

BIRMINGHAM CITY COUNCIL

CO-ORDINATING OVERVIEW AND SCRUTINY COMMITTEE

FRIDAY, 09 DECEMBER 2022 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST 10:00

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

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|------------------|----|---|---|
| <u>5 - 12</u> | 4 | <u>ACTION NOTES – 18 NOVEMBER 2022</u> | To confirm the Action Notes from the meeting held on 18 November 2022 |
| <u>13 - 18</u> | 5 | <u>CO-ORDINATING OVERVIEW AND SCRUTINY COMMITTEE ACTION TRACKER</u> | To review and note the actions from previous Co-ordinating Overview and Scrutiny Committee meetings. |
| <u>19 - 126</u> | 6 | <u>UPDATE ON THE RECOMMENDATIONS OF THE EXEMPT ACCOMMODATION SCRUTINY INQUIRY</u> | To receive an update report from Guy Chaundy, Housing Modernisation and Partnership Manager, on the implementation of the recommendations of the Exempt Accommodation Scrutiny Inquiry. |
| <u>127 - 204</u> | 7 | <u>UPDATE ON PLANNING ENFORCEMENT ISSUES FROM SCRUTINY INQUIRY</u> | To receive an update report from James Wagstaff, Head of Enforcement and Planning Technicians, on Planning Enforcement issues identified in the Exempt Accommodation Scrutiny Inquiry. |
| <u>205 - 238</u> | 8 | <u>CUSTOMER SERVICES PROGRAMME SCRUTINY TASK AND FINISH GROUP UPDATE</u> | To receive an update report on the work of the Customer Services Programme Scrutiny Task and Finish Group from Cllr. Sir Albert Bore, Chair of Task and Finish Group. |
| <u>239 - 264</u> | 9 | <u>EARLY INTERVENTION AND PREVENTION</u> | To receive a report from Kalvinder Kohli, Assistant Director Early Intervention and Prevention on Early Intervention and Prevention (To follow) |
| <u>265 - 294</u> | 10 | <u>SCRUTINY WORK PROGRAMME 2022/23</u> | To review the Co-ordinating Overview and Scrutiny Committee work programme and receive updates on the work programmes for the other 7 Overview and Scrutiny Committee and the Scrutiny Inquiries. |
| | 11 | <u>REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)</u> | To consider any request for call in/councillor call for action/petitions (if received). |

12 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

13 **DATE AND TIME OF NEXT MEETING**

To note the date of the next meeting is scheduled for 9 December 2022 at 10.00am

14 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

CO-ORDINATING O&S COMMITTEE – PUBLIC MEETING

10.00 hours on Friday, 18 November 2022, Committee Rooms 3 & 4,

Council House, Victoria Square, Birmingham B1 1BB

Action Notes

Present:

Councillor Albert Bore (Chair) Cllr. Kerry Jenkins (Chair)

Councillors: Jack Deakin, Mohammed Idrees, Chaman Lal, Ewan Mackey, Saima Suleman, Alex Yip

Also Present:

Cllr. Francis, Cabinet Member Digital, Culture, Heritage and Tourism

Peter Bishop, Director of Digital and Customer Services

Raj S Mack, Head of Digital City and Innovation

Eleri Roberts, Assistant Director Partnerships Insight and Prevention

Alison Roberts, Head of Communications, Commonwealth Games 2022

Wendy Griffiths, Assistant Director Customer Services and Business Support

Christian Scade, Head of Scrutiny and Committee Services

Fiona Bottrill, Senior Overview and Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were submitted on behalf of Cllr. Mick Brown and Cllr. Deidre Alden. The Chair informed the Committee that he had to leave the meeting at 11.00 and the Deputy Chair, Cllr. Jenkins would take over as Chair. He asked the Committee to agree to take Item on the agenda as Item 5.

RESOLVED: -

That Item 7 on the agenda be moved to item 5.

3. DECLARATION OF INTERESTS

None declared.

4. ACTION NOTES –14 OCTOBER 2002 AND ACTION TRACKER

The Action Notes of the meeting on the 14 October 2022 were agreed and the Action Tracker was noted. It was agreed that officers would be asked to attend the December meeting to provide updates on the actions from the September meeting if written updates are not provided.

RESOLVED:

- That the action notes of the formal meeting held on 14 October 2022 were agreed.
- That the action tracker was noted, and officers will be asked to attend the next meeting to update on actions from the September meeting if a written response is not provided.

5. CUSTOMER SERVICES PROGRAMME SCRUTINY TASK AND FINISH GROUP TERMS OF REFERENCE AND UPDATE (ITEM 7 ON THE AGENDA)

The Chair provided an update on the meetings arranged for the Customer Services Task and Finish Group and it was noted that the meeting to consider the work with the Highways Service has been postponed.

A report on the work of the Task and Finish Group will be presented to Co-ordinating Overview and Scrutiny Committee on the 9 December. It was noted that a report will also go to Cabinet on the 13 December 2022.

RESOLVED: -

- That the terms of reference for the Customer Services Programme Scrutiny Task and Finish Group are agreed and the dates of the meetings noted.

6. CABINET MEMBER PORTFOLIO PRIORITIES (ITEM 5 ON THE AGENDA)

The Chair welcomed Cllr. Francis, the Cabinet Member for Digital, Culture, Heritage and Tourism to the meeting. Cllr. Francis explained that she had taken over this portfolio from the Deputy Leader and part of this role was as digital ambassador. She was accompanied by the Director of Digital and Customer Services and the Head of

Digital City and Innovation who gave the presentation and highlighted the following points:

- Clarifying the term 'digital' and how this work will improve services and outcomes for citizens, the Council, the city and region.
- The Council works with partners to deliver the strategy including the West Midlands Combined Authority.
- The priorities, programmes and outcomes for the Council's Digital Strategy, Digital City Road Map and Digital Inclusion Strategy
- The outcomes dashboard set out how the strategies fit with the Be Bold Themes, Grand Challenges and Levelling Up Objectives.
- The example was provided illustrating how data and insight is informing the cost-of-living programme.
- Digital security is a high priority for the Council ensuring services are available 24/7 and the security of residents' data.
- Key elements of the Digital City Programme include supporting entrepreneurship and innovation, digital inclusion for citizens and businesses, digital inward investment
- The Council is working with other organisations including businesses and the community and voluntary sector to develop the governance structures to facilitate implementation of the strategies.
- Working with the City Observatory, public, private and academic organisations the council will develop a Data Charter.
- It was noted that digital inclusion was an issue before the pandemic, but this has highlighted issues for those who are vulnerable.
- The pandemic also illustrated how good analysis of data can support those who are most vulnerable.
- The Council's approach to information governance was a thematic approach focusing on legal, contract procurement and cyber security and involved technical systems and training to address human factors.
- Data Protection Impact Assessments are undertaken on a quarterly basis. It was noted that most common cause of data breaches is email.
- The Information Commissioner's work on ethics looks at targeted support based on data.

In response to questions from Members the following information was provided:

- The importance of making sure that the source and timescales for the data used is reliable.
- The importance of providing training for staff and elected members in cyber security.

- Birmingham has received positive feedback about the Digital City Strategy from other areas and is on 5 – 10 year journey to reach the level of cities such as Singapore in some services.
- Developing digital communities involves working with communities to identify those who are hard to reach.
- The timescales for the Digital City and Digital Strategy are set out in the actions plans which will be circulated to the Committee.
- New Ways of Working across the Council has benefits for staff wellbeing and council efficiency and must also benefit citizens.
- The delivery of Broadband is dependent on private providers and timescales for this is slipping and guaranteed speeds are reducing.
- There are examples of other local authorities that have intervened in the Broadband market, and this is an opportunity for Birmingham to use assets as leverage.
- Expanding Broadband will provide employment and skills opportunities that will benefit the Economy. It was recommended that this issue could be considered further by the Economy and Skills Overview and Scrutiny Committee.
- The issue with the council telephone numbers is being resolved and calls will be transferred to mobiles or laptops.
- Information from digital systems will be used to manage staff performance but not at the expense of health and wellbeing.
- The importance of giving young people opportunities to experience work using digital skills.
- Issues relating to 5G masts would be considered through the planning application process.

RESOLVED:

- That the report on the Cabinet Member Portfolio Priorities be noted.
- That the Digital City and Digital Strategy action plans to be circulated to the Committee.
- That Co-ordinating OSC to include email and digital security on the work programme.

7. COMMUNICATIONS STRATEGY UPDATE

The Assistant Director Partnerships Insight and Prevention and the Head of Communications Commonwealth Games 2022 gave a presentation on the Council's Communication's Strategy which set out the following:

- There are two main objectives for the Communications Strategy to support the Corporate Plan and to support planned, proactive strategic communications focussed on the Corporate Plan priorities.
- The Council's strategic approach to communication was outlined and the ROSIE principles explained (research, objectives and goalsetting, strategy and planning, implementation and evaluation)
- A communications forward plan sets out campaign activity that is agreed with Corporate Directors.
- Work with the City Observatory will identify audiences and channels and help address digital inclusion.
- The Council used a number of digital channels to communicate and has recently set up a Tic Tok account which provides more 'fun' information while Twitter provides news / information and also uses Facebook, LinkedIn and Instagram.
- Evaluation is undertaken to ensure delivery of outcomes and identify learning from the different campaigns.
- Information on how the Council identifies and communicated with different audiences and the communication channels that are used.
- It was noted that Birmingham has a national audience including central government.
- Examples were provided on the Be Bold Be Birmingham, BrumWeCan and HelpinBrum campaigns including the development with the community, online and offline communication and evaluation of media and social media coverage.
- The Be Bold, Be Birmingham campaign was developed before the Commonwealth Games and will continue to underpin the new Corporate Plan.

Members congratulated the team on the No Bull campaign during the pandemic which provided information to residents on local infection and vaccination rates. During question and answers the following issues were discussed:

- Different parts of the Council have different social media branding e.g. twitter handle is Bham, but the old Twitter handle is BCC and the branding for the ward and council YouTube accounts is different. There are 120 social media accounts across council services. The Communications Team have undertaken an audit of the social media corporate accounts and will look at how to bring in consistency with the Be Bold, Be Birmingham brand providing the themes for the next 4 – 5 years.

- Work will be carried out across council services to help social media posts to be engaging.
- Some residents have access to social media but struggle to access services. Targeted leaflets are important particularly for the cost-of-living crisis including translations into the 10 top languages, braille and sign language and that these are available to front line staff in housing and adult social care and for members to use.
- How to continue to celebrate Be Bold, Be Birmingham when many people are in difficult circumstances with the cost-of-living crisis is being considered? The legacy includes the European Athletics Championships will use the Be Bold brand and other programmes identified by Directors. It was recognised that the tone of the campaign may change over the next few months.
- The legacy from the Commonwealth Games includes distributing the assets and the Communications team is informing residents when activities and work takes place and communicating outcomes.
- The Be Bold, Be Birmingham campaign was running alongside the Commonwealth Games brand and work will continue to build this across social and non-social media. Focus groups have been and will continue to be held to understand the brand recognition.
- The numbers showing social media reach may include duplication where people use more than one social media platform, but the social media audit will develop understanding of the people who use different platforms to inform how to target audiences and match to the campaign.
- There has been a large increase in the Tic Tok audience because the account has recently been set up and enables more engagement on fun / interesting facts about Birmingham to be communicated.
- Issues that are posted on open social media on hyper local issues are picked up by the Communications Team and linked to the relevant service and customer service team.
- The Communications Team is now within the directorate that also has the Public Participation Team that will be up and running in early 2023 which will help co-ordinate work.
- The Committee considered how best to communicate the work of Overview and Scrutiny Committees and suggested the development of a Scrutiny Communications Strategy and improving the quality of streaming of meetings.

RESOLVED:

- That the report be noted
- That the Chair considers with officers the development of a Communications Strategy for Scrutiny during 2022/23.

8. SCRUTINY WORK PROGRAMME 202/23

The Committee Chairs present provided an update on the work of the Overview and Scrutiny Committees from December 2022 – February 2023. It was noted that:

- The Economy and Skills OSC will undertake evidence gathering for the Employment and Skills Inquiry at the Committee meetings and Task and Finish Group meetings.
- The Sustainability and Transport OSC will undertake a site visit in December 2022.
- The Housing and Neighbourhoods OSC will focus on fly-tipping and cleaner streets including learning from other authorities.
- The Education and Children's Social Care OSC will continue to receive reports from the Director of Children's Services and also the Children's Trust. The Committee has met with the SEND Commissioner. Other work is being finalised.
- There will be a meeting in December on Domestic Abuse that will report to the single issue Co-ordinating OSC meeting in February 2023.
- The dates will be confirmed for the Leader and Cabinet Member for Social Justice, Community Safety and Equalities to attend future meetings of Co-ordinating OSC.
- The Early Intervention and Prevention work across the Council will be included in the Co-ordinating OSC work programme.

RESOLVED:

- That the Scrutiny Committee work programmes be noted.
- That The Co-ordinating OSC work programme is noted and the Early Intervention and Prevention work is reported to this Committee.

9. REQUEST(S) FOR CALL IN / COUNCILLOR CALL FOR ACTION/ PETITIONS RECEIVED (IF ANY)

There were no requests for Call In for Co-ordinating OSC. It was noted that the Call In request on the Cabinet decision on the Housing Repairs Maintenance and Investment 2024 will be considered by the Housing and Neighbourhood OSC on 29 November 2022.

10. OTHER URGENT BUSINESS

None

11. DATE AND TIME OF NEXT MEETING

It was noted that next meeting of the Co-ordinating Overview and Scrutiny Committee will be 9 December 2022 at 10.00

12. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 12:14 hours.

CO-ORDINATING OSC DECEMBER 2022

ACTION TRACKER 2022/23

	Date	Agenda Item	Action	Notes
1	8 July 2022	Work Programme	Chair to consider cross cutting issue of Climate Change and report back to Committee	Completed Request to Committee Chairs' to consider issues relevant to the Committees
2	23 September 2022	Customer Services and Complaints Programme	To recommend to the Deputy Leader to provide an update to the Chair of Co-ordinating O&S Committee on the future funding for the Customer Services Programme, as the programme has a budget allocation of £1.69m only for an initial 12-month delivery plan and funding is required for forthcoming years (January 2023 to December 2025) if the programme is to be taken beyond January 2023	Initial response received from Deputy Leader 14.10.22
	14 October 2022		The Deputy Leader to provide further information on the budget for the Customer Services Programme.	Response requested
	2 December 2022		Cabinet report on Customer Services Programme Phase 2, 13 December	Completed

			2022, included in report to Co-ordinating OSC 09.12.22	
3	23 September 2022	Everyone's Battle, Everyone's Business Action Plan	The Director of Strategy, Equality and Partnerships to provide a response to the question regarding how the £650k funding allocated to equalities is used to ensure that Scrutiny fully address equalities in all areas of work and provide EIAs in Scrutiny Reports as appropriate.	Completed Information provided 05.12.22
4	23 September 2022	Everyone's Battle, Everyone's Business Action Plan	The Director of Strategy, Equality and Partnerships to provide information to the Chair on which actions from 2021/22 EBEB Action Plan have not been completed and have not been incorporated into 2022/23 plan and why. This information will be shared with the members of the Committee.	Completed Information provided 05.12.22
5	23 September 2022	Everyone's Battle, Everyone's Business Action Plan	Director of Strategy, Equality and Partnerships will confirm the timescales to report City Indicators to Co-ordinating OSC.	Completed Information provided 05.12.22
6	23 September 2022	Everyone's Battle, Everyone's Business Action Plan	The Director of Strategy, Equality and Partnerships respond to question regarding Armed Forces Partnership and preparation for statutory duties under the Armed Forces Act.	Completed Information provided 05.12.22

7	23 September 2022	Everyone's Battle, Everyone's Business Action Plan	A report to be brought back to Committee towards the end of the year on implementation of EBEB Action Plan and consideration of audit or effectiveness of Equality Impact assessment.	Update from Cabinet Member 27.01.23 as part of Cabinet Member priorities report.
8	23 September 2022	Cost of Living Crisis	Director of Strategy, Equality and to provide an estimate of the number of unclaimed benefits and the financial value this represented.	Information Requested
9	23 September 2022	Cost of Living Crisis	The Director of Strategy, Equality and Partnerships a to provide a briefing and a support pack to all elected members on the support available to residents in relation to the cost of living crisis	Completed Information provided 05.12.22
10	23 September 2022	Cost of Living Crisis	The Director of Strategy, Equality and Partnerships to provide information on the groups of people who have receive payments and further analysis of this is available.	Information Requested
11	23 September 2022	Cost of Living Crisis	The Director of Strategy, Equality and Partnerships to provide information on the mapping of needs versus provision and the financial resilience dashboard to the Committee.	Completed Information provided 05.12.22
12	23 September 2022	Work Programme	City Indicators to be reported to Co-ordinating OSC. Timescales to be	Completed Information provided 05.12.22

			confirmed by Director of Strategy, Equality, Strategy and Partnerships	
13	23 September 2022	Work Programme	Chair to consider an update on the Election Act to be reported to Co-ordinating OSC following report to Committee in December 2021.	Report to Committee (date TBC)
14	14 October 2022	Customer Services Programme Task and Finish Group Update	That the Customer Services Task and Finish Group will continue to meet to hold Directorates to account on how the customer strategy is being embedded with a view to driving up standards and report to a future meeting of the Co-ordinating OSC	On going
15	18 November	Cabinet Member Priorities, Cllr. Francis, Digital, Culture, Heritage and Tourism	Reports to Co-ordinating OSC on email and digital security	Completed Included on work programme as item to be scheduled.
16	18 November	Cabinet Member Priorities, Cllr. Francis, Digital, Culture, Heritage and Tourism	Director of Digital and Customer Services to send the Digital City and Digital Strategy Action Plans for circulation to the Committee	Information requested
17	18 November	Cabinet Member Priorities, Cllr. Francis, Digital, Culture, Heritage and Tourism	Economy and Skills OSC to consider including implications of digital city on employment and economy in the Committee's work programme.	Completed Recommendation to Economy and Skills to be considered at Committee meeting on 7 December 2022.

18	18 November	Work Programme	The chair works with officers to consider the development of a Communications Strategy for Scrutiny during 2022/23	Completed Included on Co-ordinating OSC as item to be scheduled.
19	18 November	Work Programme	Early Intervention and Prevention Report to be included in Co-ordinating OSC work programme	Completed Early Intervention and Prevention Report
20	18 November	Work Programme	Scrutiny officers to discuss with Chair of Co-ordinating OSC regarding on going scrutiny on the cost of living crisis.	Update from Cabinet Member 27.01.23 as part of Cabinet Member priorities report.

Birmingham City Council

Coordinating Overview and Scrutiny Committee

Date: 9th December 2022



Subject: Exempt Accommodation – Overview & Scrutiny Report

Report of: Councillor Sharon Thompson, Cabinet Member for Housing & Homelessness

Report author: Guy Chaundy, Head of Strategy & Enablement, City Housing Directorate

1 Purpose

- 1.1 The purpose of this report is to update the Coordinating Overview & Scrutiny Committee on the progress of the recommendations contained within the Exempt Accommodation (EA) Scrutiny Report, agreed December 2021 (Appendix 1)
- 1.2 A full update on all recommendations and their current status is provided in the EA Scrutiny Review Recommendations Action Plan – November 22 (Appendix 2)
- 1.3 The Action plan (Appendix 2) also contains an update on motions passed at City Council in December 2021, and 01 November 2022.

2 Recommendations

- 2.1 For the Committee to review the recommendations R01-R08 updates in Appendix 2 and confirm agreement with relevant status for each including points 2.2, 2.3 and 2.4 below and note the report.
- 2.2 Any remaining or ongoing actions towards the recommendations will be taken forward through the implementation of the Supported Housing Strategy (Cabinet decision expected January 2022), and its subsequent Delivery Plan.
- 2.3 For the project team to complete a review of the available funding with the Invest to Deliver Group to address the issue of the funding gap over 2023-25 and, as a minimum, ensure the current level of resources in Housing, Community Safety, the Benefit service and Adult Social Care are maintained, particularly where they are supporting ongoing recommendations in the December 2021 Scrutiny report, or delivery of the Supported Housing Strategy.
- 2.4 Establish and agree with Invest to Deliver any further resources required to:
 - 2.4.1 Improve the frequency of inspections of all 23,000 SEA units which, based on current resources, has an 8.5 year inspection cycle.

2.4.2 Increase available resources in social care to support Scrutiny Recommendation R04 (Housing Benefit Process)

3 Any Finance Implications

- 3.1 Scrutiny recommendation 01A required mainstream BCC funding to be identified to continue a multi-disciplinary cross-departmental team dedicated to improving the Exempt Accommodation sector. This team was first set up as a pilot in 2020 using grant funding from the Department for Levelling Up, Housing and Communities (DLUHC). For 2022/23, BCC Invest to Deliver group identified £1.9m to continue resourcing the team until March 2023, including delivery of the Scrutiny recommendations. A review of 2022/23 spend and benefits is underway in order to update the Invest to Deliver group in December 2022.
- 3.2 Financial benefits of the ongoing project include improved oversight of the Housing Benefits process, and identification of overpayments made to landlords who have not met their responsibility to advise about vacation of tenant. In the 6-month period between April and September 2022, £387k was recalled by the council and retained as income, although this remains part of the overall Revenue & Benefits subsidy pot. In total since the pilot commenced in October 2020, £4.73m of overpayments have been recalled by the council.
- 3.3 Further grant funding has been secured to continue operations for 2 further years after March 2023. DLUHC agreed a 'silver' delivery model - £1.62m for 2023/24 and £1.57m for 2024/25. This leaves a funding gap compared to the current year, and potential impact around reduced capacity to manage inspections, roll out the Quality Standards, deliver on the Strategy and Scrutiny recommendations re Housing Benefit process, and improved tenant engagement measures.
- 3.4 Recommendation 1D required funding to be identified to inspect over 20,000 units, which is around 8,500 properties. At the current rate of resourcing, inspection teams are undertaking 1000 property inspections over a 12 month period, which would indicate an approximate inspection cycle of 8.5 years.
- 3.5 The project would benefit from increased adult social care resource, particularly to support the housing benefit process, and increased funding proportionate to the number of units in the city. The level of funding acquired from DLUHC for the next 2 years will be insufficient to improve the rate of inspections at this current time. It is possible sector reform may lead to providers exiting the market which could reduce the inspection burden on the city council in future years, although this is not guaranteed.

