing and Communities Select Committee report into Exempt Accommodation, call on Government to implement its recommendations and place on record the Council's thanks to all those locally who contributed to the Select Committee's work.	Press release on the Inquiry	Corporate Comms	01/11/2022	30/11/2022	11/2022 - Press release issued and work continues as part of the Supported Housing Improvement Programme to ensure legislation meets the needs of Birmingham. https://www.birmingham.gov.uk/news/article/1211/birmingham_city_council_responds_to_dl_uhc_report_on_exempt_accommodation	Complete/ Ongoing	B
7.3	Continue to lobby the Government for greater powers to control provision and growth based on the city's needs assessment.	Undertake comparison of Supported Housing Bill and if this meets the requirements of the Needs	Housing Directorate	01/11/2022	30/12/2022	03/23: Continuing to liaise with DLUHC and lobby government on new bill proposals 11/2022 - Supported Housing Bill had second reading 18th November in parliament - a review of this is being prepared for the Exempt Accommodation Board 14th December.	In Progress	G
7.4	Launch an independent public inquiry into the growth of Exempt Accommodation in the city, helping to strengthen the case for nationwide legislative reform. This inquiry should be independent not only of the council but also anyone involved in any way in the exempt accommodation market, including housing providers in Birmingham and elsewhere.	Suggested actions: Establish ToR, and lead Plan approach/budget Launch enquiry Agree recommendations	Housing Directorate	01/11/2022	31/03/2023	03/23: Work is ongoing to finalise the ToR, and agree the lead agency to chair and service the inquiry Terms of reference is underway, a number of high profile chairs have been approached although several were unavailable in the timescales - investigating procurement implications with one organisation.	In Progress	G
7.5	In addition, the Council calls on the Standards Committee to update the Council Code of Conduct so that: Any elected member, or their spouse or partner, save for their primary residence, shall declare the use of all other properties they own and/or have an interest in. If the usage has potential safeguarding implications, the details shall be provided to the Monitoring Officer and held on a confidential basis as part of the Register of Interest.	Update Council Code of Conduct to include declaration of all properties, including any safeguarding considerations.	Standards Committee	01/11/2022	31/03/2023	03/23: Commissioning a model code of conduct which will take into account the motion on exempt 10.02.2023 - The Standards Committee met on 26th January 2023 and has commissioned a view of the Member Code of Conduct in line with the recommendation of Full Council. It hopes to give further consideration to any proposed amendments at its next meeting later in February 2023.	In Progress	G
7.6	Call on all Members, in conjunction with the Monitoring Officer, to ensure that existing legal requirements, as set out in the Localism Act 2011 and associated guidance, are understood and enforced so that every elected member declares all disclosable interests. This includes all land and property interests within Birmingham held by either themselves or their spouse or partner. Details of these should only be withheld where the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation or potential safeguarding implications. Council notes that commercial interests are not a legitimate reason to withhold information from the public register of members' interests.	Communication to be prepared - linking to review of code of conduct Enforce existing agreements in Localism Act 2011 Members to declare all disclosable interests	All Members & Monitoring officer	01/11/2022	31/03/2023	03/23: Commissioning a model code of conduct which will take into account the motion on exempt 10.02.2023 - The Standards Committee met on 26th January 2023 and has commissioned a view of the Member Code of Conduct in line with the recommendation of Full Council. It hopes to give further consideration to any proposed amendments at its next meeting later in February 2023.	In Progress	G

7.7	<p>Council calls on the Executive to:</p> <ul style="list-style-type: none"> • Bring a report forward before the end of the calendar year setting out a policy for the use and enforcement of covenants on properties sold and owned by the council to prevent the conversion of family homes into HMOs or Exempt Accommodation. • Carry out and publish an urgent review into all council owned property currently being used as exempt accommodation, converting all former family homes back into their original use and assessing the impact on other accommodation on the local area to ensure it is appropriately sited, well managed, and used to prioritise demand placed on the city council and not that of other local authorities”. 		Legal/Housing/PPS	01/11/2022	30/12/2022	<p>03/23: Data matching exercise is underway - legal have provided a briefing setting out some of the reasons why this will take longer to complete, but support is being provided by City Housing Strategy & Enablement to develop the policy and test cases with legal</p> <p>10.02.2023 - Legal services prepared a briefing setting out some key issues including variable terms of covenants connected to RTBs, accurate data on all RTBs and the manual nature of reviewing covenant terms which will take additional time to do. GC has agreed to support with additional resources to review the SEA and RTB data and identify matches.</p>	In Progress	R
	Coordinating O&S Committee 9th December - Actions							
8	Assistant Director S&E City Housing to provide statistics on the prosecutions relating to organised crime and exempt accommodation.		Guy Chaundy / Pam Powis	09/12/2022	28/02/2023	<p>03/23: Update from Community Safety has been prepared to share with Committee members.</p> <p>An update for Scrutiny has been requested via CST team. Certain information and statistics is not possible to obtain as it is held by WM Police and being used to gather evidence for prosecutions.</p>	In Progress	G
9	Assitant Director S&E (City Housing) to provide information on the numbers of people placed by the Council in exempt accommodation.		Guy Chaundy / Stephen Philpott	09/12/2022	28/02/2023	<p>03/23: - Summary data is indicating around 500 referrals made through HSS/ SIFA Fireside - other data continues to be collated and refined</p> <p>Summary data is being prepared although with some difficulty as referrals to SEA does not follow a single process or held within a single system</p>	Risk/Issue	A
10	A briefing is sent to all members on to update members on the work regarding covenants on Council properties.		Janie Berry	09/12/2022	28/02/2023	Briefing has been completed, raising a number of further issues which is updated in Full Council motion update 7.7 above.	Complete/ Ongoing	B
11	That an update report on Exempt Accommodation Scrutiny Recommendations request for Co-ordinating OSC meeting in March / April 2023.		Guy Chaundy	09/12/2022	28/02/2023	<p>03/23: Update confirmed for 17th March 23 - reporting completed</p> <p>Update is in the process of being scheduled for March or April</p>	Complete/ Ongoing	B