

Problems of Exempt Accommodation

Exempt accommodation refers to shared accommodation that is not commissioned under local authority homelessness or social care funding, or under specialised supported housing, and which utilises the 'exempt' provisions of current Housing Benefit and Universal Credit Regulations.

Rental levels far in excess of private sector Local Housing Allowance Rates can be yielded, by providers meeting a loose regulatory requirement to provide 'care, support or supervision'. The nature or level of 'care, support or supervision' required is not detailed in Regulations but case law has qualified it as 'more than minimal' or, 'more than trifling'. The non-commissioned sub-sector is increasingly being utilised to facilitate time-sensitive and emergency, or crisis placements for those who are or would otherwise be 'roofless' so the system is weighted disproportionately towards the 'crisis' end.

There are now in the region of 14,000 units of exempt accommodation in Birmingham Which has seen a dramatic growth over recent years in comparison to other cities. They are usually small, residential units and Houses in Multiple Occupation. As they are 'Exempt' accommodation they are not subject to HMO licencing or Article 4 planning requirements. They are occupied by a wide cross section of vulnerable citizens; many with multiple or complex care and support needs. The majority are not commissioned, so, without assurance around safeguarding and performance monitoring procedures.

Often operated by Registered Providers of social housing leasing units from the private rented sector (all RPs make up around 90% of market). There is a challenge to gain detailed knowledge about providers and their professional capacity and capabilities. There is a lack of transparency and proper oversight around support delivery to vulnerable people. There are instances of high concentrations of vulnerable individuals living in shared units in wards such as North Edgbaston, Selly Oak, Stockland Green and Handsworth Wood.

There is currently a lack of oversight on referral and assessment mechanisms from statutory agencies and there are increasing concerns that care leaving teams from across the region are also accessing this provision in Birmingham, alongside prisons from around the country.

As well as over-concentration the key issue remains the gaps in regard to regulation, enforcement options and resources to tackle this issue. The City Council has established a Task and Finish group to review the problem and formulate a response and action plan. The Group includes partners such as West Midlands Police and other key agencies service areas, and has considered options to curb the growth of the sector and work in a more strategic and joined up way within the City in the absence of suitable regulatory powers, this work to date has included:

- Regular meetings and closer working with the Regulator of Social Housing to lobby on the regulatory gaps and share intelligence and evidence on key providers.
- Strengthen duty of care and due diligence of statutory bodies in the use and referral to supported accommodation through the work of the working group.
- Seek to empower clients living in the sector to make informed decisions about their personal safety, personal and social interactions within shared living environments by developing a Charter of Rights.

- Seek to establish a Quality Framework and standard and get the large providers signed up to it as part of a self-regulated approach.
- Ensure that out of area referrals are minimised or are linked to genuine resettlement.

As stated previously the nature or level of 'care, support or supervision' required is not detailed in the current Benefit Regulations leaving scope for this to be exploited by some providers and a real challenge for Benefit services when scrutinising new applications.

A dedicated team is now working within Benefits service responsible for processing and checking new applications for Supported Exempt Accommodation (SEA) status and undertaking in depth review where issues with providers are identified. The Benefits service are also represented on the City Exempt working group.

The Council has been working with Spring Housing and BVSC to develop a stronger Birmingham Quality Standard and a Charter of Rights for citizens accessing this type of accommodation and are hopeful this will be launched with the Regulators endorsement later this year. This will provide a self-regulated framework with improved consistency and standards. To date some of the larger Registered Providers have signed up in principle representing around 8,000 units in the City.

The City Council remains determined to tackle this unregulated, uncontrolled problem which blights North Edgbaston ward.