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 In November 2022, the government 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 (including referrals and information for tenants); a licensing scheme for local authorities and a new planning use-class for supported exempt accommodation. Agreeing and implementing the Bill will follow the usual parliamentary process and could take a further 18 months to implement after it is agreed.

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, refuges and travellers; People with multiple/complex needs.

6 Appendices

- 6.1 Appendix 1 – Exempt Accommodation Scrutiny Recommendations Report – December 2021
- 6.2 Appendix 2 – EA Scrutiny Review Recommendations Action Plan – November 2022





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Further information regarding this report can be obtained from:

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Tel: 0121 303 1731

E-mail: Christian.scade@birmingham.gov.uk

Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Cllr Carl Rice, Chair of the Co-ordinating O&S Committee



Being a local councillor allows you to quickly get to know the problems faced by the people and communities you represent and your position as a public representative gives you a degree of power and influence in tackling those problems.

Councillors from across the City from all political parties were being contacted by local residents about the growing problem of Exempt Accommodation. People without any experience were acquiring properties and housing vulnerable people in need of support without needing City Council approval. As a result, particular areas and sometimes whole streets housed people with little or no stake in the communities they lived in. All the problems traditionally associated with a transient population were made worse by the fact that residents were vulnerable and not receiving the support required for them to move on with their lives.

This latest Scrutiny Report from Birmingham City Council is therefore a classic example of how local democracy works. Public concern and pressure about a problem combined with local councillors determined to do all they can to tackle that problem.

So, my heartfelt thanks go to all those residents and community groups – nearly 100 of them - who gave evidence to the Committee. In addition to the detailed accounts of what it was like living in areas blighted by Exempt Accommodation, some of the evidence was the result of painstaking research into how other towns and cities were coping with the problem and analysis of the company accounts of large providers in the City.

Thanks are also due to my Scrutiny colleagues who unanimously agreed to undertake this review and who spent many hours listening to evidence during what will become known as the Covid era. Not once did party politics rear its ugly head and blight what has been a completely united effort to tackle the problems caused by Exempt Accommodation.

I must also pay tribute to the Charities and local agencies who provide accommodation for vulnerable adults in a responsible and professional way in the City. They illustrate just what can be achieved when care and support for people, rather than financial gain, is the overriding motivation.

My final thanks go to officers from across all relevant City Council departments who have supported the Committee in its work.

Cllr Carl Rice

Chair, Co-ordinating Overview & Scrutiny Committee



Summary of Recommendations

Ref	Recommendation	Responsibility	Completion Date
R01	Building on the Success of the Pilot (1) <ul style="list-style-type: none"> 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. b) The multi-agency pilot team should also work closely with the Regulator of Social Housing. c) There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work. d) Resources to continue work to oversee and inspect over 20,000 units should also be identified. 	Cabinet Member for Homes and Neighbourhoods Cabinet Member for Vulnerable Children & Families Cabinet Member for Finance & Resources Cabinet Member for Social Inclusion, Community Safety & Equalities	February 2022
R02	Building on the Success of the Pilot (2) <ul style="list-style-type: none"> 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 Homes and Neighbourhoods	February 2022



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 Homes and Neighbourhoods</p>	June 2022
R04	<p>Supporting the Housing Benefit Process</p> <p>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.</p> <p>b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided.</p> <p>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.</p>	<p>Deputy Leader</p> <p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Health and Social Care</p> <p>Cabinet Member for Homes and Neighbourhoods</p>	March 2022
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>	<p>Leader and relevant O&S Committee</p>	March 2022



R06	Working with Regional Partners and other Local Authorities 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.	Leader Cabinet Member for Homes and Neighbourhoods Cabinet Member for Vulnerable Children and Families	March 2022
R07	Lobbying for Change 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).	Cabinet Member for Homes and Neighbourhoods	March 2022
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 Homes and Neighbourhoods	March 2022



1 Introduction

1.1 What is Exempt Accommodation?

- 1.1.1 'Exempt' accommodation is accommodation which is provided by a non-metropolitan county council, a housing association, a registered charity or a voluntary organisation where that body or person acting on its behalf also provides the claimant with care, support or supervision.
- 1.1.2 It was introduced into Housing Benefit regulations in January 1996, after the rules were tightened to limit the amount paid to claimants outside of the regulated social rented sector. This means that those rules normally limiting the amount of rent covered by benefits do not apply for this type of supported accommodation.
- 1.1.3 The tenant qualifies for the enhanced housing benefit payment, which is paid by the Department for Work and Pensions via the housing benefit system and is administered by the local council. It is important to understand that Housing Benefit (HB) funds housing costs only. In the case of supported accommodation these include 'intensive housing management costs' (such as additional wear and tear, higher replacement costs) etc. **Funding for the provision of support must be found from elsewhere.** Qualifying providers can therefore receive HB payments often far in excess of Local Housing Allowance Rates or social sector 'general needs' rents (additional wear and tear, higher replacement costs etc).
- 1.1.4 Any provider wishing to set up as "Exempt" must obtain supported exempt status. The two criteria that the provider must meet are:
 - 1. 'not-for-profit' status¹;
 - 2. Evidence of the provision of care, support or supervision – the nature or level of 'care, support or supervision' required is not detailed in the regulations but case law has qualified it as 'more than minimal' or 'more than trifling'.
- 1.1.5 Housing Associations registered with the Regulator of Social Housing are called Registered Providers, but other housing associations are not registered with the Regulator of Social Housing. Registered Providers providing supported exempt accommodation are also exempt from mandatory, selective or additional licensing and Houses of Multiple Occupation (HMO) management regulations (including Article 4 planning restrictions).
- 1.1.6 This means that the Council has few regulatory powers or resources in respect of exempt accommodation, beyond benefit regulations, or where statutory nuisances exist. Regulatory standards for registered providers are overseen by the Regulator of Social Housing (RSH). The

¹ A broad term for all independent organisations whose purpose is something other than to make private profit for directors, members or shareholders



Council is however responsible for some standards such as Cat 1 and Cat 2 health and safety and enforcement.

- 1.1.7 Exempt supported accommodation is generally transitional in nature and occupied by a wide cross-section of vulnerable citizens; many with multiple or complex care and support needs and often with no other option to meet their housing need. The sector covers supported housing for older people and accommodation for people with learning disabilities, as well as hostels for those referred from a criminal justice route (from prison or probation) or after being a victim of crime (modern slavery, domestic abuse) or as a result of homelessness, drug and alcohol addiction or as refugees or migrants.
- 1.1.8 However, this type of support, unless commissioned, has no minimum standards set or monitoring systems required. This is in contrast to services commissioned under grants such as the former Supporting People Grant, or schemes that provide a high level of care (e.g. care homes) and are regulated by the Care Quality Commission.

1.2 Exempt Accommodation in Birmingham

The Numbers

- 1.2.1 In Birmingham, the growth in exempt accommodation has been increasing significantly since 2017. As reported to Cabinet in April 2021, "the last 12 months have seen the sharpest increase in the amount of supported exempt accommodation claimants, with over 20,000 in payment in February 2021 compared with 14,000 in November 2019".² Nationally, FOI information published by Crisis in October 2021 shows that 153,701 households in Great Britain were housed in exempt accommodation as of May 2021. This represents a 62% increase from 2016 to 2021.³
- 1.2.2 A report published by Prospect Supported Housing on their decision to close exempt accommodation provision estimated "that at least £816m has been spent on exempt accommodation in the last financial year alone. This is based on the responses received and a conservative estimate for those who were unable to provide exact figures". They went on to note: "Spend on exempt accommodation (and presumably demand) has continued to rise. Based on responses from 52 authorities, the spend on exempt accommodation has risen by over £110m between 2018-19 and 2020-21".⁴
- 1.2.3 The Cabinet report further states that "the range and quality of this accommodation varies and at its worst, provides poor support to some of the most vulnerable people living in our city." Many are living in accommodation that has "materialised over the last few years, with private landlords building

² Bid to Ministry of Housing Communities and Local Government (MHCLG) Supported Housing Oversight Pilots 2020/2021, Report to Cabinet, 20 April 2021

³ [Over 150,000 households in controversial exempt accommodation | Crisis | Together we will end homelessness](#); October 2021

⁴ Prospect housing report: Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities, October 2021



up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations.”

- 1.2.4 At the inquiry session on 24th September 2021 officers presented the initial findings of the Needs Assessment work being undertaken by Adult Social Care officers (see Section 2 for more detail). It has found that there were 21,317 units of exempt accommodation and that 19,760 of these units (equating to 93%) are within the oversight of Regulator of Social Housing (RSH) regulation.
- 1.2.5 Figures provided by housing officers show the growth of exempt accommodation as reflected in the number of Exempt Accommodation Housing Benefit applications over the past five years:

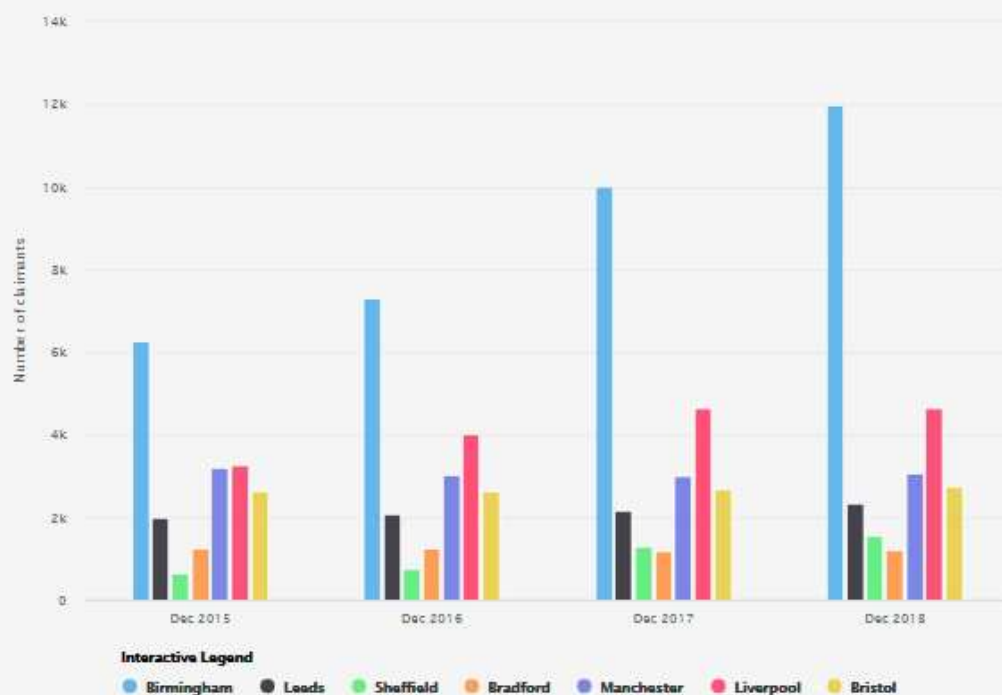
Year	Total
2016 - 2017	11,455
2017 - 2018	11,328
2018 - 2019	11,740
2019 - 2020	16,098
2020 - 2021	22,017

Birmingham Compared to Other English Cities

- 1.2.6 The Committee also looked at comparisons with other English cities. The results of a Freedom of Information (FoI) request by the Perry Barr Constituency Housing Action Group shows the numbers of housing benefit claimants for exempt accommodation for some comparative English cities. Whilst this data is now three years out of date, it does demonstrate that Birmingham’s claims doubled between 2015 and 2018; only Sheffield showed a similar level of increase, albeit from a lower base.



HB claimants in specified accommodation (2015 to 2018 – 7 English cities)



Source: DWP FOI 2019/03087 1 February 2019

1.2.7 Further evidence supplied by the Perry Barr Constituency Housing Action Group showed how the properties were concentrated in some 20 wards; and that within those wards there are concentrations in certain areas and roads. The wards with the highest concentrations were:

- Stockland Green (249 units, 6% of city's provision);
- Aston (216 units, 5.2%);
- Soho & Jewellery Quarter (207 units, 4.9%);
- North Edgbaston (194 units, 4.6%);



- Sparkbrook and Balsall Health East (175 units, 4.2%).

1.2.8 Other Wards have lower overall concentrations, but very high concentrations in some roads where the majority of the Ward's Exempt Accommodation is clustered. Ladywood (71 units, 1.7%, 21st in the city) and Handsworth Wood (105 units, 2.4%, 13th in the city) are examples of this. Other Wards with higher overall concentrations like Handsworth (159 units, 3.85%, 7th in the city) similarly have high concentrations at road level. The detrimental impact of this intensive clustering on individual roads, and its destabilising effect on the wider neighbourhood, can be significant.⁵

Why Birmingham?

1.2.9 At the evidence gathering session in September 2021, officers put forward views that the roots of the growth in Birmingham can be traced back to disinvestment and deregulation. This includes reduction in budgets for key vulnerable groups such as substance misuse, mental health, offenders and removal of the ring fence for the Supporting People programme⁶. Alongside that there has been a reduction in regulatory powers, resources and agencies which has led to other parts of the housing sector being left to explore how best to meet the demand that was still there and has grown. The lack of national guidance on current regulations has made it easy to enter the market and meet the minimum requirements.

1.2.10 In Birmingham there is a large private housing sector and the stock profile – large family-size houses – lends itself to house conversions to HMOs. There is also limited access to social housing, and the Local Housing Allowance Shared Accommodation Rates⁷ are low, rendering much of the private sector inaccessible to many on low incomes. Housing options for low-income single person households are therefore extremely limited, 'pushing' people into supported accommodation as their only option. The threshold for demonstrating a support need within HB regulations is low. The comments below, highlighted to the Committee, are recognised as a concern. However, it is understood that these types of issues will be picked up by the pilot and the developing supported housing strategy:

What we are seeing now is providers we have relied upon to provide housing closing down or suspending referrals into next year. This is very worrying as we will not be able to move residents on or meet the demand for good quality accommodation. If good and adequate providers cease trading, the ones who offered a lower standard, instead of upping their game will just move into the lucrative private rental sector leaving vulnerable people with no housing options at all.

1.2.11 Birmingham has been an outlier in growth to date, but there are now beginning to be increases in other authorities across the country and it is likely that this trend will continue. Apart from the other

⁵ Data from FOI by Perry Barr Constituency Housing Action Group

⁶ Supporting People is a UK government programme helping vulnerable people in England and Wales live independently and help them to remain in their home.

⁷ The local housing allowance (LHA) rate used to calculate universal credit housing element or housing benefit for most single private renters under 35. If you're under 35 and claiming as a single person, you can usually only get the shared accommodation rate even if you don't share your home with others.



national pilot areas, the West Midlands Combined Authority (WMCA) local authorities are reporting increasing concerns about the growing trend and interest in their areas. The Members Advisory Group to the Homelessness Taskforce have identified this as one of their key priorities. They are supportive of the action being taken by Birmingham and are keen to learn from the pilot.

1.3 The Inquiry

- 1.3.1 In December 2020, the Co-ordinating O&S Committee commenced a review into exempt accommodation following concerns raised by residents through their local councillors, and in response to a request from the then Cabinet Member for Homes and Neighbourhoods, Cllr Sharon Thompson.
- 1.3.2 Members had been receiving complaints in their casework about the impact of exempt accommodation on local areas. These included anti-social behaviour and rubbish accumulating in streets and within the curtilage of properties, generated by the concentrations of this accommodation in some areas.
- 1.3.3 Cllr Sharon Thompson asked the Committee to explore citizens' experiences of exempt accommodation with a view to developing recommendations around what the Council needs to be doing, and what it should be talking to Government about. There are concerns about inadequate legislation with regards to planning, benefits and regulation. It was emphasised that not all providers are bad providers, there are some very good ones in the city, but the intention is to drive out bad practice. The breadth of the issues concerned is why this work best sits with the Co-ordinating O&S Committee.
- 1.3.4 The Co-ordinating O&S Committee commenced its inquiry into exempt accommodation in December 2020 with a presentation from the former Cabinet Member for Homes and Neighbourhoods and officers. The terms of reference were finalised and a call for evidence issued on 26th January 2021. That call for evidence elicited over 90 responses, from both individuals and community groups.
- 1.3.5 Following that, Cllr Rice and other members of the Committee, met (online) with representatives of community groups across the city (Edgbaston, Handsworth, Handsworth Wood, Stockland Green and Selly Oak) who have been particularly active in this area. Meetings were also held with two providers in the city.
- 1.3.6 An evidence gathering session was held on 24th September 2021, with Cabinet Members and officers, to address the concerns raised by citizens. This report sets out the findings and recommendations. A list of contributors is set out in Appendix 1.
- 1.3.7 At that session, members of all parties emphasised their commitment to working together to resolve these issues as far as it was in the power of the Council to do, and to work with Government to strengthen regulation to support good quality exempt accommodation.



2 Key Issues

2.1 Summary of Issues

2.1.1 The call for evidence for this inquiry received an unprecedented number of responses, indicative of the strength of feeling generated by this issue. Many of the responses received came from active citizens, engaged in community or residents' associations, organising litter picks or neighbourhood/street watch, responding to planning consultations and engaging with police and local councillors. Others came from residents prompted by concerns about their local areas. All were feeling helpless in the face of the blight caused by the concentration of badly managed properties.

2.1.2 The experiences and views of those who responded are set out in Appendix 2, which attempts to capture the devastating effect on their homes, neighbourhoods and daily lives of high concentrations of low-quality exempt accommodation. This evidence is at the heart of this report and its recommendations. In summary, the issues raised were:

- The growth and disproportionate concentration of exempt accommodation in certain areas of the city as referred to above (Section 1.2). A number of reasons for this were put forward, including the apparent ease of obtaining housing benefit (see section 2.3); lax planning rules (see section 2.4); and evidence that some landlords market vacancies outside the city, bringing people with support needs to Birmingham where they are remote from their natural support networks and without the support infrastructure to cope;
- The impact of this growth and concentration on those local communities, described by one respondent as "blight" – including anti-social behaviour, crime and nuisances such as accumulating rubbish;
- Recognition of the need for good exempt accommodation for vulnerable people; many respondents expressed concern about the welfare of residents of exempt accommodation and the level of support received. As the April 2021 Cabinet report notes, it is also likely that accommodation is "trapping some of the most vulnerable people in some of the poorest accommodation with inadequate support, unable to take up employment or with any pathway to move on";
- Acknowledgement of the lack of regulation and checks, which has led to the poor quality of some of the exempt accommodation in the city and the poor competency of landlords, many of whom live outside of the city but nonetheless may generate significant income;
- Concerns about the cost of responding to these issues on the public purse – for example, one FoI request to West Midlands Ambulance Service revealed that just to exempt accommodation in just one area, the ambulance service has been called out over two hundred times in the last three years. Each call out costs £277 and an A&E admission £850 (see Section 4 of Appendix 2 for more information). The April Cabinet report noted in addition "there is also a concerning



prevalence of housing providers linked to Organised Crime Groups which in turn exacerbates the vulnerability of their tenants.”

- 2.1.3 The findings of this inquiry have been supplemented along the way by media reports by Birmingham Live which has featured a number of stories on poor quality exempt accommodation and the impact on residents and local areas. The national press also picked up on the issue; on 27th June 2021, the Observer published an article [“Hostels from Hell: the ‘supported housing’ that blights Birmingham”](#), particularly focusing on the experience in Stockland Green and Handsworth. As well as noting the dramatic increase in numbers, it reported that “Figures uncovered by the *Observer* reveal for the first time the 10 biggest independent providers in the country are on course to collect £184m in housing benefit this year – generating on average more than £11,600 every year for each of the nearly 16,000 bed spaces they supply.” Seven out of the ten are “either non-compliant or under investigation by the government’s social housing watchdog, the Regulator of Social Housing (RSH), for breaching governance and financial standards designed to prevent public money from being misused and protect tenants from harm. But only two providers are exiting the market following regulatory action, with the rest continuing to receive public money”.
- 2.1.4 It is worth noting that the issues raised also reflect the findings of a report commissioned by the Independent Chair of the Birmingham Adults Safeguarding Board back in 2017. This was in response to issues being raised by a number of agencies regarding the increasing numbers of vulnerable people being placed within the sector with little or no regulation or quality assurance and the risks in relation to the mix of vulnerable people being placed together. The recommendations of that report tally with the conclusions of this report and of the aims of the Council’s pilot scheme.⁸
- 2.1.5 Many of the submissions to the inquiry proposed solutions, many of which focused on improving the Council’s response and strengthening the use of existing powers, whilst also acknowledging the defects of the national framework and proposing areas for change. These issues, and the responses received from Cabinet Members and officers, are set out in the remainder of this report under the following headings:
- Response of the Council to date – the pilot and resulting actions;
 - The role of housing benefit in curtailing the growth of exempt accommodation;
 - The role of planning in curtailing the growth of exempt accommodation;
 - The need for change in regulatory framework and asks of Government.

⁸ Risk, Safety and Wellbeing in Shared ‘Exempt’ Accommodation in Birmingham, England, Thea Raisbeck, an Honorary Research Associate within the Housing and Communities Research Group at the University of Birmingham and an Associate of Spring Housing Association, a housing charity based in Birmingham, September 2018



2.2 Birmingham City Council – Supported Housing Pilot

- 2.2.1 In September 2020 the then Ministry for Housing Communities and Local Government (MHCLG) invited Birmingham along with four other Local Authorities (Blackburn, Blackpool, Bristol and Hull) to bid for a six month pilot aimed at improving standards in the supported Housing Exempt Sector. Overall funding comes to £1.804m.
- 2.2.2 Details of the findings and results of the pilot, as of September 2021, are set out in Appendix 3 (slides 16-22). Key findings relevant to this inquiry are set out below.

Needs Assessment

- 2.2.3 A strategic needs assessment was being undertaken at the time of writing this report, to provide the Council with some insight into the sector, to support the pilot and to inform the development of the supported housing policy. Initial findings include:
- Population projections suggest the need for this type of accommodation will grow. There are also a number of providers who are under regulatory intervention and some that have already been closed down.
 - 93% of the provision is within the oversight of Regulator of Social Housing (RSH) regulation (see Section 1), making RSH the primary regulator of supported provision. However, the focus of this regulation is primarily on financial viability and governance matters. Other regulatory requirements include a 'Home Standard' home and 'Neighbourhood and Community Standard' providing for the proactive management of ASB and a positive impact on the area. That said, there has been no focus on the quality of support provision.
 - Property, tenancy and support services are, in the main, not delivered by the registered providers directly, so there is no direct relationship between the citizen and the provider. This enables significant sums to be transferred to third parties that can be for profit or designated as non-social housing. The National Housing Federation (NHF) recently reported that "We believe that some of these providers of 'exempt accommodation' are operating 'for-profit', despite their official 'not-for-profit' status, which does not align with the NHF's values' and have taken steps to amend membership rules accordingly".
- 2.2.4 **The impact of the current situation for those people using exempt accommodation is that they are often left to pay for their own support** (as housing benefit only covers the rent) **without a means test around affordability** – this contrasts with other areas of social care support which is means tested. They are often placed in shared accommodation with no say or influence over who the other occupants are and, without the proper support, can find it difficult to exit the sector. Indeed, there are risks of pushing people into destitution or crime, as well as the potential for worsening health and wellbeing, which in turn leads to more costly state interventions.
- 2.2.5 For local authorities, the current framework means they can have little or no direct influence on standards of care, support provided or referral routes. They have limited capacity and resources to



monitor how this accommodation operates. There is no national funding to support work in this area outside of the pilot (see slide 12 of Appendix 3).

Responses to the Issues – the Pilot

2.2.6 The objectives for the pilot are set out below, along with a summary of progress made as of September 2021:

- Improving properties and standards through:
 - The rollout of a voluntary quality standard, including a comprehensive list of indicators and good practice. There is a rigorous assessment process informed by intelligence from background checks, inspection teams, Housing Benefit Team, the Housing Transition Team, onsite visits, interviews with staff and residents, website, and media reports. So far, 179 registered providers and managing agents overall with over 60 providers and managing agents have been engaged. Assessment for the standard involves visits and interviews.
 - A multi-disciplinary team undertake targeted inspections.
- Ensuring citizens are safeguarded and supported to effectively build their capability and autonomy through the Quality Standard and associated checks (see slide 17 of Appendix 3).
- Empowering citizens living in exempt accommodation through effective communication and roll out of the charter of rights developed by Spring Housing. The Charter has been co-designed with 50 residents from Birmingham and includes a self-assessment toolkit to support providers to meet the good practice standards and ascertain levels of need. The work has been picked up as national good practice. The rights set out in the Charter are:
 - 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
- Conducting a strategic needs assessment (see above) and developing a Supported Housing Strategy with key stakeholder and public consultation. A Cabinet decision is expected in spring 2022. Importantly this will be accompanied by a toolkit for managed transition / provider exit, to support providers and residents when any provider withdraws from the market or closes accommodation.
- Investigating and prosecuting Organised Crime Groups that are involved in exempt accommodation – a key concern of local communities. The Council's Community Safety Team has increased capacity to target this and works with the police and the Fire Service to undertake multi-agency inspections and investigations.



- Undertaking an evaluation of effective interventions and initiatives to have a good evidence base that will inform and improve policy at government level as well as the local level. The Council has been working with the Government to raise awareness and the major providers, particularly in relation to the high density of growth within specific geographical areas. This had led to some of the major providers agreeing to curtail their portfolios of properties within certain areas or within the Birmingham region all together.

Recommendation

- 2.2.7 Local authority influence and control is crucial in managing exempt accommodation for the benefit of all in the city, but that is severely constrained by legislation. Section 2.5 sets out what the Committee wants to see changed at a national level, but change is likely to be a long time coming. Therefore, it is essential that the City Council uses the powers and influence that it does have to manage this issue.
- 2.2.8 The pilot has been a huge step forward in this and has clearly achieved much in the relatively short time it has been running, and those advantages need to be secured for the long term. The Committee therefore recommends that this resource is mainstreamed and maintained. The cross-departmental nature of the team is critical and was one of the most repeated asks from those who responded to the call for evidence. To have all relevant departments working together, sharing information and providing a single council response is critical in tackling this issue. Whilst this does have significant resource implications, the Committee believes that the reduction in the cost of reacting to all the issues set out in this report, as well as the benefits of improving the quality of life in some neighbourhoods and the reputation of the city, will be equal or greater in value to the city. (Recommendation 01)
- 2.2.9 The Committee, in its recommendation, suggests that waste management and environmental health also form part of this cross-departmental team, in recognition of the severe blight caused by rubbish, fly-tipping and other environmental nuisances; one of the worst effects of the concentration of exempt accommodation.⁹ (Recommendation 01)
- 2.2.10 Another of the worst effects is anti-social behaviour and crime, so continuing to work alongside other agencies, in particular the police, is vital. (Recommendation 01)
- 2.2.11 Communication and engagement with both those living in exempt accommodation and those living in areas of high concentrations of exempt accommodation is another important tool in tackling this issue. Members understand that the Council is mapping all exempt accommodation in the city, and this should be shared with residents. There should also be a single clear route for citizens to raise concerns and have them resolved, as well as share proposed solutions. And in areas where there are high concentrations of exempt accommodation there should be local coordination groups including relevant agencies, and providers, to maintain oversight and communication on the issues.

⁹ ["It makes us look bad" - 14 residents at exempt housing given just one bin - Birmingham Live \(birminghammail.co.uk\)](http://birminghammail.co.uk)



This could be assisted by the City Council setting out what support they can expect to receive from the council, perhaps in the form of a local charter. (Recommendation 02)

- 2.2.12 There should be a council-wide approach to referrals into non-commissioned provision and embed the Quality Charter and standards in its practice, by only placing people in exempt accommodation where providers have signed up to the quality standard and Charter. A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies. It is acknowledged that this would be a significant piece of work given the range of agencies that refer into exempt accommodation and would be assisted by regulation in this area. (Recommendation 03)

Ref	Recommendation	Responsibility	Completion Date
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 Homes and Neighbourhoods</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



Ref	Recommendation	Responsibility	Completion Date
R02	Building on the Success of the Pilot (2) <ul style="list-style-type: none"> 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 Homes and Neighbourhoods	February 2022
R03	Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy <ul style="list-style-type: none"> 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 b) A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies 	Cabinet Member for Vulnerable Children & Families Cabinet Member for Homes and Neighbourhoods	June 2022

2.3 Housing Benefit

- 2.3.1 As noted above (see Section 1), exempt accommodation rent is paid for through Housing Benefit (HB) which is administered by the Council (though it is paid by the Department for Work and Pensions). This is the only area where there are regulations governing exempt accommodation. As the Deputy Leader noted at the September session, the HB service is the "front door" to providers coming to the city.
- 2.3.2 Many citizens who contacted the Committee believed that it was the approach to HB in Birmingham which is one of the reasons that has led to the disproportionately high growth of exempt accommodation in the city. The concerns expressed to the Committee were that the speed of the



payments and the lack of checks around the support provided were key drivers. One community group researched practice at another authority and identified that they undertook more intensive work at the start of a claim in that they did joint visits. Therefore, it was considered that it has been easier for landlords to exploit the potential to receive higher income than they would from other rents. This was echoed in the report on Housing Need in Stockland Green:

*"Anecdotal evidence suggests that Birmingham's Housing benefit service takes a less confrontational and more trusting approach to the resolution of HB claims for exempt accommodation. Further, claims processing is amongst the most efficient in England. Exempt providers favour Birmingham as a place where claims are rapidly processed and HB income is relatively easily accessed, meaning their income stream is reasonably certain in a business where resident turnover can be very high."*¹⁰

2.3.3 The perceptions of residents were examined at the September 2021 inquiry session. In response, officers stated that the following rules must be applied:

- For a claim to be treated as an 'exempt accommodation' claim, the accommodation provider must provide care, support or supervision to the tenant, and the tenant must need the support.
- There is no legal definition of care, support or supervision, and there is no specification about how much care, support or supervision needs to be provided. It has been decided by the Upper Tribunal that it must be "more than minimal".
- Housing Benefit is a benefit paid to the citizen not to the Landlord.
- Housing Benefit payments do not cover any of the cost of the care, support or supervision.

2.3.4 The Committee was informed that the Council must adhere to the regulations and refuse HB if applicants do not meet the criteria. There is a statutory requirement to make decisions within 14 days once all necessary documentation and evidence has been provided. They can also restrict payment if it is deemed to be overly expensive in comparison to other suitable alternative accommodation; and can stop HB payments if a review of the claim identifies that *minimum* care, support or supervision is not taking place. It was stated that whether the care, support or supervision *meets the needs* of the claimant cannot be taken into account as long as the support provided is in place, is needed and is evidenced as more than minimal; nor can the standard of the property, or reports of anti-social behaviour or substance use. However, these other issues will be reported to the appropriate departments or organisations, and the Committee recognised that ongoing substance abuse and ASB themselves indicate that support levels or management practices may be inadequate.

2.3.5 The significant increase in exempt accommodation applications was identified in 2019, and a Supported Exempt Accommodation Team (SEAT) was set up in April 2019. The team introduced

¹⁰ Housing Need in Stockland Green, researched and written by Dr Margaret O'Brien for Neil Morland & Co Housing Consultants. Commissioned by The Pioneer Group on behalf of Stockland Green Opportunity Housing & Training, Birmingham City Council, New Roots Ltd, & Spring Housing Association. Published September 2020. P.71



reviews of existing landlords/residents and of new applications for exempt accommodation after two months. The process adopted is set out in slide 28 of Appendix 3. When the pilot started in 2020, that meant there were additional resources to increase the capacity to strengthen and widen the reviews.

- 2.3.6 Officers shared the following numbers: between September 2020 and September 2021, there were 390 applications for **new providers**. Of those, 62 new units were granted exempt accommodation status and 211 were refused. 117 had their rents restricted.
- 2.3.7 Between November 2020 and September 2021, the team processed 26,012 **new claims** and rejected 132 new claims. 1,861 were reassessed, and 786 claims were reduced. 1,075 claims were cancelled due to insufficient care and support. 1,526 claims were cancelled because the resident had vacated the property.
- 2.3.8 Since the SEAT team was set up in 2019, overpayments to the value of £3.6m have been recovered. The overpayments were a result of inappropriate or fraudulent applications. Fraud claims are all referred to the DWP.
- 2.3.9 The team informed the Committee that they have benchmarked those processes with other local authorities, (Core Cities, West Midlands local authorities and the DWP Practitioners Operational Group). The DWP's Performance Development Team have undertaken a review and health check of the current process in Birmingham (at the time of writing the findings had not been shared with the Council), and Birmingham City Council's Internal Audit section were asked to review the process and have not made any recommendations for change.
- 2.3.10 Members considered evidence of differences in approaches between local authorities. Whilst the regulations are the same across the country, one of the differences is that some authorities undertake multi-disciplinary visits to potential providers when assessing the claim, including Adult Social Care staff so that the evaluation of 'support' is informed by their expertise in ensuring care and support needs are being met and to safeguard citizens. Responsibility for the HB determination rests with the Housing Benefit Team. As part of the pilot, these visits are now carried out later in the process in Birmingham.

Recommendation

- 2.3.11 The Committee believes that taking a proactive approach to HB claims at the start is essential, not just to ensure the payments are being made to the right people but to signal to providers that Birmingham takes this seriously and will pay close attention to those not meeting the standards. There is scope to do more here, and visits at the start of the process with adult social care and perhaps planning officers would make the sector less attractive to those who do not want to provide the proper support. HB claims must be settled within 14 days of receiving all the necessary information, and the Committee believes that the outcomes of these visits are part of the information that must be provided before a claim is considered.



- 2.3.12 The Committee recognises that this would demand significant extra resources, but also acknowledges that this cost must be balanced with the benefits of bringing the disproportionate growth in exempt accommodation under control. In the short term, a more targeted approach, focusing on the exempt accommodation that is known to be causing issues could be adopted and may be sufficient to send a strong signal to providers who see this as an easy way to generate income. A risk based approach, combined with visits to all new providers, would be targeted to manage resources; reviews at the two month stage should continue, though it could be considered (where a provider has been visited at the start of the claim) to move to within six months so that providers do not know when to expect the visit.
- 2.3.13 The Quality Standard should be used to help determine whether the appropriate level of support is being provided. It is accepted that the Quality Standard is voluntary, not statutory, however it provides an important marker of what support should look like that can help in assessing “more than minimal” and would be used to give guidance to providers.
- 2.3.14 Whilst this report was being written, it was reported that two more of the city’s biggest providers of exempt accommodation, Reliance and 3CH, were issued with regulatory notices by the Regulator of Social Housing (RSH) for breaches of standards in finance and governance. As part of the findings, the regulator said that the providers had failed to ensure that the arrangements it entered into did not inappropriately advance the interests of third parties and there were insufficient controls in place with its managing agents.¹¹ Now approximately 75% of exempt accommodation in the city is provided by providers with a regulatory judgement.
- 2.3.15 There are clearly gaps in the regulations that enable poor providers to flourish and these need to be addressed at a national level. Section 2.5 sets out the Committee’s proposals for change.

¹¹ [Probe uncovers failings at city's biggest exempt supported housing provider - Birmingham Live \(birminghammail.co.uk\)](https://www.birminghammail.co.uk/news/local-news/probe-uncovers-failings-at-city-s-biggest-exempt-supported-housing-provider-15844441)



Ref	Recommendation	Responsibility	Completion Date
R04	<p>Supporting the Housing Benefit Process</p> <p>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.</p> <p>b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided.</p> <p>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.</p>	<p>Deputy Leader</p> <p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Health and Social Care</p> <p>Cabinet Member for Homes and Neighbourhoods</p>	March 2022

2.4 Planning

- 2.4.1 Planning issues were a common theme in the responses received as a result of the call for evidence, both in terms of the lack of planning controls to limit the growth of exempt accommodation and in enforcing planning restrictions where owners had breached rules or conditions.
- 2.4.2 Whilst it was accepted the current planning regulatory regime was not adequate in respect of exempt accommodation, and reform is a key ask of Government (see below), it was also felt that the Council could be using its existing powers more robustly.
- 2.4.3 The main limiting factor is that exempt accommodation managed or controlled by a Registered Provider cannot be classed as a house of multiple occupation (HMO) as it is excluded by Schedule 14 of the Housing Act 2004 law from counting as an HMO. This means that exempt accommodation is unaffected by the City Wide Article 4 Direction which seeks to manage the growth of HMOs.¹² This is picked up in section 2.5.

¹² <https://www.legislation.gov.uk/ukpga/2004/34/schedule/14>



- 2.4.4 Conversion of a house to exempt accommodation only requires planning permission in certain circumstances. A property owned by a private landlord intending to later lease it to a Registered Provider is still subject to planning controls until the Registered Provider takes over. If there is an intention to effect a change of use from single household occupancy to occupancy by more than one household then planning permission is required.
- 2.4.5 Officers from the Planning team explained to Members the test they use, and this is summarised in slide 36 in Appendix 3. There is no legal definition of what constitutes a single household, and it will always be a matter to be determined on a case by case basis as a matter of fact and degree. In essence however, Members were informed that the view taken in Birmingham is that where there are six or fewer people living together, the more likely they are to be deemed to constitute a single household. This is one area where some believe Birmingham could take a more robust stance; for example, considering other factors including whether the residents arrived in a single group or were independently recruited by the landlord; the extent to which facilities are shared; whether the occupants were responsible for the whole house, whether they lock their doors, the landlord or tenants are responsible for filling vacancies, and allocating rooms, the size of the establishment; stability of the group; and how communally or independently the tenants live. These derive from existing caselaw¹³ and are not single tests that must all be passed but are a way of building a truer picture.
- 2.4.6 Where planning permission is required, then elements of Birmingham's local planning policy (the Development Management in Birmingham Plan) will apply. Policy 12: Residential conversions and Specialist accommodation¹⁴ will apply where planning permission is required for exempt accommodation, and states that such developments "will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area" (see slide 37 in Appendix 3). A specific threshold for the concentration of such properties has not been set, and so will be considered on a case by case basis. Additionally, Policy 11 on HMOs sets a maximum 10% threshold for the numbers of HMOs within a 100m radius. Whilst decisions on HMOs and exempt accommodation must be considered separately, the Planning Department have committed that the concentration of exempt accommodation in the vicinity will be taken into account when assessing planning applications for HMO. Further details regarding what does and does not require planning permission can be found at <https://www.birmingham.gov.uk/hmoarticle4>.
- 2.4.7 Members particularly noted that the rise in HMOs and exempt accommodation results in a loss of existing use and affordable family housing and this should be protected through local policy.
- 2.4.8 There was also a feeling amongst some that communities were not sufficiently engaged by the Council in the long-term strategic planning of an area. Some reported frustrations with their Ward

<https://www.legislation.gov.uk/ukxi/1987/764/schedule/made>

¹³ Hassock v Kettering Borough Council 2002 <https://www.casemine.com/judgement/uk/5a8ff72360d03e7f57ea857d>

¹⁴ www.birmingham.gov.uk/DMB



Forum, where matters were reported but seemingly not acted on. More widely there was a perceived disconnect between residents and strategic planning. It was suggested that real progress could be made with a partnership with local communities, contributing at a local level, to build trust and a space to grow a sense of community, including improving formats for residential involvement and influence in areas other than those served by a Neighbourhood Plan.

- 2.4.9 In terms of planning enforcement, the pilot has allowed this to be stepped up and over 200 properties were investigated this year. Some enforcement activity has taken place to improve property layout, e.g. bedrooms and communal space. There has been support to one closure order (appealed by the landlord but denied in court).
- 2.4.10 However, the majority of exempt accommodation conversions were found not to require planning permission, so no enforcement action can be taken. The Committee was also informed that breaching planning control and operating without planning consent is not a criminal offence, and developers can apply for permission retrospectively by law.

Recommendation

- 2.4.11 Whilst there are significant constraints in legislation on the extent to which planning controls can be used to limit the growth of exempt accommodation, Members believe a more challenging planning environment for exempt accommodation could be created in Birmingham.
- 2.4.12 Members noted that Planning have adopted a pro-active approach to the investigation of exempt accommodation following the introduction of the Pilot. This collaborative approach facilitated by the Pilot includes regular tasking group meetings that ensure the properties generating the greatest impact are always prioritised.
- 2.4.13 However, Members believe that whilst the council must operate within the law, opportunities to take more robust enforcement action can be explored. This could include issuing enforcement notices (rather than waiting for work to complete and tenants move in). It is accepted that this is a different approach, and the council is reviewing best practice as part of the national pilot and may have to take some test cases to see what is possible within existing regulations.
- 2.4.14 Another area that has been questioned is the approach to determining whether a household is a single household or not. The Committee therefore proposes that independent external advice is taken on the application of the single household test and should be picked up when undertaking recommendation 5.
- 2.4.15 As this report was being written, the Planning Inspector upheld an enforcement notice and agreed the permanent closure of Saif Lodge, which had been operating as exempt accommodation. It was determined that planning controls had been breached by it changing from a hotel to exempt accommodation and noted that the Development Management in the Birmingham Plan meant that the cumulative impact of exempt accommodation in the area had to be considered. In the judgement, the "fears of the local community that the supported accommodation leads to a greater number of incidents of crime and disorder in the local area" were seen to be a material consideration



and concluded “that the development has a harmful effect on the living conditions of the occupants of nearby residential properties with particular reference to the fear of crime and disorder and noise and disturbance”. As this conflicted with a number of policies in the Development Plan, the hostel was forced to close. This will be seen as an important case in strengthening local authorities’ hands in this area. This case came about as a result of pressure from local residents.

2.4.16 In terms of planning enforcement generally, Members shared their concerns about the robustness of current practice and noted how apparent failure to act frustrated councillors and citizens alike. It is therefore proposed that scrutiny take on an in-depth inquiry into planning practice and enforcement. This could have implications for other areas beyond exempt accommodation, for example, the effectiveness of the Council’s practice in containing the growth of HMOs. More generally, sharing information on the requirements and law would assist residents and providers alike, making it clear what the Council’s approach would be. Also, this could include:

- A re-evaluation of the council’s risk appetite in relation to preventing further growth of this model, including taking test cases where necessary;
- An independent review of the single household test;
- A pro-active approach to Exempt Accommodation conversions so developers are aware that BCC is taking a close look. A small number of investigations and enforcement action would send a clear message to providers.

2.4.17 Further proposals to ask Government to amend existing law are set out in section 2.5.

Ref	Recommendation	Responsibility	Completion Date
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	June 2022

2.5 Regulation

2.5.1 Supported housing reforms were proposed in 2018 (the regulations were written in 1996) but have been shelved by the Government, and the situation has been seriously exacerbated since then. It is therefore very difficult for councils to respond as they have limited powers and influence.

2.5.2 Having considered all the evidence, the Committee therefore recommends that the Council asks Government to consider the following changes to legislation and the regulatory framework:



- To review the current funding model for locally delivered supported housing (currently based around old and not fit for purpose HB regulations) – incorporating proper means-tested support for vulnerable tenants.
- To consider a government national accreditation requirement for providers supported with additional regulation to enforce this.
- For local authorities to have greater tools, power, and ability to control provision and growth based on needs assessments. Currently, councils cannot stop or restrict growth based on market saturation or oversupply. There are two key aspects to this:
 - **Alignment of existing planning and HMO licencing powers to capture supported housing provision – currently exempt from licencing, Article 4 etc. to assist in managing supply.** Exempt accommodation should come under the planning regime for HMOs; this would mean amendments to the definition of an HMO in Schedule 14 of the Housing Act 2004 so that Exempt Accommodation controlled or managed by a non-profit registered provider of social housing can count as HMO. This may require a change to primary legislation, but the Government should consider whether this can be changed by statutory instrument, such as via the Town & Country Planning (Use Classes) Order 1987, which would be quicker.
 - **Strengthened definitions within current regulations relating to the level of provision of care, support and supervision.** The definition of support – “more than minimal” - is deeply unhelpful. The standard of care, support and supervision should be tightened with powers to remove HB where the standards are not met. The Council is making some inroads here with the Quality Standards, but strengthening the law and hand of the regulator, along with mandatory monitoring, would make the expectations to providers clear, and provide a means of ending unsuitable and disruptive provision
- Closing gaps in the regulations that allow not-for-profit providers to contract with for profit agents/organisations. There is a clear gap in the regulations that allows profits to be made from exempt accommodation HB payments. The HB team can only review the landlord applying for exempt accommodation; however, that landlord may have a relationship with a provider who is for profit. The regulator is aware of this gap in the regulations and closing these gaps will prevent unscrupulous companies and individuals profiting from vulnerable people and will ensure there can be no link between exempt accommodation and organised crime. Attention should also be paid to other avenues for evading regulation – the Prospect report notes that some agents are now seeking to register as Community Interest Companies (CIC). This effectively makes them charitable providers and means agents do not need to use Registered Providers to operate exempt accommodation. This loophole should also be closed.
- Regulator of Social Housing role and ability to effectively monitor compliance against consumer standards for RPs in this sector should be strengthened.



- Protocols should be put in place for statutory agencies referring into exempt accommodation to create greater consistency and accountability to include protocols for out of city placements.
- Greater enforcement powers to tackle providers who do not effectively manage ASB, including additional Community Safety powers needed, as Community Protection Orders are effective but take too long to process and by then tenants have often moved on.

- 2.5.3 Whilst the Housing Minister, Eddie Hughes, MP for Walsall North, has said in Parliament that he would work with the council's Cabinet Member responsible for housing, to deal with problems in the city's exempt accommodation,¹⁵ it appears unlikely that legislative change will come in the next two years. Therefore, it is important that the Council addresses what it can do in the meantime, both with active dialogue with government and close working with the regulator (as is happening through the pilot).
- 2.5.4 One element of this is for the Council to work with other local authorities – through the Combined Authority and with other core cities¹⁶ - to strengthen standards and to reduce collectively the number of people coming from outside the city to take up places in exempt accommodation without adequate support. This will need agreement with other referral agencies (e.g. probation) as well.
- 2.5.5 There is already work going on. The Cabinet Member for Vulnerable Children and Families, Cllr Sharon Thompson, and the Mayor of the West Midlands, Andy Street, have written to Clive Betts MP, Chair of the Housing, Communities and Local Government Select Committee asking the Committee to consider launching an inquiry into this issue. The Committee endorses that call.
- 2.5.6 Work with providers has also been an important feature of the Pilot. The supported housing needs assessment is likely to provide evidence that there is a significant over supply of exempt supported accommodation in the city to meet local need for people at risk of homelessness. To address this, the Council has developed the decommissioning toolkit to assist with this but there will need to be some significant voluntary actions by lease based registered providers to make any dent in overall unit reduction in the city. This will mean direct dialogue with providers.
- 2.5.7 There are two further related but important issues. Firstly, the demand for exempt accommodation is partly fuelled by the lack of supply of truly affordable rented housing, particularly for single people. A national housing strategy which crosses parliamentary timescales is required to address this over a longer period.
- 2.5.8 Secondly, during the course of this inquiry, all seven of the Registered Providers in the city, and who provide 75% of the city's exempt accommodation, have been deemed to be non-compliant with regulations. Whilst it is necessary to drive out poor practice, there is now concern about the numbers of providers leaving the sector. As it becomes less attractive, and more providers close, it is not clear what will happen to those vulnerable people who need supported accommodation. The Housing

¹⁵ [Government will work with Birmingham to 'come up with a solution' to exempt accommodation scandal - Birmingham Live \(birminghammail.co.uk\)](https://www.birminghammail.co.uk/news/government-will-work-with-birmingham-to-come-up-with-a-solution-to-exempt-accommodation-scandal-14444444)

¹⁶ Belfast, Bristol, Cardiff, Glasgow, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield



Strategy Section needs to work closely with existing providers and other agencies on an Exit Strategy.

- 2.5.9 Finally, it was noted in the evidence gathering sessions that most of this focuses on the problem from the perspective of the property and the local area/local residents. It is equally important to take the perspective of the vulnerable client and ask why there is no oversight of people in this position – as there is for example with people who are discharged from hospital. There should be a body with responsibility and authority to support vulnerable people who require supported housing. Ultimately, a well-planned and managed exempt accommodation sector is in the mutual interest of Exempt Accommodation occupants, their neighbours and the local areas they live in.

Ref	Recommendation	Responsibility	Completion Date
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 Homes and Neighbourhoods</p> <p>Cabinet Member for Vulnerable Children and Families</p>	March 2022
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 Homes and Neighbourhoods	March 2022



3 Next Steps

3.1 On-Going Scrutiny

- 3.1.1 In line with Scrutiny procedure, the Co-ordinating O&S Committee will continue to keep this matter under review using the “tracking” process whereby Cabinet Members report back to scrutiny on progress in implementing the recommendations.
- 3.1.2 It is crucial that matters do not “fall between the cracks” and so it is important that overall responsibility sits with one Cabinet Member. The Committee proposes that this is the Cabinet Member for Homes and Neighbourhoods, who would be responsible for providing the tracking report and coordinating responses.
- 3.1.3 The Committee also proposes to keep in touch with those residents in areas of high concentrations of exempt accommodation in the city and involve them in the tracking. Their input into the report has been invaluable and the Committee would not have the evidence it has seen without their input. Members were very pleased to hear that these residents “feel heard” after years of feeling side-lined and want to ensure that is continued.

Ref	Recommendation	Responsibility	Completion Date
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 Homes and Neighbourhoods	March 2022

- 3.1.4 Full Council is asked to agree the following motion:

That recommendations R01 to R08 be approved, and that the Executive be requested to pursue their implementation.



Appendix 1: List of Contributors

Cllr Shabrana Hussain, Cabinet Member for Homes and Neighbourhoods

Cllr Brigid Jones, Deputy Leader

Cllr Sharon Thompson, then Cabinet Member for Homes and Neighbourhoods

Dominic Bradley, Group Chief Executive, Spring Housing Association

Guy Chaundy, Housing Partnership Manager and Pilot Lead

Joy Doal MBE, Chief Executive Officer, Anawim

James Fox, Principal Planning Enforcement Officer, Inclusive Growth Directorate

Chief Superintendent Steve Graham, West Midlands Police

Julie Griffin, Managing Director, City Housing

Uyen-Phan Han, Planning Policy Manager

Shazia Hanif, Head of Service, Operations and Partnerships, Adult Social Care

David Kinnair, Head of Benefits, Revenues and Benefits

Kalvinder Kohli, Programme Director, Prevention and Early Intervention, Adult Social Care

Amelia Murray, Safer Neighbourhood Officer

Deputy PCC Waheed Saleem, West Midlands Police

Tim Savill, AD, Revenues, Benefits and Rents

Jean Templeton, Chief Executive, St Basils

And many thanks to the nearly 100 people who responded to our call for evidence – the biggest response we have seen to a scrutiny inquiry. In particular, the Committee would like to thank the following for meeting with us to discuss these issues, and for their invaluable feedback on the report:

<ul style="list-style-type: none"> • Alison Adkins • Denise Forsyth • Frances Heywood • Danielle John • Devinder Kumar • John O'Meara • Mike Meese 	<ul style="list-style-type: none"> • Ronnie Palmer • Naomi Paul • Ann Richardson • Jon Stevens • Barry Toon • Ann Wackett
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Appendix 2: Call for Evidence Response

1 Introduction

- 1.1 The Co-ordinating O&S Committee commenced its inquiry into exempt accommodation in December 2020 with a presentation from the former Cabinet Member for Homes and Neighbourhoods and officers. Following that, the terms of reference were finalised and a call for evidence issued on 26th January 2021. That call for evidence elicited over 80 responses, from both individuals and community groups.
- 1.2 Following that, Cllr Rice and other members of the committee, met (online) with representatives from community groups across the city (Edgbaston, Perry Barr, Handsworth, Stockland Green and Selly Oak) who have been particularly active in this area. Meetings were also held with two providers in the city.
- 1.3 This report summarises both the written and verbal evidence received. As was predicted at the start of this inquiry, it has not always been possible to distinguish between comments on exempt accommodation and House in Multiple Occupation (HMOs) more widely. Submissions clearly relating only to HMOs have not been included but a number referred to both; indeed one told us “for the purpose of this statement, exempt accommodation and HMOs are in effect synonymous, creating similar issues for residents and other agencies such as the police, social and ambulance services.”

2 Summary of Responses

- 2.1 Many of the responses received came from active citizens, who were engaging in community or residents’ associations, organising litter picks or neighbourhood/street watches, responding to planning consultations and engaging with police and local councillors. Others came from residents prompted by concerns about their local areas. All were feeling helpless in the face of the blight caused by the concentration of badly managed properties.
- 2.2 The starting point for many was the growth and concentration of exempt accommodation properties in Birmingham. Evidence was provided from multiple sources that Birmingham has a disproportionately high number of these properties, and that these tend to be concentrated in certain areas of the city. This is explored in more depth below (section 3).
- 2.3 The impact of this growth and concentration was felt in those local communities and was described by one respondent as a “blight” – referring to anti-social behaviour, crime and nuisances such as accumulating rubbish (section 4).



- 2.4 However, it should be emphasised that most respondents did not reject the need for exempt accommodation, and indeed expressed concern about the welfare of residents of exempt accommodation as well as concerns about the local area (section 5).
- 2.5 Many of the responses offered explanations for the poor quality of some exempt accommodation in the city, including a lack of regulation and checks and the poor competency of landlords, many of whom live elsewhere (section 6).
- 2.6 Finally, many of the submissions to the inquiry proposed solutions which focused on improving the Council's response and strengthening the use of existing powers, whilst also acknowledging the defects of the national framework (section 7).
- 2.7 The weight of evidence in a very complicated area has led to a fresh set of questions for council officers, which are summarised in section 8.

3 The Growth of Exempt Accommodation in Birmingham

- 3.1 There was common agreement that there has been huge, rapid and uncontrolled growth in exempt accommodation in Birmingham. One respondent reported:

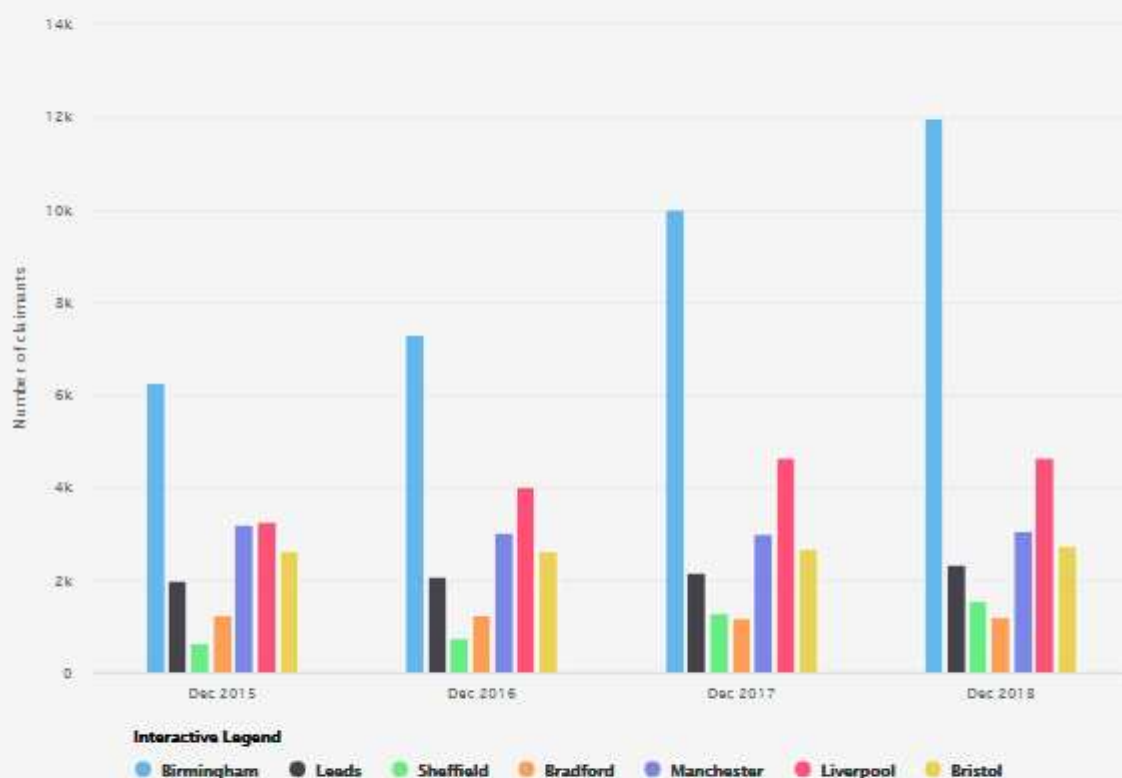
Towards the end of last year (October 2020), Birmingham had approved 20,000 claims for Exempt Accommodation. This is an astonishing figure, and it is much higher than in other comparable towns and cities. For example, Sandwell, immediately adjoining the city, only has around 500 current claims - this is equivalent to about 1,750 claims in Birmingham (on a pro-rata basis). And the sector is growing exponentially. Three years ago, Birmingham had less than 10,000 claims, (which was already excessive) but, while claims in other towns and cities have grown slowly or not at all in this period, in Birmingham the number of claims has doubled, and they are reportedly now running at an extraordinary 1,000 per month. [HMO Action Group]

- 3.2 The results of a freedom of information request by the Perry Barr Constituency Housing Action Group shows the numbers of housing benefit claimants for exempt accommodation for some comparative English cities. Birmingham's claims doubled between 2015 and 2018; only Sheffield showed a similar increase, albeit from a lower base. In [June 2021](#), *The Observer* further reported that: "Birmingham has seen the number of bed spaces in these hostels and shared houses double from 11,000 in early 2018 to 22,000 in March this year."¹⁷

¹⁷ 27th June 2021, "[Hostels from Hell: the 'supported housing' that blights Birmingham](#)"



HB claimants in specified accommodation (2015 to 2018 – 7 English cities)



Date	Birmingham	Leeds	Sheffield	Bradford	Manchester	Liverpool	Bristol
Dec 2015	6,250	1,990	630	1,250	3,210	3,250	2,620
Dec 2016	7,290	2,080	740	1,240	3,020	4,020	2,620
Dec 2017	10,030	2,160	1,310	1,180	3,000	4,640	2,680
Dec 2018	11,980	2,350	1,550	1,210	3,070	4,640	2,740

Source: DWP FOI 2019/03087 1 February 2019

- 3.3 Evidence also shows that the market locally is dominated by six providers who account for 70% of the sector in the city.
- 3.4 Further evidence supplied by the Perry Barr group showed how the properties were concentrated in some 20 Wards; and that within those wards there are concentrations in certain areas and roads.



Below is one example. Density figures depend in part on the length of the road with density up to 10% in some Wards.

Ward	# exempt accommodation addresses?	Percentage of the total
1 Stockland Green	249	6.0%
2 Aston	216	5.2%
3 Soho & Jewellery Quarter	207	4.9%
4 North Edgbaston	194	4.6%
5 Sparkbrook & Balsall Heath East	175	4.2%
6 Sparkhill	168	4.0%
7 Handsworth *	159	3.8%
8 Holyhead *	136	3.3%
9 Gravelly Hill *	133	3.2%
10 Other 60 wards in Birmingham	2547	60.9%

* Relatively smaller wards represented by a sole Councillor: Exempt Accommodation will make up a proportionally greater percentage of the housing stock.

Road name	No Properties	% of Sparkbrook & Balsall Heath East total
Stratford Road	11	6%
Warwick Road	9	5%
Walford Road	8	5%
Anderton Road	6	3%
Golden Hillock Road	6	3%
Runcorn Road	6	3%
Gladstone Road	5	3%
Hickman Road	4	2%
Ladypool Road	4	2%
Long Street	4	2%
Top 10 roads	63	36%
The other 68 roads	112	64%

3.5 This was echoed by the evidence of many contributors:

From my research there are 4 main registered providers and one community interest company that are placing clients in nearby properties ... It is worth noting that two of the registered providers have had official recent judgements made against them by their Regulator for major mismanagement issues. The Largest Landlord in our immediate locality ... [has] 11 properties in the immediate area, including two large hotels and the rest are made up of large Victorian villa type properties. We estimate they can and do accommodate up to two hundred people at any time. All these properties are within 100 metres of each other. [Edgbaston]

It is the unbalanced and chaotic nature of this growth that means young families are priced out, and exempt accommodation residents struggle to sustain their independence without appropriate levels of support. [Housing Need in Stockland Green report]

This is an area of older housing - many Victorian terraces interspersed with roads of mature semi-detached and detached properties - family housing, both rented and privately owned. There also have always been flats, hostels, care homes and boarding houses. Over the years there has been a gradual shift towards property conversions into rental units, many claiming to provide care and support for their tenants. This process is now accelerating rapidly. There do not appear to be any limitations on the social or environmental impact of these changes. Family dwellings designed for one family are being lived in by twice, three times that number of people. The properties are extended, frequently poorly and take up whatever scrap of green space there may be. Any concept of 'planning' appears mythical.... All neighbourhoods need a diversity, and balance, of residential provision to cater for all of us, families, single people, vulnerable, young, old, etc. It should not fall onto certain areas of the city, or the country, to house more than their share. [Handsworth]

We estimate that there are between 20 and 25 HMOs on our road, with a mixture between exempt, licensed and potentially illegal. [Edgbaston]



In Birmingham, nearly 19,000 exempt accommodation units exist in the sector. This is a nearly two-fold increase in the last 18 months. The vast majority of these units are provided by Housing Association accommodation, with private landlords building up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations. The rapid growth of this type of accommodation has led to a situation where there are now large and concentrated numbers of vulnerable individuals living in shared properties, many of whom have competing levels of support. The individuals living in such units also have no recourse to challenge the level of support they receive from their providers. [Shabrina Mahmood, MP]

- 3.6 The Council has recognised that there is an 'oversupply' of exempt accommodation in the city and that 'it is...our priority to curtail any further expansion.' (Report to Cabinet 13th October 2020, Bid to Ministry of housing Communities and Local Government (MHCLG) regarding Supported Housing Pilots 2020/2021).

4 Impact on Local Communities

- 4.1 Residents told us how the quality and density of exempt accommodation can have real impact in local areas. There were two key areas of concern, firstly: poor maintenance of properties and gardens, leading to nuisances such as rubbish, fly-tipping and pest control:

The garden remains filled with rubbish, brambles, collapsed buildings and abandoned cars and is a haven for rats. [Aston]

Whenever people with complex and diverse needs are housed in unsuitable properties with minimal supervision or support, there is the potential for various forms of local nuisance. This runs from front gardens and streets strewn with rubbish to serious and repeated incidents of anti-social and violent criminal incidents. [HMO Action Group]

I must stress that throughout the Covid period the ordinary bin-men have done a heroic job, risking infection to empty the bins week in week out. The rubbish I am talking about is the dumping of furniture and the use and dumping of black bags. [Handsworth]

The bins are usually left on the pavement for several days after collection. The bins are often overflowing leading to a health hazard. In my view the landlords are taking advantage of the council's residential bin collection service whereas they should be paying for a commercial collection. This is because the accommodation is institutional accommodation. [Handsworth]

Some tenants play loud music constantly throughout the day and night having no consideration for other residents. This has caused friction and animosity between the tenants as they do not like to be told to turn the music down, which causes further friction between neighbours. It is upsetting as management of these types of properties do not help the tenants or residents to help overcome these problems. [Handsworth]



A significant amount of used tissues/baby wipes thrown out of windows littering the pavements. The rats, cats and birds then scatter the rubbish throughout. [Edgbaston]

No x had a serious problem with rubbish in the rear garden which caught light when neighbours held a party. The fire brigade had to be called. The council has taken action and successfully made enforcements to clear rubbish and deal with overgrown trees and hedges covering the adjacent public sideway. [Handsworth]

- 4.2 Secondly, community safety issues also featured repeatedly, encompassing fighting, begging, anti-social behaviour at all times, prostitution, drug use, drug dealing, alcohol abuse, harassment, intimidation, theft, damage to property including fire, swearing, abuse including racist abuse, and threatening behaviour.

... this market attracts a transient population, with support needs that are often not met in a sector with variable management modules, and an equally inconsistent approach to providing care. The result is exceptionally high levels of crime and anti-social behaviour, and a deteriorating street scene. [Housing Need in Stockland Green report]

In summary recently we have witnessed numerous drug dealing incidents, prostitution activity, domestic violence, vehicle thefts, attempted burglaries and general low level anti- social behaviour. [Edgbaston]

We have anti-social behaviour from people living in this type of accommodation, noise levels are raised. We have parking issues, we are verbally abused by residents to the point we fear for our safety when we go out on our own road. Rubbish issues and bins overflow. There are the emergency services in attendance most of the time. The houses are in disrepair.

- 4.3 It is not always clear that the perpetrators are linked to exempt accommodation, but what residents do note is the increase in problems correlates to the concentration of these types of property in an area.

- 4.4 Some of our contributors have done their own research into the impact on emergency services, noting an increase in the emergency services (police and ambulances) being regularly called to the properties concerned:

As a result of a freedom of information request to West Midlands Ambulance Service, I have discovered that just to the [Hotels], the ambulance service has been called out over two hundred times in the last three years. Each call out costs £277.00 and an A&E admission £850.00. [Edgbaston]

West Midlands Police selected a random group of 20 HMO properties in the vicinity of Slade Road, and analysed call-outs and crimes over a one month period. These were HMOs of any type and any landlord, so included RP managed exempt provision and private regulated HMOS and exempt provision. The results demonstrate the extraordinary impact of a concentration of HMO properties on crime. WMP report that a total of 215 calls for service were received from just 20 HMO



properties, equating to around 18 calls a month. They were most frequently: Anti-Social Behaviour (36), missing persons (12) and self-harm or other mental health crisis (18). In these twenty properties, recorded crimes were around 3 per month, mostly assault (20) and burglary (14). In the same timeframe there were 29 arrest attempts, 4 repeat offenders and 2 standard licence recalls. [Housing Need in Stockland Green report].

4.5 Other contributors told us:

There has been a large increase in burglaries in the area and we know this because as part of our Letting Agency we manage hundreds of Student Properties (as we are a point of contact for our student tenants they notify our office so we can attend to make the property secure in conjunction with the Police. This is at any time of day or night) The Students are young and vulnerable, are away from home so naturally they are frightened and distressed when they have been broken into and seek reassurance from us. We have had quite a few burglaries taken place in our properties while tenants have been inside their properties asleep in their beds. [Selly Oak]

The police raided the property 2 years ago as there was cannabis being grown there. I had complained repeatedly to [the agency] regarding the strong smell of cannabis and a loud humming noise of water hammering during the day and night, in retrospect likely to have been caused by the tenants messing around with the supply and boiler. After the tenants were removed, [the agency] were quite amused when they informed me the 'water hammering' will probably stop now. [Edgbaston]

4.6 Residents report that all this has an impact not just on ability to live in an area but ability to move out of it, and is perhaps irreversibly affecting the character of some areas:

Our neighbours were lucky, they were able to move. We are much less fortunate because we live directly next door to both of these supported houses, and the state of the properties and tenants mean that we'd struggle to sell to anyone other than a landlord, which is something we would never do... HMOs mean families and young couples can't move into the area- this will have long term effects on services such as nurseries, schools, churches etc. [Selly Park]

Many lovely neighbours have had enough of the continual anxiety and have moved away, if the trend continues and the number of properties converted to exempt accommodation continues to increase, I feel we will sadly have to consider our position too ... Properties that were designed to accommodate family living are being irreversibly destroyed and are no longer fit for purpose; terraced houses were never designed to be carved into shoeboxes or have heavy fire-proof doors along the shared walls. [Aston]

My street and the neighbouring roads have seen a significant change over these years. Nearly all properties were previously owner occupied and there was a real sense of safety and community. There are now a high number of homes being converted into exempt housing and HMO's. [Handsworth]



- 4.7 In Selly Oak there is a particular issue in relation to student accommodation:

The potential to destroy the University housing market is also now a real possibility. With less student demand landlords are under pressure to find new income sources to service their loans. By housing those with high social needs next to student housing it makes it harder to let to students. This then leads to a cycle of student flight and replacement with more Exempt housing. If this happens its impact on the social and physical economy of the local area and the University of Birmingham will be hugely significant. With more consequent cost and demand on public services. [Community Partnership for Selly Oak]

- 4.8 Many told us that they were afraid to complain:

Fear of complaining is understandable because enforcement and supervision are so poor. There are specific examples in our area of single women living in their own property but fearful of complaining about noise or drugs, condoms, drink bottles strewn in their gardens and entries because past experience has taught them, a complaint brings more trouble. [Handsworth]

- 4.9 However, none of the above conveys the depths of distress and hopelessness felt by some residents at having to live with this day after day. The Committee received numerous and detailed stories of people in distress and fear, unable to prevent what was happening to their neighbours and neighbourhoods, and witnessing vulnerable people not getting the support they need.

I have lived here for over 30 years and have always been happy, but my wellbeing has been adversely affected the past 4 years and I am at a loss as to how we can bring the community back to even a glimmer of what it used to be. [Edgbaston]

5 Concerns about Welfare of Exempt Accommodation Tenants

- 5.1 Whilst there were a minority of contributors who wanted no exempt accommodation or HMOs in their area, many were keen to emphasise that they were not against well-run exempt accommodation. They recognised the vulnerability of tenants, who often have complex needs, such as mental health issues or drug abuse. However, bad providers of exempt accommodation leave them unsupported and vulnerable to antisocial behaviour, criminal activity or exploitation.

We strongly agree that access to high quality accommodation with excellent pastoral support is an essential prerequisite to helping vulnerable people get on their feet. We would have welcomed the property being leased to a reputable organisation which invested profit in improving the quality and safety of the accommodation, whilst working with the community to respect the wellbeing of all stakeholders. Unfortunately, this is not what has happened; instead, only a lucrative opportunity for unscrupulous individuals and organisations exists, sustained by the council.



The local residents are not opposed to supported housing when they are run in the interest of the tenants, as, with the exception of the poor upkeep of the garden (which has attracted rats), one of these properties seems to offer a decent standard of accommodation and is relatively well run, this has resulted in it letting to long-term, well supported renters who mostly work and have integrated well into the community. Unfortunately, this reflects the minority. [Selly Park]

They too are victims of a system designed to hide them away rather than adequately house them and provide them with necessary support [Handsworth]

It is apparent that there is very little to no support being provided. I have personally reported one of the Landlords for taking financial advantage of a particularly vulnerable resident, who was feeling suicidal. Having become more acquainted with some of these residents during lockdown, a number of them are extremely frustrated at the lack of support and the lack of any bonafide safety inspection. [Selly Oak]

There is also little to no regulation of the support provided; which is often inadequate. The combination of occupants can range from 18-year-olds leaving care, those with learning difficulties, mental health difficulties, drug and alcohol addiction, and those on probation: often all mixed in together. The result is a dysfunctional, poorly supported household, which is damaging to its own members as well as to immediate neighbours and the neighbourhood. [Selly Oak]

Exempted properties can offer great rewards to landlords and management agencies, it is meant to provide a very badly needed service of caring and assisting the most vulnerable in society, but unfortunately this is not happening and leaving these tenants to fend for themselves. [Handsworth]

I sincerely believe that everyone should have a second chance and a peaceful, safe place to live within the community but this isn't happening and the help these people need is evidently not there. [Edgbaston]

It is difficult to underestimate the effect that living in these conditions with strangers, also vulnerable and often troubled, can have on people who are really struggling under the weight of difficult, traumatic lives. ..We would prefer people to be in more stable accommodation and better be able to address issues like their mental health, addiction issues and so on. We think it is desperately difficult to do that when exempt housing conditions are so often so poor as detailed above. People are not going to move forward, begin to recover, and start leading better lives. [Selly Park]

- 5.2 Some residents reported that the support they observed tenants receiving – which is the basis for the exemption from the housing benefit cap – was poor or non-existent:

There is a maintenance man/cleaner who comes on a weekly basis to do a basic clean and test the fire alarms (given that we live in a terraced house and are in lockdown working from home, this adds to our frustration with the property.) His unprofessional manner with us, identifies that he is clearly not a trained support worker because although there were obvious signs of drug use at the



property, he did nothing to address this and is persistently rude to the residents on the street. [Selly Park]

The level of 'support' provided to the tenants is vanishingly little. Without appropriate support how can tenants hope to break the cycle of whatever circumstances have brought them to need this type of accommodation. [Selly Oak]

I know from my own experience of the accommodation next door to me is that the support consists of a quick visit by a worker about twice a week. [Handsworth]

No-one's helping them, no-one's teaching them any life skills... people don't understand how these places are being run. There is one case... her drug use has got worse and she's asking for £1 or £2 because she's hungry. [HMO Action Group]

- 5.3 Local people were also concerned that exempt accommodation residents are vulnerable to exploitation by organised criminal gangs, a view backed up by evidence we received from the Police.
- 5.4 These concerns are backed by a report in September 2018, submitted to the Birmingham Adult Safeguarding Board from Spring Housing, which highlighted the plight of thousands of people with a wide variety of support needs, who were effectively being 'warehoused' in appalling housing conditions, with minimal care and support and with no security of tenure.

6 The Providers

- 6.1 When talking about the contributing factors to the problems outlined above, many respondents, whilst acknowledging that there are good providers of exempt accommodation, spoke about absentee landlords, with residents believing that landlords are using exempt accommodation as a "get rich quick option" but taking no responsibility for tenants or the impact on the wider community. Many are sub-contracted or leased to other providers.

The two properties are owned by absentee landlords who have agency leased their properties and live outside the area (and even the country). They have no clue of what is going on in the community; they are ruining our lives and making massive profits from our taxes. [Selly Park]

We have tried contacting the agency that manages the property, but they are conspicuous in their absence and fail to answer the "emergency phone number" that we have been given. We have contacted the owner/landlord, who was brought up in the house. He promises much and delivers nothing and is patently profiteering along with the agency at the expense of the residents who are supposed to be in supported accommodation all funded by those of us that work hard and pay our taxes. [Aston]

Often the accommodation is sub-contracted and the landlords have little regard beyond taking in their profits. [Handsworth]



Exempt accommodation, therefore, is a hugely profitable public endeavour that falls outside of any direct regulatory regime. [Housing Need in Stockland Green report]

I believe that landlords are entering into providing exempt accommodation because of the potential to receive higher income from housing benefit than would be the case under social housing. There appears to be no strict supervision of these properties or their tenants. I believe that landlords are exploiting this situation for their own gain at the expense of their own tenants and the local community. [Handsworth]

We are at the same time increasingly seeing properties for sale advertised as ideal HMO investment properties', and are concerned that many properties are being purchased by absentee landlords who convert these once family homes into multiple-occupancy dwellings and are cramming them full of people to maximise profits, we have heard this described at community meetings as 'a wealth-extraction area'. [Handsworth]

The drivers are mixed for landlords to enter the exempt property sector. There are some who want to provide support, decent housing, and help people move on, while also gaining from it financially, but these are few and far between. When we make contact as a team to landlords, we are often taken to quite plush surroundings, see senior people - it really feels like a business transaction. It is not how we operate so we are not taken in by this, but how our clients are treated is the beginning and end of whether we'll refer to a housing provider again... [Selly Park]

- 6.2 It appears some are advertising the accommodation as a business proposition; others have been accused of falsely advertising charitable links:

Some providers talk openly of "investors" - it clearly is a business proposition - and one in which if corners are cut (repairs not done and inadequate support) bigger margins can be made. We have spoken to a provider about the costs, incomes and bottom lines, and came away with that conclusion. This is not how this system should be set up. [Selly Park E47]

Take the aptly named Umbrella Housing Ltd for example, Go to its website page for Landlords and you will find it promises, 'Our property maintenance teams can transform your properties into licensed HMO's which can significantly increase income and value.'¹⁸ The incentive here seems obvious enough and it isn't altruism.

[The company] were flying under the banner of "charitable endeavour" and their website quite clearly stated they worked with such charitable organisations as St Basil's and others. [The company] were NOT the license holder for the property, neither was the owner, they circumvented the need by having the charity being the licence holder. A meeting between the property owner, [the company], the Charity involved, myself and another immediate property resulted in us providing photographic, audio and written evidence. The police brought their evidence of the

¹⁸ <http://www.umbrellagroupuk.com/landlords> . Checked 16/09/21



distress the tenants themselves were experiencing. The upshot was the Charity had no idea of how poorly the "supported living" was being conducted and [The company] offered no defence.¹⁹

On at least one occasion through our casework, we have seen potential landlords advertising for such tenants on websites such as Gumtree. The upshot being, if you're vulnerable then get in touch with us, we'll manage your accommodation (in substandard premises that don't meet the expected standard) and reap the reward via enhanced housing benefit. [Shabrina Mahmood MP]

The agent, Smart Move UK continue to state on their website that they formally partner with the Council / West Midlands Police / St Basil's / DWP to name but a few. The logos are all posted on the website which gives an aura of legitimacy to the agent. Our office has flagged this regularly with the Council EAT who have contacted Smart Move but who appear to be refusing to engage with the Council.²⁰

We then discovered that rooms in the property had been advertised on spareroom.com, a national letting platform and could be applied for without references. This advertisement has now been taken down.

- 6.3 There is evidence of action being taken against some exempt accommodation properties in Birmingham, by the Charity Commission and by the Police and the Council.²¹ In one Charity Commission regulatory compliance case, auditors found "alleged unpaid tax contributions and an overpayment of housing benefit to managing agents it used" and "serious financial management issues" over a period of time at the provider.²²

- 6.4 Also, the point was made that not all providers provide a poor service:

Please note that people like St Basils, YMCA, Salvation Army etc are also exempt providers and the difference lies in the commissioning of support services which allows them to manage their residents more effectively. The sector needs an overhaul but there is a real danger that the good will be damaged whilst the bad may not necessarily be weeded out. More engagement with the frontline providers is required as decisions seem to be made without the requisite knowledge.

¹⁹ Website has now been removed 2/7/21

²⁰ Website checked 2/7/21

²¹ https://www.birminghammail.co.uk/news/midlands-news/edgbaston-hostel-shut-down-after-20446662?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

²² <https://www.insidehousing.co.uk/news/news/charity-commission-investigates-exempt-provider-as-auditor-raises-serious-financial-management-issues-70235>



7 Mounting Local and National Concern

- 7.1 Reports of problems associated with exempt accommodation have mounted over the months since this inquiry started with articles on *Birmingham Live* and in the national press. A selection of links is set out below:

<https://www.birminghammail.co.uk/news/midlands-news/weve-enough-birmingham-unites-demand-19430708>

https://www.birminghammail.co.uk/news/midlands-news/chief-constable-calls-urgent-review-19465165#ICID=Android_BMNewsApp_AppShare

<https://www.birminghammail.co.uk/news/midlands-news/kings-heath-family-living-next-19251585>

[Supported housing system 'a living nightmare' - BBC News](#)

- 7.2 On 27th June 2021, *The Observer* published an article "[Hostels from Hell: the 'supported housing' that blights Birmingham](#)", particularly focusing on the experience in Stockland Green and Handsworth. As well as noting the dramatic increase in numbers, it reported that: "Figures uncovered by *The Observer* reveal for the first time the 10 biggest independent providers in the country are on course to collect £184m in housing benefit this year – generating on average more than £11,600 every year for each of the nearly 16,000 bed spaces they supply." Seven out of the 10 are "either non-compliant or under investigation by the government's social housing watchdog, the Regulator of Social Housing (RSH), for breaching governance and financial standards designed to prevent public money from being misused and protect tenants from harm. But only two providers are exiting the market following regulatory action, with the rest continuing to receive public money".
- 7.3 The article also notes the introduction of the charter and the fact that some disruptive hostels have been closed.

8 Proposed Solutions

- 8.1 The evidence gathering yielded a range of solutions and recommendations for the Committee to explore with Cabinet Members and officers. These broadly fall into two categories:
- Actions/recommendations for the City Council;
 - Proposals to improve the regulatory and planning framework.



9 Actions for the City Council

9.1 The view of many of the contributors was that the City Council could do more, as summarised below:

Our top line message is that other Councils are using existing powers to control the quality and supply of Exempt Accommodation in a way which Birmingham is not. They are also managing the environmental and neighbourhood impact more proactively and comprehensively. We think these may well represent opportunities Birmingham City Council is missing and would encourage the Review to visit (virtually) or talk to these authorities to establish what they are doing and why they are able to do it.

9.2 Proposed actions for the City Council fall into the following areas:

- Actions to curtail and manage growth;
- Responding to residents' issues – the need for a multi-disciplinary team to ensure co-ordinated and sustained responses;
- Working with communities.

9.3 In short, it is believed that acting on these areas would give residents assurance of a sustained and co-ordinated approach to exempt accommodation.

Proposals to curtail and manage growth – Potential Areas for Change

9.4 To a large extent, power to restrict growth of exempt accommodation relies on the national framework for planning and regulation, which is discussed in the next section. However, there were ideas for the Council to consider now, including:

- **Use of Local Planning Policy** – to explore whether there is scope to restrict exempt accommodation under the Birmingham Development Plan Policy 12: Residential conversions and Specialist accommodation²³. The policy states
 - The Council will resist proposals where it would result in an over concentration of similar uses in the immediate area.' (4.29) – use of exempt accommodation could be specified?
 - There is a requirement to consider 'the cumulative effects of similar uses in the area, if it is considered that the proposal would cause demonstrable harm to the character and function of an area, and/or local amenity.' (4.29) – again, specific reference to exempt accommodation could be considered here;

²³ https://www.birmingham.gov.uk/download/downloads/id/16775/csd3_dmb_publication_version_regulation_19.pdf



- 'Specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses *will not be acceptable unless the amenity of adjoining occupiers can be safeguarded*'. (4.30) – greater enforcement in relation to this provision.
- However, it appears that this can only be used when planning permission is required. Clarification of when planning permission is required would therefore be useful for local residents, particularly with regards to change of use.
- **Planning enforcement** was also reported as a concern – one contributor gave a detailed example of a property where changes were made post application, and subsequently agreed by the Planning department. The contributor saw that as evidence of poor planning and construction, seemingly unchallenged by any enforcement action and as a “clear failing of the planning system”. Concerns were also raised that the Council’s database for HMOs is incomplete particularly with regard to small HMOs, which weakens to impact of the Council’s Article 4 Direction. Other authorities – e.g. Nottingham City Council and Hull City Council - use definitions of what is an HMO which bring more properties under planning control.
- **Ensure planning and housing strategy are joined up** to ensure growth and density issues are captured.
- Other local actions to give assurance to residents could include:
 - **Increased transparency** – a register of exempt accommodation and which provider is responsible will help residents monitor the growth in their own areas and allows providers to be held to account if their properties are below standard.
 - Several contributors noted that applicants’ names are currently redacted from planning paperwork available on the planning portal; conversely when submitting an objection to a planning application on the Birmingham City Council portal, the wording makes it clear that the individual must submit personal details, some of which will be publicly available. This imbalance should be corrected.
- **Housing benefits:** one apparent driver of growth in exempt accommodation is the granting of housing benefit, which is seen to be easier than elsewhere. Contributors compared this to other local authorities, where they believed more stringent conditions were used. Therefore, the Council should ensure a robust pro-active verification/compliance system to ensure that all providers comply with the Housing Benefit regulations and case law on ‘care, support, and supervision’ (and all other requirements of the Housing Benefit Regulations).
- **On-going checks:** stringent and regular monitoring to ensure that providers are providing an adequate service with the withdrawal of funding for poor service. This should be supported by other services such as social care and environmental health to ensure basic standards are being met (including that exempt accommodation have waste disposal licenses).



- **An Exit Strategy** – given that increasing numbers of exempt accommodation units are closing down, and the wider impact this may have on provision, the Council need to plan for what will happen, including the development of alternative provision and the planned rehousing/relocation of existing exempt accommodation claimants, aligned to the Council's overall supported housing strategy.

Responding to Residents' Issues – Potential Areas for Change

- 9.5 **Setting up a multi-disciplinary team** to manage exempt accommodation properties and concerns raised by residents was a popular suggestion from contributors. There was some criticism of the lack of response to concerns from the Council, and many reported not knowing who to contact for information and support; and others not being taken seriously when they did report issues. A common theme was that all departments of BCC needed to connect more effectively.
- 9.6 This could take the form of a council run HMO/Supported housing reporting service where tenants and residents can raise issues related to HMO properties so that agencies and landlords are held to account was therefore proposed. This would include a helpline/team for residents to contact.
- 9.7 Other mechanisms proposed included a charter for neighbourhoods as well as residents of exempt accommodation, and the use of Public Space Protection Orders and their enforcement.
- 9.8 There was also a feeling amongst some that communities were not sufficiently engaged by the Council in the long-term strategic planning of an area. Some reported frustrations with their Ward Forum, where matters were reported but seemingly not acted on. More widely there was a perceived disconnect between residents and strategic planning. It was suggested that real progress would be made by a partnership with local communities, contributing at a local level, to build trust and a space to grow a sense of community, including improving formats for residential involvement and influence in areas other than those served by a Neighbourhood Plan. One possibility would be to greatly increase the significance of the 'area profile' referred to in the 'Statement of Community Involvement' and use this to bridge the current gap between the Planning and Neighbourhood functions.

10 National Regulatory and Planning Framework

- 10.1 As the report to the Birmingham Adult Safeguarding Board notes:

[T]his accommodation is not commissioned by the local authority and often operated by Registered Providers of social housing leasing units from the private rented sector, it is taken out of the purview of local authority licensing controls and commissioning accountability; is operated by a



wide range of, often, insufficiently regulated organisations and is without assurance around Safeguarding and performance monitoring procedures.

- 10.2 The fragmented regulatory framework for exempt accommodation was picked up by many contributors, and detailed evidence was collated by a number of residents, seeking to understand the legal, planning and regulatory framework governing the growth of exempt accommodation.
- 10.3 It was noted that the regulatory framework provided by the Regulator of Social Housing which regulates all Registered Providers is comprehensive and covers: Value for Money Standard, Rent Standard, Home Standard, Tenancy Standard, Neighbourhood and Community Standard, and Tenant Involvement and Empowerment Standard.²⁴
- 10.4 However, the system of enforcement appears to be weak. Key areas of concern were set out in the report to the Adult Safeguarding Board and are reflected in the evidence received:
- The lack of a robust oversight and monitoring beyond minimal Housing Benefit Regulations
 - The lack of knowledge around who is providing this accommodation, and their capacity
 - The complexity of leasing and management arrangements and the lack of clarity around provider and landlord accountability to Registered Providers
 - The lack of transparency around support and management arrangements
 - The high concentration of vulnerable individuals living in small, shared units; usually without 24-hour staffing
 - Gaps in understanding around the referral and assessment mechanisms behind access
 - The potential for inappropriate mixes of residents, increasing the risk of exploitation and posing a significant risk to safety
 - A hidden population of vulnerable adults living in unknown circumstances that may be inappropriate for their care and support needs and overall wellbeing, potentially placing them at risk of harm, neglect or abuse
- 10.5 When it came to the role of Council, some blamed the council for not enforcing existing regulations, others recognised the limited powers at its disposal:

I agree that more monitoring and regulation needs to be put in place to hold landlords and letting agencies to account, but councils also need to demonstrate good practice and enforce these regulations- it's all very well them using PSL to help the vulnerable but if the properties are not up to standard and the tenants are impacting community cohesion, it will do more harm than good.

Surely the only way forward is stronger regulation, the Council need to be given more powers to control change of property use. The law surrounding exempt housing needs to be reviewed and

²⁴ <https://www.gov.uk/guidance/regulatory-standards>.



radically changed by Central Government. We feel we are being badly let down and that urgent action is required to halt further saturation of the road with exempt housing. [Selly Oak, E8]

Councillors and officers are quick to point the finger at national government and to say that their hands are tied. Meanwhile MPs say that while existing legislation needs to change there is more that BCC can do. Is it any surprise that long-term residents feel abandoned. [Handsworth]

10.6 A number of recommendations/asks/suggestions were made both for national bodies, and for the council in working with these bodies:

- **Level of Care:**

- The Council should develop an enhanced and proactive partnership working with the Regulator of Social housing to ensure that the Council is aware/takes action to cease Housing Benefit payments/remove 'exempt' status where Regulator of Social Housing requirements are not met. The complaints system for tenants should be made more accessible.
- Guidance should be developed based on existing HB regulations and case law as to the level of care, support and supervision. This should be issued to all exempt accommodation providers and tenants together with an accessible tenants' complaints process. This should be integrated into the Quality Standards for exempt accommodation currently being developed by the Council. It should also be integrated into the Council's due diligence processes to ensure that Housing Benefit paid for exempt accommodation is appropriately spent.
- Individuals should be supported into the local community with clear guidance and a support plan which should be governed by the Council or Quality Care Commission, in a way similar to OFSTED.
- Any service to vulnerable people, where the premises/company receive public funds, should be registered, regulated and inspected. The outputs should be specific, realistic, achievable and regularly monitored.
- It should be clear who is responsible for managing and supervising such accommodation as well as who owns it. Both should be subject to fit and proper person checks.

10.7 It was noted that most of this focuses on the problem from the perspective of the property. The other approach is to take the perspective of the vulnerable client, and as to why there is no oversight of people in this position – as there is for example with people who are discharged from hospital. There should be a body with responsibility and authority to manage vulnerable people who require supported housing.

- **Financial Assurance:**



- Any organisation receiving Public Funds, particularly for vulnerable people, should be audited by a regulated public body to make sure that the funds are being used for the benefit of those they are intended for and they are being used effectively.
- An immediate and intensive audit of the six largest providers and the schemes they are managing through a complex network of 'specialist' agencies. These providers are responsible for 70% of exempt accommodation and yet, based on public information alone, none of them inspire confidence. Four of them effectively moved into this business, less than five years ago, while two others are small established providers (one based in London) that have recently expanded into exempt accommodation.

- **Planning**

- *Control on Numbers*: The ability to set tariffs regarding the number of supported houses within an area.
- *Tenure Balance* - the ability to set the tenure balance between HMO accommodation and family accommodation both owner-occupied and affordable, and between exempt HMO accommodation and regulated, general needs HMOs. [Housing Need in Stockland Green report]
- *HMO exemption* – exempt accommodation should not be exempt from Article 4 direction and that exempt accommodation be made subject to the same Planning Approval process as HMOs.
- Any property intended for such use should be subject to a background planning check to ensure that it is safe and suitable for such purposes, with a specified number of occupants, and that there is no history of breaches of planning law or unapproved extensions or building work. When the intention is specifically to convert a property for such use, that should be subject to a planning application and not allowed under permitted development rules.

10.8 It was noted – as above – that enforcement action was increasing, which was welcomed but led to further concerns that this may result in a drop in the number of supported accommodation places available, and therefore may leave many people in vulnerable situations in the city without a roof over their heads. There is therefore a need to support better housing options and good providers.



Appendix 3: Exempt Accommodation Session on 24 September 2021

Please see the following pages for the slides for the session.

Scrutiny Inquiry into Exempt Accommodation

Co-ordinating O&S Committee

24th September 2021



Agenda

Time	Subject	PRESENTERS
1000-1005 (5 mins)	Welcome & introduction by Chair	Councillor Carl Rice
1005-1015 (10 mins)	Introduction to the Session	Cllr Shabrana Hussain, Cabinet Member Housing & Homes Julie Griffin, Managing Director, City Housing
1015-1030 (15 mins)	Background and Context – Reasons for growth, current picture and landscape, and future potential future demand (5-6 slides)	Kalvinder Kohli, Service Lead
1030-1045 (15 mins)	Response to the Issues – key outputs/ outcomes of the pilot including Inspections, HB reviews, Social Work, Community Safety, Quality Standards, Citizen's Charter, (4/5 slides)	Guy Chaundy, Housing Partnership Mgr and Pilot Leads
1045-1105	Q&A on presentations 1 & 2	
1105-11:20	BREAK	
1120-11:40 (20 mins)	Deeper dive into Housing Benefit (4/5 slides) Plus Q&A	Cllr Brigid Jones, Deputy Leader David Kinnair, Head of Benefits
1140-1210 (30 mins)	Deeper dive into Planning (4/5 slides) Plus Q&A	James Fox, Senior Enforcement Officer Uyen-Phan Han – Planning Policy Manager
1210-1230 (20 mins)	Bigger Picture - regional and national issues – partner perspective (2/3 slides) Plus Q&A	Jean Templeton/Dominic Bradley
1230-1240 (10 mins)	Recap and next steps	Guy Chaundy/Julie Griffin
1240-1300 (20 mins)	Member discussion and asks/ what next from Scrutiny	Councillor Rice

Welcome and Introduction by Chair

Councillor Carl Rice – Chair of Co-ordinating O&S Committee



Introduction to the session

Councillor Shabana Hussain – Cabinet Member for Housing & Homes
Julie Griffin – Managing Director, City Housing



Background and Context

What are the reasons for growth, current picture and landscape, potential future demand

Kalvinder Kohli

Head of Commissioning, Adult Social Care



Initial Needs Estimate: What is the Exempt Sector?

- Exempt Sector has become the common term used for describing supported housing.
- The vast majority of supported housing is funded through exemptions to housing related costs set out in Housing Benefit (HB) regulations – hence the term ‘exempt’
- It is important to understand that HB funds the housing costs only.
- Funding for the provision of support must be found from elsewhere.
- In some instances the support element is commissioned by the local authority. A small proportion in the city is funded through the voluntary sector. Our recent Provider Survey Returns indicates that a significant proportion of the support provided is self funded from an individual’s personal income.
- Where support has been commissioned the provision is referred to as ‘commissioned supported housing’. Where the support has not been commissioned it is referred to as ‘non-commissioned supported housing’.
- The ‘Exempt Sector’ in the city therefore comprises commissioned supported housing and non-commissioned supported housing.

Growth of non commissioned Exempt accommodation: Appendix 1

Contributing Factors:

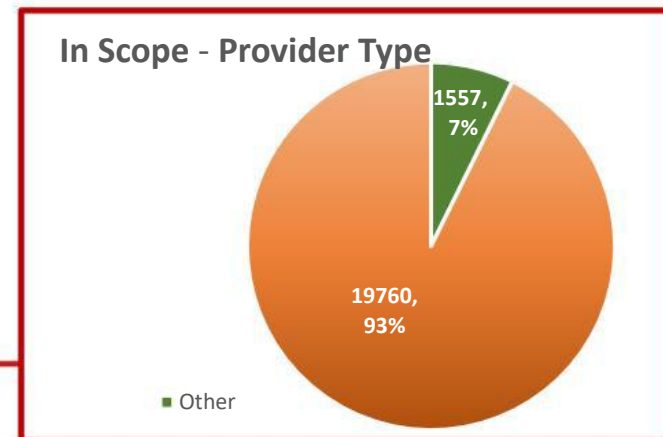
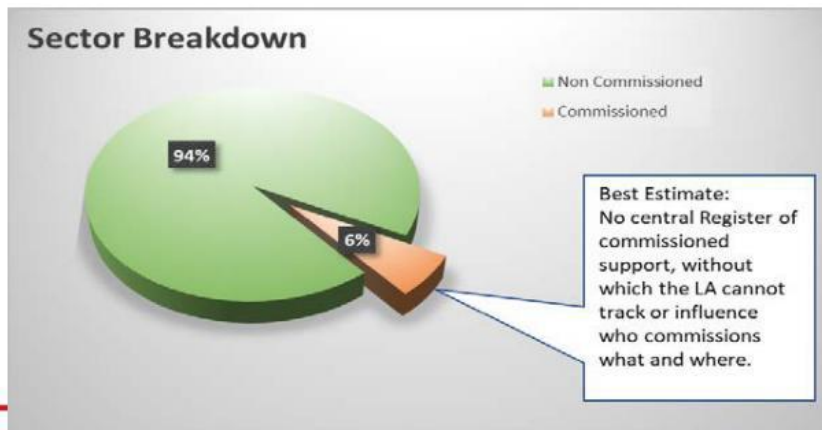
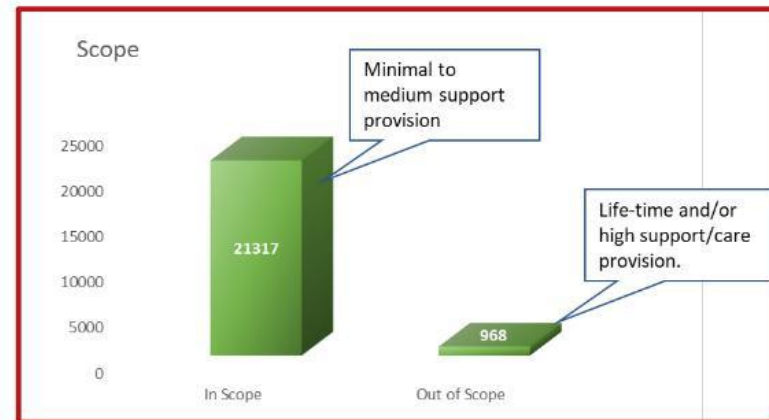
- The roots of the growth can be tracked back to disinvestment and deregulation.
- Reduction in budgets for key vulnerable groups such as substance misuse, mental health, offenders and removal of the ring fence for Supporting People (SP)
- Coupled with a reduction in regulatory powers, resources and agencies has agrubally led to the residual sector being left to explore how best to meet the demand that was still there and has grown
- Previous decommissioned services from SP also re-appearing. The lack of national guidance current regulations has made it easy to enter the market and meet the requirements
- Large private sector in Birmingham and the stock profile lends itself to house conversions to HMO's
- Structural issues within the housing sector in the city, particularly pertaining to single person accommodation. Access to social housing is limited. The Local Housing Allowance Shared Accommodation Rates are low rendering much of the private sector inaccessible to many on low incomes
- Housing options for low income single person households are therefore extremely limited – ‘pushing’ people into supported accommodation as their only option. The threshold for demonstrating a support need within HB regulations is low
- Birmingham has been an outlier in growth to date, but we are now beginning to see increases in other authorities across the country this trend is likely to will continue, It is not just a Birmingham issue.

- Primary Research through quantitative multi-source data analysis
- Secondary research through stakeholder sub group
- Methodology Findings
 - The the current model of exempt accommodation provision has significant impacts for both the Local Authority and vulnerable citizens
 - Population projections and data suggest needs will grow – accommodation through the non commissioned exempt sector is currently the prominent available option to meet needs
 - 93% of the provision is within the oversight of Regulator for Social Housing (RSH) regulation, making RSH the primary regulator of supported provision, the focus of regulation is limited to Financial viability and Governance. No focus on the quality of support provision. Our findings show that there are a number of providers who are under regulatory intervention.

Supported Housing Sector - Analysis

Appendix 1

- 21,317 units in scope
- Estimate 20,000 non-commissioned support
- 19,760 units equating to 93% of in scope provision is provided by RP's



Findings and observations

- Registered Providers (RP) are the vehicle by which the welfare system is accessed. Property, tenancy and support services are, in the main, not delivered by the RP directly So there is no direct relationship between the citizen and the RP
- This enables significant sums to be transferred to 3rd party entities, some of which are profit 'making organisations
- Our research indicates that significant number of units may have been designated as non social housing
- By implication therefore, Not for profit RP's are able to access enhanced Housing Benefit payments to fund private sector portfolio
- Current oversight and regulation of the private sector portfolio is limited and does not include rent, property, tenancy or VFM
- National Housing Federation (NHF) recently reported changes to membership in response to concerns from members. 'We believe that some of these providers of 'exempt accommodation' are operating 'for-profit', despite their official 'not-for-profit' status, which does not align with the NHF's values'.

Identified impacts for citizens

- Paying for own support without a means test around affordability
- Shared accommodation with no say or influence over who the other occupants
- Likely churn around the sector, difficult to exit the sector without appropriate support and information, risks of pushing people into destitution
- Potential for worsening of health & well – being without the appropriate levels of support, longer term impacts, needing to access more costly statutory care services
- Impacts upon vulnerable communities.

Impacts upon Local Authorities



Potential consequences and risks

Continuing as is

- Requires individuals to pay for their support
- Vulnerable individuals going into destitution
- Poor compliance with regulatory standards
- Inadequate system safeguards through a lack of join up between regulatory frameworks

Placing conditions on use

- Further restricts housing options for single person households
- Potential for providers sourcing demand from outside of Birmingham
- Potential increases in rooflessness

Response to the Issues

Supported Housing Oversight Pilot - key objectives, outputs, outcomes

Guy Chaundy – Housing Partnership Manager
& Pilot Leads



Supported Housing Oversight Pilot – Objectives

MHCLG funded a pilot with partners in October 2020 working with 5 local authorities alongside Birmingham – Hull, Bristol, Blackpool and Blackburn. The pilot will deliver the following objectives:

1. Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections
2. Ensure citizens are safeguarded and supported to effectively build their capability and autonomy.
3. Empower citizens living in exempt accommodation through effective communication and roll out of the charter of rights developed by Spring Housing.
4. Co-design a partnership led strategic plan for the use of exempt accommodation in Birmingham.
5. Investigate and prosecute Organised Crime Groups in the exempt accommodation sector as part of a partnership commodity - based approach
6. Undertake an evaluation of effective interventions and initiatives.

1) Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections

Appendix 1

Since November 2020, new multi-disciplinary teams have been recruited to oversee the inspection/review process and implementation of the Birmingham Quality Standards. A new triage process was set up to track complaints and concerns, oversee property visits and any escalations between teams

Operational Tasking Group – (inc Supported Housing, Community Safety, Adult Social Care and Benefit review teams, Planning enforcement)

- 354 properties have been subject to partnership review
- Improved speed and effectiveness of the information sharing between teams, avoiding duplication of work. Building relationships internally and externally
- Highlighting issues around particular Managing Agents – many Registered Providers unaware of the issues taking place in their properties
- Actions taken by inspection teams in the main have been on an informal basis, providers often taking action when requested – avoiding costly formal enforcement
- Key impact for residents has been about raising the standards of exempt properties / homes and improvements to wider neighbourhood – which wouldn't have happened without the pilot

Supported Housing Team - 1x TM, 8 x Housing Review Officers, 1 x Environmental Health Officer and 1 x Admin officer

- Team have undertaken 431 property inspections overall since November 2020 (not including follow up visits from other teams)
- 400 'reactive' inspections – complaints, safeguarding or health & safety concerns. A further 31 of 100 'planned' targeting key wards and providers
- Property standards have been improved – 1120 category 1 hazards and 650 category 2 hazards have been identified.
- 3 larger properties have been subject to regular 'formal' BCC review meetings to improve standards, one property has escalated to closure order working with WMP
- Monthly complaints - increased from Nov 20 (20), to April 21 (83), and decreasing to August 21 (64)

Planning Enforcement

- Over 200 properties investigated this year. Some enforcement activity has taken place to improve property layout, eg bedrooms and communal space. Support to one closure order (appealed by landlord but denied in court). In the main due to regulations, the response to concerns is that planning permission is not required and no enforcement action can be taken.

1) Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections

Quality Standards (BVSC)

- 179 registered providers and managing agents overall are being targeted
- Over 60 providers and managing agents are on initial engagement list (either providers who have shown interest in the quality standards or those who have signed up to the charter of rights)
- 4 outcome reports are awaiting final sign off
- A rigorous assessment process is informed by intelligence from background checks, inspection teams, Housing Benefit Team , The Housing Transition Team, onsite visits, interviews with staff and residents, website, and media reports
- The quality standards have been developed further to include a comprehensive list of indicators and good practice
- Assessment percentage is converted to bronze, silver or gold awards. Providers who don't yet meet the standard will be classed as 'developing standard'
- A Provider event on 21/08/21 had over 100 attendees
- We are developing a plan to include volunteers with lived experience in the assessment processes

Training Programme

Specification for registered providers and managing agents agreed, working with BCC L&D team on materials for modules

1. Provider Awareness and Learning – HB Regulations and requirements, Quality Standards, Citizens Charter and external links to safeguarding and modern day slavery modules.
2. Referral Agency Awareness and Learning - What is Supported Exempt Accommodation – how to refer what to expect for your citizens – QS and Citizens Charter

2) Ensure citizens are safeguarded and supported to effectively build their capability and autonomy.

Inspection Team

- During initial inspections with Supported Housing Team, social distancing and lockdown led to difficulty engaging residents
- Provider maybe providing 'more than minimal' but this is still leading to support plan concerns. Support is not necessarily person centred and inspection team lacks enforcement power, relies on provider undertaking voluntary changes..

Housing Benefit Review team (5 x Benefit Review Officers)

- Since November 2020, the Benefits team have processed 26012 new claims and rejected 132 new claims.
- 1861 have been reassessed, 786 claims have been reduced. 1075 claims have been cancelled due to insufficient care and support. 1526 claims have been cancelled because the resident had vacated the property.
- Additional 2 month reviews are now also being undertaken to check support in place
- Large sums of Housing Benefits overpayments have been identified and recuperated from landlords due to fraudulent claims or landlords not meeting legal responsibility to advise of changes. £2.5m since pilot began Nov 2020

Adults social care team (1 x Senior Practitioner and 2 x Social Workers)

- Since January 2021, the team have conducted 244 support reviews and 45 safeguarding reviews.
- Outcomes include ensuring citizens are safeguarded and supported to build their capability and autonomy, signposting to other services and working with providers to improve standards of support.

Homeless Transition Team (BVSC, SIFA and St Basils)

- Since March 2021, the team have undertaken 108 reviews of units to ensure homeless citizens have support in place and identify/resolve property issues

3) Empower citizens living in exempt accommodation through effective communication and roll out of the Charter of Rights developed by Spring Housing.

The Charter of Rights
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

Pilot Adoptees

- 20 providers
- 1400 units of accom.

In Progress Adoptees

- 62
- Over 6000 units of accom.

- ❖ **Charter of Rights has been co-designed** with 50 residents from Birmingham
- ❖ **“Introduction to the Charter of Rights”** sessions including quality visits for those on pilot.
- ❖ **Self-assessment toolkit** to support providers to meet the CoR good practice standards/asertain levels of need
- ❖ **Customer surveys**– very positive feedback with main areas of improvement being move on accommodation and being involved in providers decision making.
- ❖ **“Good Practice”** workshops inc Safe Mixes, Quality Standards, Transitional Homeless Workers, Self-Assessment and Customer Survey
- ❖ **“External Awareness”** Presented the CoR to the Homeless Forum and the Housing and Communities Research Group
- ❖ Picked up regionally and nationally as good practice, National DA network adopted the charter. Referenced in the National Expectations for Supported Housing.

4) Co-design a partnership led strategic plan for the use of exempt accommodation in Birmingham.

- Strategic Needs Assessment - Data gathered from a number of sources including a survey of providers to understand baseline of needs and growth of provision
- Data analysis and testing of assumptions is continuing, due to finalise Autumn 21
- Developing recommendations to take forward as part of the future strategy – to include local and national recommendations
- Draft Supported Housing Strategy – key stakeholder and public consultation will follow, and Cabinet decision expected spring 2022
- A toolkit for managed transition / provider exit is also under development to accompany the strategy – to include a number of key components to support providers and BCC to manage any withdrawal effectively - risk management, support and assessment, communications and project management & equality analysis

5) Investigate and prosecute Organised Crime Groups in the exempt accommodation sector as part of a partnership commodity - based approach

Community Safety Partnership Team (1 xTM, 4 x SOC & ASB officers, 1 x Admin support and 1 x seconded WMP officer)

- 238 visits have been undertaken supporting inspection teams.
- Total of 290 investigations conducted of which 54 remain open.
- Actions taken – 133 Evictions/Removal of Tenants, 1 Closure Order, 8 Community Protection Warnings, 20 Involvements with decommissioning of properties & 12 Involvements with arrests made by West Midlands Police and 167 properties visited, were offered advice (E.G. Offer of ASB Policy, CCTV Improvements, Relationship Building with Local Residents, Signposting Tenants to Relevant Support Networks).
- The multi-disciplinary approach has been embedded.
- There has been a real push to get other external partners involved with the pilot and most recently WMFS have come on board and now play an active role in visiting the accommodation and either offering advice or enforcing Fire Regulations and Safety.
- Increased powers are needed as well as existing CPW/CPNs

6) Undertake an evaluation of effective interventions and initiatives.

MHCLG and Regulator engagement

- MHCLG national steering group has focused on key topics including – Strategic Needs, Benefits, Planning, Support & Assessment, New Providers, Referral pathways
- External evaluation of the pilot through Kantar is underway in line with end of pilot in September
- Pilot teams have worked tirelessly to raise awareness with MHCLG and the significant Providers surrounding the growth of exempt properties within Birmingham and more importantly the high density of growth within specific geographical areas. This had led to some of the major providers agreeing to curtail their portfolios of properties within certain areas or within the Birmingham region all together.
- Ongoing engagement with MHCLG & Regulator re a number of providers with exempt status under review.
- A number of providers have announced will be coming out of sector – working closely with them to oversee managed movement and individual risks
- Discussions with MHCLG focused on future overarching policy and regulation for supported housing in the future, to include the role of local authorities
- There needs to be a dedicated multi-disciplined team/department within the BCC that specifically caters for exempt accommodation. Without this, information will not be shared, there will be discrepancies over who is meant to deal with certain issues/concerns and there will be confusion from the public as to who has control and responsibility.

Q&A session



Break



Deeper dive into Housing Benefit

Cllr Brigid Jones – Deputy Leader
David Kinnair – Head of Benefits



Supported Exempt Accommodation

For a claim to be treated as an 'exempt accommodation' claim, the accommodation provider has to provide care, support or supervision to the tenant., and the tenant must need the support.

There is no legal definition of care, support or supervision, and there is no specification about how much care, support or supervision needs to be provided. It has been decided by the Upper Tribunal that it must be more than minimal.

Housing Benefit is a benefit to the citizen as oppose the Landlord

Housing Benefit payments DO NOT cover any of the cost of the care, support or supervision.

The Council ;

- Must adhere to the regulations
- Must refuse if they do not meet the criteria
- Restrict eligible rent/service charges if it is deemed to be overly expensive in comparison to other suitable alternative accommodation
- Can stop HB payments if following a review of the claim identifies that insufficient care, support or supervision (CSS) is taking place.
- Only need to be "more than minimal" CSS taking place for us to have to pay.

Regulation limitations

- Cannot delay without reason – once we have obtained all the information and evidence to make a decision then we have a statutory obligation to make that decision within 14 days.
- Cannot pay Local Housing Allowance (LHA) rates whilst we are going through the decision making process. Until a decision is made then we would not be able to pay HB (unless the resident falls into the pensioner category where HB can still be claimed but only under the appropriate HB scheme).
- Cannot refuse based on the level of support – if the evidence provided shows that more than minimal CSS is taking place then we would have to pay even if the levels being provided do not actually meet the required needs of the individual resident.
- If there is insufficient evidence/information provided then we would not be able to make a decision.
- Cannot take into account the standards of the property, or reports of anti social behaviour or substance use – this is not part of the criteria. Will refer to appropriate department or agency

Supported Exempt Accommodation Team (SEAT)

Team was set up April 2019

The purpose of the team is to review existing landlords/residents and to review new applications for SEA.

New processes:

- Meet with all new landlords before applications are considered
- Full case review of providers of concern
- Reviews all claims after a 2 month period
- Tracking outcomes of 50 cases where SEA has been withdrawn following the 2 month review
- Withdrawing of SEA status following reviews
- Working with Revenues (Council Tax collection) on correct liability for supported accommodation properties.
- Working with the Supporting Housing Pilot with MHCLG

Outcomes

- Overpayments to the value of £3.6 million recovered
- Withdrawal of SEA status
- Improvements in services for tenants
- Fraud Referrals
- Information sharing with the Regulator of Social Housing

Ongoing Reviews and Partnership working

- Created SEAT in 2019
- Reviewed service process and remit since implementation
- Benchmarked with other LAs (Core Cities, West Midlands LA's, DWP Practitioners Operational Group)
- Invited the DWP's Performance Development Team to do a review and health check of the current process in Birmingham.
- Birmingham's internal Audit section have been asked to review the process and make any recommendations for improvement
- DWP – are currently working to gather more information on the SEA caseloads and the Benefit Service is part of these talks: there has already been a number of meetings. The HB system will be enhanced to enable the DWP to start to gather information for analysis from April 2022.
- Head of Benefits and AD for Revs and Bens, both attend separate forums with the LGA and DWP – BCC is one of a small number of councils on these groups
- Core Cities focus group
- Consulted on 53 page DWP guidance
- Shortlisted as one of six finalists from all LA's in two IRRV categories, Team of the year and most improved team (from adoption of team in 2019)

Review & Applications

New Providers – last 12 months

- In the last 12 months there have been 390 applications for new providers
- Granted – 62 new units
- Refused - 211 units have had SEA status refused
- Restricted – 117 units had their rents restricted

Reviews – since April 2019

- 32 Providers of Supported Accommodation have been, or are in the process of being reviewed by the Team:
 - 15 Registered Providers
 - 9 Private Landlords
 - 8 Support Providers
- 161 properties - reviews completed
- 5,207 individual claims have been reviewed
- 48 properties currently under review/investigation
- £3.6 million overpaid benefit identified and recovered (Inaccurately or fraudulently claimed – legal duty / additional process check)
- 9 Fraud referrals made to DWP

Response to further Questions from Scrutiny

- **Average cost of each placement to the state –**
- The average weekly HB entitlement: PT: £184.28 RP: £217.80 (this is mid-table compared to other authorities)
- Please note this is not all LA as subsidy will cover all Registered but subsidy loss to LA on PT. E.g. Birmingham 2.6 million.
- **Average cost of social rent in the city -**
- RP is £218.53, will not match above question as not all rent is always covered by HB entitlement.
- **Process** – How claims assessed, differences/benchmarking, strengthened
- **Regulator Criticism or Involvement** – If and when a provider has registered status removed by the regulator we would then reassess and potentially end the claim and refer to Universal Credit with housing costs. However, if the regulator has downgraded etc the regulator still classifies them as a registered provider status, so this is not a status we award or bestow and have no influence over. The regulations state how claims from registered providers should be classified. We will, however, investigate and review that LL as part of our review process, team set up in April 2019

Q&A session – Housing Benefits



Deeper dive into Planning

James Fox - Acting Principal Planning Enforcement Officer
Uyen-Phan Han – Planning Policy Manager



The Use Class Order - What use class is supported accommodation?

- Supported accommodation is not a C4 HMO - Shared housing managed by RSLs are excluded from the definition of a HMO in Schedule 14 of the Housing Act 2004, therefore unaffected by the City Wide Article 4 Direction.

Use Class Order

- **C3(b)** – for properties with no more than six residents living together as a single household and where care is provided for residents
- **C3(c)** – for properties with no more than six residents living together as a single household where no care is provided to residents
- **Sui Generis** - a category for any uses which do not fit within any other class – more than six residents for HMOs and Supported Accommodation planning permission required
- Can Supported Accommodation be Use Class C2?

Will supported accommodation require planning permission?

- **The basis of our assessment – Single Household?**

There is no legal definition of what constitutes a single household.

Whether occupants form a single household will always be a matter to be determined on a case by case basis as a matter of fact and degree. There is no definitive factor.

- **Do the occupiers have to be related?**

“Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004”

Important - This interpretation does not extend to C3(b) or (c).

How do we assess a single household?

The Council will have regard to the following factors, amongst others, for determining if the occupants of a property form a single household:

- whether the bedrooms contain kitchen and or cooking equipment such as sink, microwave or fridge;
 - whether the kitchen is of a reasonable size to accommodate the needs of all the occupants and evidence that it is in use e.g. food in the cupboards and fridge and utensils being used;
 - whether there is a separate lounge area or large kitchen diner that allows a space for residents to spend time out of their bedrooms;
 - whether there are no more than six occupants residing at the property;
 - what the relationship is between the occupants.
-
- **Birmingham's approach** – A comparison to other Councils

How will planning applications for supported accommodation be assessed?

- **Policy DM12 Residential conversions and specialist accommodation**
 - a. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
 - b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
 - c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
 - d. The scale and intensity of the proposed use is appropriate to the size of the building;
 - e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

How will planning applications for HMOs be assessed? Will existing concentrations of SEA in the area be considered?

▪ Policy DM11 Houses in multiple occupation

- 10% threshold
- No sandwiching of family house between two HMOs or non-family residential uses
- No three or more in a row of HMOs or non-family residential uses

Criterion “e) would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking;”

Q&A Session - Planning



Bigger Picture - regional and national issues and partner perspective

Jean Templeton – Chief Executive St Basils

Dominic Bradley – Chief Executive Spring Housing



Where are we now?

Birmingham Safeguarding Adults Board have made exempt accommodation one of its priorities.

- ✓ West Midlands Combined Authority, exempt has become part of the homelessness taskforce priorities.
- ✓ Active dialogue with DLUHC
- ✓ Working to strengthen duty of care and due diligence of statutory bodies in the use of supported accommodation.
- ✓ Empower Clients living in the sector to make informed decisions about their personal safety, personal and social interactions within shared living environments. Charter of Rights.
- ✓ National Housing Federation amended membership criteria for membership
- ✓ Leased based providers part of the risk sector profile published by the regulator.

Where Should Our Focus Be?

Continue to:

- Establish a local evidence base of Supported Housing Needs and provision in the city.
- Curb the unmitigated growth. Work in a more strategic way with providers.
- Ensure that we are community focussed. We have reached saturation point in many areas of the City.
- Work with Central Government to encourage greater clarity to the existing regulations Supported HB regs not fit for purpose, need amending at least to cover social housing. Lack of funding for support has contributed to the current situation. Clarity required in relation to definition of supported housing and oversight authority given to Local Housing Authorities.
- Strengthen duty of care and due diligence of statutory bodies in the use of supported accommodation
- Empower clients living in the sector to make informed decisions about their personal safety and personal social interactions within shared living environments - Charter of Rights
- Use existing regulatory and enforcement powers to respond to preventing personal and community related risks
- Ensure that out of area referrals are minimalised or linked to genuine resettlement
- Share learning within the region and support comprehensive approach to standards and charter of rights.

Q&A – Bigger Picture



Recap and next steps

Guy Chaundy – Housing Partnership Manager & Pilot lead
Julie Griffin - Managing Director, City Housing



Recap and Next Steps

- Pilot with MHCLG is due to formally end 30th September 2021 - some funding remains available alongside some additional BCC budget identified to retain Inspection teams until March 2022.
- 'Reactive' inspections will continue in response to complaints, health and safety or safeguarding concerns. 'Planned' inspections will align to gather evidence on providers going through the Quality Standards process
- Strategic Needs Assessment is continuing – some additional data analysis is underway to test and confirm assumptions, due to finalise end of September.
- Local and National recommendations are being developed as part of the pilot evaluation and the Scrutiny report. All to feed into the council's draft Supported Housing Strategy
- Key stakeholder and public consultation on Strategy will be undertaken ahead of Cabinet decision in spring 2022

Potential Recommendations

Local (Within control of BCC)

- Adopt a council wide approach to commissioning, placing conditions on use
- Adopt a council wide approach to referrals into non-commissioned provision
- Expand current QS to include: due diligence test on organisation, demonstrate sources of adequate support funding, property standards meet decent homes requirements
- Identification of funding and resource required to oversee, inspect etc 20,000+ units
- Collective BCC list of approved providers based upon criteria as set out

National (Not in control of BCC)

- Current model, 2 years for legislative change is unacceptable and this has already been flagged with DLUHC (formerly MHCLG)
- Adequate government funding considerations for funding for support in order to avoid personal charge
- Consideration for a Government led national accreditation requirement – Local Authorities can influence numbers and standards through requirements to be accredited, plus Local Authority resources to manage any inspection and oversight
- DWP, DLUHC and the Social Housing Regulator to collectively agree and tighten the definitions and regulations for this sector, with the aim of removing loop holes and ambiguities that currently exist
- Amendments to the definition of a HMO in Schedule 14 of the Housing Act 2004.

Member discussion and asks/ what next from Scrutiny

Councillor Rice



Exempt Accommodation Scrutiny Review Recommendations - Action Plan

Latest update: 30th November 2022

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 &		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: The Cabinet Member, Cllr Sharon Thompson is provided with monthly Ward inspections and outcomes and we are looking to roll this information out to all Ward Councillors. 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	<p>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 approximately 8.5 year cycle of inspections based on current resources. The SEA team are provided with a weekly updated list of Supported exempt claims by the Revenue and Benefits team. This list provides a comprehensive list of claims within the city with the associated RP or private provider. The spread and concentrations in the city are understood and set out in the Needs Assessment and draft Supported Housing Strategy. Inspections are conducted according to complaints received or by the SEA partnerships ongoing investigations into managing agents or RPs. The team were previously able to conduct around 88 planned inspections targeting properties where complaints had not been received. We are unable to continue with planned inspections due to the limited resources of the team including reduced budget award by DLHUC. There is a review of the current year's spend and benefits underway in order to update the Invest to Deliver group. Benefits include income generation from recalled HB payments to landlords as a result of HB reviews, ghost tenants etc. Between April-September 2022, a total of £360k has been recalled as income, although this remains part of the overall Benefits subsidy pot. The team would benefit from increased adult social care resources linked to support reviews, and increased funding for property inspections proportionate to the number of units in the City</p> <p>08/22: Bid for national Supported Housing Improvement Programme has now been confirmed - BCC awarded total of £3.19m over 2 years 2023/24 and 2024/25, this leaves a slight funding gap compared to costs for 2022/23 which will be £1.9m. Impact assessment is underway ahead of paper to CLT.</p> <p>March 22 update: A schedule of inspections for 2022/23 is being developed linking with Quality Standards and the updated HB processes. Timescale for inspection of 20,000 units within current resource envelope is likely to be much longer than the 1 year funding available, and will require changes to national legislation and additional government funding (which may take up to 2 years).</p>	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.	<p>1) Confirm process for raising citizen/resident and councillor concerns (including icasework process and dedicated email address), including links to corporate contact centre</p> <p>2) Finalise content for dedicated webpage</p>	Guy Chaundy / Collette Campbell / Marie Dobinson	01/01/2022	28/02/2022	<p>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-categorisation is needed.</p> <p>08/22: Web content is being further reviewed before it goes live. Comments received from the Residents group are being progressed. Issue around how Complaints are categorised has also been raised with Corporate Complaints team, as they relate to external services, not BCC ones.</p> <p>March 22 update</p> <p>The process for the multi-disciplinary teams to track complaints about supported exempt accommodation provision is under review to ensure join up with the iCasework process. Content for a dedicated webpage has been developed, which outlines information for providers and tenants, and includes the PRS@birmingham.gov.uk email address for complaints about any private rented properties (and SEA properties) to be directed to. The team will determine if the property is 'exempt' and take further action as required. Options are also being explored with the Contact Centre to ensure they are able to correctly deal with issues which come in via telephone.</p>	Risk/Issue	A
R02b	The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored.	<p>3) Continue to engage city-wide resident groups</p> <p>4) Recruit Comms & Engagement officer</p> <p>5) Confirm local areas to be targetted re charter development</p>	Guy Chaundy / Collette Campbell (plus Comms Officer/Tenancy officer when recruited)	01/01/2022	28/02/2022	<p>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.</p> <p>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 DLHUC funding will not cover this for 2023-25</p> <p>March 22 update</p> <p>Engagement with resident groups is continuing. A City-wide residents group is well established, made up of all local interested groups, and meeting monthly with SRO and Exec Sponsor working towards policy development. Preparation for recruitment of a Tenancy Participation Officer underway, going via agency recruitment. Key areas such as Stockland green are being targeted for development of a local charter.</p>	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	<p>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.</p> <p>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.</p> <p>March 22: Connected to a) above, the process for complaints will also include local councillors to ensure any case work is also linked into this</p>	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 (plus Comms Officer/Tenancy 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	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 2022 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	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 2022. 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 February. The Strategy is expected to be signed off at Cabinet in October 2022.	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	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, 2x Silver, 3x Bronze. A press release has been issued as part of the Select Committee visit, and the provider names are now being shared regularly on the BCC web pages regarding the Quality Standards.	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	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	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. March 22 update Risk based approach agreed - for the 2 month reviews, any cases where the evidence of CSS is poor or 'less than minimal', these are also being referred through the Operational teams to review	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	11/12: Further update is being prepared by the Planning team around additional issues identified in the Scrutiny report, in order to update Scrutiny Committee in December 22. March 22: The Leader and officers attended the Economy and Skills O&S Committee on 2nd March. A presentation was given which explained existing practices, enforcement policies and procedures. Legal constraints and in particular the expediency test were discussed in detail and questions from the Committee were answered. The presentation was noted and no areas were identified for further review. However, in order that Elected Members are better informed of enforcement activity, the report tabled to Planning Committee twice a year will be circulated to all Elected Members going forward.	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	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 residents may not have been placed by a local authority but from an organisation within a local authority such as probation. The Cabinet Member for Vulnerable Children & Families arranged for core cities, pilot areas and WMPCC to sign the Commonweal/LGA joint letter to Secretary of States outlining needs for policy reform. Also signed the letter in capacity as chair of WMCA Homelessness Taskforce Members Advisory Group on behalf of Homelessness Cabinet members from across the region. The WMCA Homelessness Taskforce Members Advisory Group now has Exempt Accommodation on its work programme from a regional perspective. Exempt Accommodation has been discussed with the Homelessness Minister, Eddie Hughes MP in a meeting about wider Homelessness from a regional perspective.	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	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. 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 Regional Council leaders for the joint submission to DLUHC for the Exempt Accommodation Select Committee Inquiry The final BCC submission for the inquiry was agreed at CLT and informal Cabinet in February and submitted to DLUHC. This set out key evidence and recommendations for the government including the need for urgent change on the matter. Two parliamentary debates have happened: A 30min parliamentary debate on 9th February 2022 at Westminster Hall in February, led by Shabana Mahmood MP with several other MPs from Birmingham, Warley and Bristol, calling for urgent change. The response from the Minister indicated a need to conclude the external evaluation report for the ongoing pilots (including Birmingham) and this would further inform the national inquiry taking place. A second debate took place 23rd February in the Commons with contributions from several MPs from Birmingham and across the region	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	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)	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 to other uses	Legal/Housing/PPS	07/12/2021	30/03/2022	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 Directorates.	Risk/Issue	R
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	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. March 2022: The need for a Statutory instrument was included in the recommendations which went forward as part of the DLUHC inquiry in February.	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 converted to other uses.	Housing/PPS	07/12/2021	30/03/2022	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 purpose.	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_dluhc_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_dluhc_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 Assessment & Strategy - lobby on any gaps	Housing Directorate	01/11/2022	30/12/2022	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	30/12/2022	Terms of reference is underway	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	30/12/2022	A review of the code of conduct is underway, and expected to be considered by the Standards Committee early in the new year.	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	30/12/2022	Communication to be prepared for all the members and monitoring officer alongside the revision to the code of conduct	In Progress	G
7.7	Council calls on the Executive to: • 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	Legal services are preparing a briefing for the leader, with Housing & PPS	In Progress	G

Birmingham City Council

Coordinating Overview and Scrutiny Committee

Date 9th December 2022



Subject: Exempt Accommodation – Planning Enforcement
Report of: Planning Enforcement
Report author: James Fox

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Purpose and Attached Documents

- 1.1 This report provides an update for the Scrutiny Committee following recommendations made in the Exempt Accommodation Report published on 7th December 2021.

2 Recommendations

- 2.1 To note and comment on the Exempt Accommodation – Planning Enforcement update.

3 Scrutiny Inquiry Recommendation and Additional Issues

- 3.1 The recommendation specific for planning enforcement was R05 Strengthening Planning Controls.
- 3.2 This recommendation was proposed due to a perceived gap between Councillors' and residents expectations of planning enforcement and the service delivered by the Planning Department. In response the Leader and the relevant O&S Committee were asked to review existing practices, enforcement policies and procedures.
- 3.3 This recommendation was actioned during the Economy and Skills O&S Committee on 2nd March 2022. The Leader and officers attended the Committee where a presentation was given explaining existing practices, enforcement policies and procedures. Legal constraints and in particular the expediency test

was discussed in detail during the meeting and questions from the Committee were answered. See Appendix 1 – Item 5.

- 3.4 In conclusion the presentation was noted and no areas were identified for further review. However, in order that Elected Members are better informed of planning enforcement activity, it was agreed the enforcement report tabled to Planning Committee twice a year, will be circulated to all Elected Members going forward.

3.5 **Additional Issues**

- 3.6 In addition to the above recommendation, other areas of concern were also identified in the Exempt Accommodation Report, which have been addressed separately below:

3.7 ***The effectiveness of the Council's practice in containing the growth of HMOs.***

- 3.8 The city council made a decision to introduce a city-wide Article 4 Direction, which came in to force on Monday 8 June 2020. The direction means that throughout the city a planning application must be submitted for proposals to convert family houses (C3 use class) to small Houses in Multiple Occupation (HMOs) accommodating between 3 and 6 people (C4 use class).

- 3.9 The difference between a HMO and Exempt Accommodation is now widely recognised and this was discussed at length during the Scrutiny Review. While the Article 4 is an effective tool to control the growth in the number of HMOs across the City, it is clear this can have no bearing on the growth in the number of properties used for Exempt Accommodation.

3.10 ***Sharing information on the requirements and law would assist residents and providers alike, making it clear what the Council's approach would be.***

- 3.11 In order to be as transparent and open with residents and providers a web page has been published providing extensive information regarding the Councils approach to the investigation of HMOs and Exempt Accommodation.

- 3.12 The web page can be found at [City-Wide Article 4 Direction relating to Houses in Multiple Occupation \(HMOs\) | City-Wide Article 4 Direction relating to Houses in Multiple Occupation \(HMOs\) | Birmingham City Council](#)

- 3.13 In summary the council will have regard to the following factors, amongst others, for determining if the occupants of a property form a single household and whether planning permission is required:

- whether the bedrooms contain kitchen and or cooking equipment such as sink, microwave or fridge
- whether the kitchen is of a reasonable size to accommodate the needs of all the occupants and evidence that it is in use e.g. food in the cupboards and fridge and utensils being used;
- whether there is a separate lounge area or large kitchen diner that allows a space for residents to spend time out of their bedrooms;

- whether there are no more than six occupants residing at the property;
- what the relationship is between the occupants.

3.14 ***A re-evaluation of the council's risk appetite in relation to preventing further growth of this model, including taking test cases where necessary and***

3.15 ***A pro-active approach to Exempt Accommodation conversions so developers are aware that BCC is taking a close look. A small number of investigations and enforcement action would send a clear message to providers.***

3.16 It is important to note the vast majority of residential properties used for exempt accommodation do not require a planning application, providing there are no more than 6 occupiers. It is not a matter of the service being risk averse or not conducting effective investigations, more so the Council is completely reliant and restricted by legislation when considering the action it can take.

3.17 Fundamentally what constitutes development is a matter of law rather than policy or strategy and planning enforcement action can only be taken in accordance with section 172 of the Town and Country Planning Act 1990 (as amended) where "(a) there has been a breach of planning control; and (b) that it is expedient to issue an enforcement notice, having regard to the provisions of the development plan and to any other material considerations."

3.18 Whenever enforcement action is taken on a formal basis the recipient of an enforcement notice will benefit from a right of appeal and an appeal can be considered on seven separate grounds, including ground (c) that those matters (if they occurred) do not constitute a breach of planning control.
<https://www.legislation.gov.uk/ukpga/1990/8/section/174>

3.19 If the Council proceeded to instigate formal planning enforcement action unlawfully their reputation could be damaged along with a risk of costs and/or Judicial Review.

3.20 This difficult legal position has now been recognised at a national level following the recent publication of the Exempt Accommodation Report by the Select Committee (Appendix 2) which confirms "there is a limit to what local strategies for exempt accommodation can achieve without planning reforms". The report goes on to state:

3.21 *"Specifically, we recommend that the Government end the existing exemptions that registered providers have from HMO licensing and the Article 4 direction. Furthermore, we recommend that the loophole relating to non-registered providers with properties containing six or fewer residents also be addressed so that they are brought within the planning regime. This action would prevent there being a change of use without planning permission, which would be a much-needed tool to enable local authorities to balance the provision of exempt*

accommodation with other housing need and to control the density of exempt accommodation in an area.” (pg 5)

- 3.22 Despite the current limitations action is still taken by planning enforcement where legally possible and as a direct result of our intervention providers have been made to undertake remedial work to ensure properties meet the requirements of the single household test and in extreme cases enforcement notices have been served requiring the use of exempt accommodation to cease.
- 3.23 It is also important to acknowledge planning enforcement have played a key role in the multi-disciplinary approach taken by the Council following the introduction of the Supported Exempt Pilot. The sharing of information and joint working around visits across this team has proved invaluable and aims to ensure timely investigation and the effective use of relevant enforcement action across service areas.
- 3.24 Planning enforcement will continue to provide dedicated support to the multi-disciplined Exempt Accommodation Team and this is likely to be further strengthened in the near future following the recruitment of two additional officers which has been made possible due to grant funding from DLUHC.
- 3.25 ***An independent review of the single household test;***
- 3.26 Independent legal advice was sought by officers when the difference between a HMO and SEA became apparent. Officers were made aware of the leading judicial authority on the interpretation of “single household” for the purposes of Classes C3(b) and C3(c) which is the decision of the Court of Appeal in *R (Hossack) v Kettering BC* [2002] EWCA Civ 886 which identified each case is a matter of fact and degree. In *Barnes v Sheffield City Council* (1995) 27 H.L.R. 719 nine factors were identified which the court regarded as helpful considerations to bear in mind, and these are now listed as guidance on the councils planning web page for Exempt Accommodation.

4 Appendices

- 4.1 Appendix 1 – Economy and Skills O&S Committee - 2nd March 2022
- 4.2 Appendix 2 - Exempt Accommodation Report to Select Committee - [Exempt Accommodation \(parliament.uk\)](https://www.parliament.uk/exempt-accommodation)

BIRMINGHAM CITY COUNCIL

ECONOMY AND SKILLS O&S COMMITTEE

**1000 hours on 2nd March 2022, Committee Room C, Council House Extension,
Margaret Street - Actions**

Present:

Councillor Saima Suleman (Chair)

Councillors Peter Griffiths, Chaman Lal and Simon Morrall.

Also Present:

Councillor Ian Ward, Leader

Ceri Saunders, Acting Group Overview & Scrutiny Manager

Baseema Begum, Scrutiny Officer

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised the meeting to note that members of the press/public may record and take photographs.

2. APOLOGIES

Cllr Alex Aitken, Maureen Cornish and Zaheer Khan.

Cllr Lal gave apologies for leaving early due to another appointment.

3. DECLARATIONS OF INTEREST

None.

4. ACTION NOTES

The action notes of the last formal meeting of the Committee held on 15th September 2021 were agreed.

5. UNDERSTANDING PLANNING ENFORCEMENT: EXISTING PRACTICES, ENFORCEMENT POLICIES AND PROCEDURES

(see Item No. 5)

The Chair outlined the item for discussion and welcomed the Leader, Cllr Ian Ward who was attending in person and Mark Franklin, Principal Enforcement Officer who joined the meeting virtually.

Cllr Ward stated that he welcomed the opportunity for the Committee to look at the role of the Council's Planning function and its role in enforcement and ensuring that both members and residents were clear on what can be delivered.

Mark Franklin talked members through the key points in the presentation and made the following points: -

- Parliament has given local planning authorities the primary responsibility for taking whatever enforcement action they consider necessary in the public interest in their area.
- As set out within the national Planning Policy Framework, Birmingham has published a local enforcement plan (BLEP) to manage enforcement proactively in a way that is appropriate to the city.
- BLEP was adopted by Cabinet in May 2020 and assists the planning team in the prioritisation, consideration and determination of enforcement cases.
- Enforcement action is intended to be remedial rather than punitive and should always be commensurate with the breach of planning control to which it relates.
- Cases need to be investigated thoroughly with a set of key questions answered before action is taken.
- Negotiation is a key skill of any enforcement officer, and in most cases, breaches can be resolved through this process. However, as soon as it becomes clear that a breach cannot be resolved amicably and that there is ongoing planning related harm that is contrary to the public interest, formal action is always considered to remedy the breach.
- Managing of cases follows a process of assessing whether or not the alleged breach constitutes development as defined in the Town and Country Planning Act 1990.
- Firstly, it is the nature of the development. This is what would be considered as a big change and the new activity must be substantially different from that which it proceeded. What it does not include is internal works and those that do not materially affect the external appearance of a building and where no material change of use has occurred. This is key and has a great impact on any decisions being made in relation to proceeding with enforcement.
- The next step is checking if planning permission is required for the type of development taking place. In the case of housing renovations for example these do not require planning permission and are classed as 'permitted development'.
- The Council's planning complaint form picks up another key step which is determining change of use in a building and complainants are guided to the appropriate part of the general permitted development order.
- If planning permission is required, an assessment is made as to whether this would be forthcoming. In all cases the local authority invites individuals to make a planning application to regularise it.

- An expediency test is conducted on all decisions to be made regarding pursuing enforcement action where there has been a breach of planning control. Several factors are taken into consideration including the impact on public interest (e.g. harm, noise, etc).
- Deciding against taking action is probably the most difficult part for the general public and councillors to understand and accept and is the cause for most complaints, along with the time taken to progress and enforce a case.
- It is discretionary for the local authority to use enforcement powers. The Council has a duty to investigate all complaints received but not a duty to act if there is a breach.
- If action is taken it is in line with the level of breach. The Council must be able to defend its decision at any appeal ensuring that evidence is provided of a clear and significant breach or it may be at risk of paying legal costs if it is ruled against.
- The Council can issue a range of notices as part of the enforcement process (and follows statutory requirements) giving details to the recipient of how and why a breach is causing harm and how it can be remedied. An enforcement notice is the most common form of action taken. It does lead to getting unacceptable development removed or altered and potential prosecutions.
- In terms of legal action there is a statutory timeframe of when the Council must act and is detailed in the BLEP.
- Leeds is the only comparable core city in terms of size of their team and the number of complaints received. However, Birmingham has issued more notices than any other core city with a total of 96 notices issued, Leeds are in second place with 76.
- The most notable difference with other core cities last year is that they did not have any prosecutions, whereas Birmingham had two and secured confiscation orders, bringing monies back into the public purse.
- Currently officers are dealing with double the amount of expected cases as most cases last more than a year so there is a significant amount of pressure. In the last year 1366 cases were registered. However, as the only core city to undertake prosecutions last year the team has successfully recouped a sum of £80,000 back into the Council's fund.
- Improvements to the team are being made namely trying to reduce the caseload and reduce the number of complaints received at source. This includes sifting out early on if complaints are not planning related or are for other service areas to deal with.

Following the presentation and in response to Members' questions, the following were among the main points raised: -

- The total number of properties investigated relating to supported exempt accommodation last year was in the region of 200-250.
- Cases put forward for prosecution are successful because officers have undertaken the process with due diligence ensuring that every stage has been done correctly.

- In relation to the expediency test and the Council being too cautious in taking action on exempt accommodation properties in comparison to other core cities it was noted that it was not an issue for them, and that Birmingham has been dealing with the issue alone.
- There is a perception by the public that enforcement action is not being taken however the majority of exempt accommodation does not require planning permission in the first place. In these cases, there is no breach of planning control so there is no decision to make. This also relates to general properties. The understanding between planning permission and permitted development is not always understood by the general public.
- It was clarified that in the main complaints received in reference to supported exempt accommodation centre around anti-social behaviour, which is not controlled by planning legislation.
- Birmingham has served the highest number of enforcement notices during the pandemic at just under 100.
- The Council will always investigate any complaints made following the BLEP process whether there is evidence of a breach of planning control regardless of the time that a development has taken place (4/10-year rule) and make a decision using the expediency test. Where no complaints have been received within the set period the owner has the right to apply for a lawful development certificate.
- Members of the Planning Committee receive a report on complaints received twice a year with a breakdown by ward and category of why a case was closed. Many of these cases involve permitted development. Where a breach is found, the permitted development would be noted and then this can take away any potential breach. The expediency test itself takes away the ability to enforce.
- The government advocates that local authorities should negotiate and work with landlords and developers to resolve issues. Prosecution should be the last resort and so the emphasis is to work with owners to get remedial works done where needed.
- Legislation now commits the Council through the Birmingham Development Plan to put requirements on residential developers especially where homes are being built in city centre and commercial areas. Conditions are attached to planning applications to ensure noise is managed for example through triple glazing sealed windows to ensure that the night-time economy in those areas is also protected.
- The Council also encourages residential developers in certain city centre locations to work with commercial premises such as bars and restaurants nearby to come to a consensus before a planning application is made.
- It was noted that in relation to residential properties in commercial city centre areas there was a cross over between Licensing and Planning matters and there is a need for both Council service areas to work together better.
- It was noted that the Council could be more proactive in publicising and informing what it can do outside of enforcement to landlords and the public. This could include publishing successful cases and work undertaken including the prosecution taken to act as a deterrent to landlords where a confiscation

order under the 'Proceeds of Crime Act' has been secured and has resulted in the Council clawing back monies made in rent.

RESOLVED: -

1. The report was noted.
2. The Leader suggested that the report presented to Planning Committee twice a year on enforcement performance is circulated by Mark Franklin to all members of the Council for information and to highlight the successes of the team.

6. EAST BIRMINGHAM INCLUSIVE GROWTH STRATEGY – UPDATE

(see Item No. 6)

Mark Gamble, East Birmingham Development Manager joined the meeting virtually and outlined the key points in his presentation and during discussion with members the following points were made: -

- The update to committee charts the progress made from strategy to delivery since the last update in September 2021.
- Opportunities that are going to be available over the coming years principally relate to the High Speed 2 programme and the two new interchanging stations at Birmingham Curzon and the NEC. There will be an enormous amount of growth and development and it is crucial that these economic opportunities and benefits are seized for the people living in the East Birmingham inclusive growth area.
- Further projects relating to healthy living, green and blue infrastructure, low carbon/climate change and improving connectivity were highlighted as opportunities for jobs and development.
- East Birmingham has been specifically identified as one of the key areas in the Council's Levelling Up Strategy and will be the place-based delivery pilot.
- In February 2022 recruitment started for staffing to programme posts to allow the programme to scale up and move at pace. The budget for this is £3.6m for 3 years.
- 11 projects are currently underway and cover a range of different topics, themes and approaches, including planning and development.
- The East Birmingham board is a large group and includes ward members who represent the wider ward members forum. A member of a trade union has been invited and will be joining future meetings. The aim has been to try and make it as representative as possible with individuals from the social enterprise sector and higher education involved.
- Engaging with a variety of stakeholder groups is a key challenge and requires work. The programme has connected with over 100 organisations in the area including faith groups. Visits have been made to neighbourhood forums, Friends of Parks groups and the aim is to engage with as many different organisations and groups as possible. As the programme staffing team expands engagement work will scale up too.
- Housing development is being proposed for the Meadway area and to deliver as much affordable housing as possible quickly. There is also work underway

by the NHS who are looking to put in diagnostic services and it is anticipated that a local centre offering community facilities such as a library, GP surgery and multi-purpose meeting space to ensure maximum value for the community could be hosted here.

RESOLVED: -

1. The report was noted.
2. Further updates to be scheduled onto the work programme on a 6-monthly basis.

7. WORK PROGRAMME

(see Item No.7)

Cllr Suleman thanked the Committee for their support in her first term as Chair as this was the last meeting of the municipal year.

RESOLVED: -

1. The report was noted.

8. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

9. OTHER URGENT BUSINESS

The Chair outlined that she would be presenting the Council-owned Assets Inquiry report at the Full Council meeting on 15th March. Cllr Morrall confirmed that he was happy to second as the report was a cross-party piece of work.

10. AUTHORITY TO CHAIR AND OFFICERS

Agreed.

The meeting ended at 11:45 hours



House of Commons

Levelling Up, Housing and
Communities Committee

Exempt Accommodation

Third Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
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Levelling Up, Housing and Communities Committee

The Levelling Up, Housing and Communities Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Levelling Up, Housing and Communities.

Current membership

[Mr Clive Betts MP](#) (*Labour, Sheffield South East*) (Chair)

[Bob Blackman MP](#) (*Conservative, Harrow East*)

[Sara Britcliffe MP](#) (*Conservative, Hyndburn*)

[Ian Byrne MP](#) (*Labour, Liverpool, West Derby*)

[Florence Eshalomi MP](#) (*Labour, Vauxhall*)

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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

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Committee staff

The current staff of the Committee are Gary Calder (Media and Communications Manager), Eleanor Ferguson (Committee Specialist), John-Paul Flaherty (Clerk), Eldon Gallagher (Committee Operations Officer), Georgia Harris (Policy Researcher, Sandwich Student), Edward Hicks (Committee Specialist), Whitley Lane (Committee Operations Manager), Rebecca Lees (Second Clerk), and Paul Owen (Committee Specialist).

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Summary

This Committee and its predecessors have held dozens of inquiries into a wide range of issues over the years which have highlighted important and urgent issues. Therefore, it was surprising to have undertaken a piece of work that has shocked and alarmed us as much as this inquiry has. In short, we would describe the system of exempt accommodation as a complete mess. There are many good providers, but in the worst instances the system involves the exploitation of vulnerable people who should be receiving support, while unscrupulous providers make excessive profits by capitalising on loopholes. This gold-rush is all paid for by taxpayers through housing benefit.

Exempt accommodation—that is, accommodation exempt from locally set caps on housing benefit—is an important component of supported housing. Where exempt accommodation works well, residents are provided with suitable accommodation and support to which they may not have otherwise had access. Recently, however, notwithstanding positive developments in government policy in this area, increasing concern has been raised about the quality of provision of such accommodation, its very significant growth in some areas with an attendant impact upon local communities, its lack of regulation and governance of providers, and the exploitation of the system by people seeking to make profit from it—all of which led us to undertake the inquiry on which this Report is based.

Quality of exempt accommodation

It is clear from our inquiry that some residents' experiences of exempt accommodation are beyond disgraceful, and that some people's situations actually deteriorate as a result of the shocking conditions in which they live. Where the very worst experiences are occurring, this points to a complete breakdown of the system which calls for immediate action from Government. Areas with high concentrations of exempt accommodation can also attract anti-social behaviour, crime—including the involvement of organised criminal gangs—rubbish, and vermin, while neighbours and communities can be affected negatively as well as residents. These impacts risk undermining local support for supported housing.

Two years after the Government published its National Statement of Expectations on the quality of the housing element of exempt accommodation, there are still landlords providing unacceptably poor housing. We welcome the Government's exploration with councils of referral pathways and its commitment to improving the definition of "care, support, or supervision" and setting minimum standards, but it is imperative that these standards are not optional.

National Standards

During our inquiry we received compelling evidence that there need to be national standards for referrals, support, and accommodation and that local authorities are best placed to enforce them. We are particularly concerned about the fact that the "care, support, or supervision" element is unregulated except in the specific and limited circumstances where it falls within the Care Quality Commission's remit.

We therefore call on the Government, within twelve months of the publication of this Report, to publish national standards, with powers for local authorities to enforce them, in these following areas:

- the referral process;
- care, support, or supervision;
- the quality of housing; and
- information the provider must give to the resident.

The Government should provide new burdens funding to local authorities to ensure that they can carry out these duties to the best of their ability, recognising that improving the overall standard of exempt accommodation and making it more consistent is likely to save resources in the long term.

Domestic abuse

We also found that organisations with no expertise are able to target survivors of domestic abuse and their children and provide neither specialist support nor an appropriate or safe environment. We recommend that, where a prospective resident of exempt accommodation is a survivor of domestic abuse, there must be a requirement that housing benefit is only paid to providers that have recognised expertise and meet the standards in Part 4 of the Domestic Abuse Act 2021. This must be implemented alongside increased supply of relevant specialist services.

Regulation and oversight

The exempt accommodation sector comprises different types of providers, and as such it requires the involvement of multiple regulators. However, some providers do not fall under the remit of any regulator, and no regulator has complete oversight of the different elements of exempt accommodation. As a result, we have found that the patchwork regulation of exempt accommodation has too many holes.

Better oversight of exempt accommodation is urgently required now to get a grip on the dire issues that have been described to us. As such we recommend that a National Oversight Committee be urgently established to address the oversight issues relating to exempt accommodation. This should comprise the existing regulators, who are experts in their own areas. If they worked more closely together in a more structured way, we believe they may be able to improve oversight of exempt accommodation. Among its functions we expect that it would coordinate awareness of emerging issues, inform the development of policy in this area and develop proposals for reform of the regulatory system.

Data inadequacy

The dearth of data on exempt accommodation shows how successive Governments have been caught sleeping. Due to this scarcity of data on exempt accommodation,

our inquiry was, for example, unable to establish how widespread the very worst experiences are either among residents or among local communities nor how many exempt accommodation claimants and providers there are.

While we welcome some recent steps the Government has taken in the area of data, these will not by themselves provide the quality and amount of data required to enable effective policy development. We therefore call on the Government, within twelve months of publication of this Report, to organise the collection, collation and publication of annual statistics at a local authority level under a number of key headings, including the number of exempt accommodation claimants, the number of exempt accommodation providers and the amount of money paid by both the Department for Work and Pensions and the local authority in exempt accommodation housing benefit.

Funding

Millions of pounds are being poured into exempt housing benefit with no guarantee that vulnerable residents will get the support they need. In some cases, vulnerable residents who are likely to have low incomes have to pay for support out of their own pockets.

We call on the Government to conduct a review of exempt housing benefit claims to determine how much is being spent and on what. Rent should be capped at a reasonable level that meets the higher costs of managing exempt accommodation. Funding for support should be provided separately.

We also heard that the current system offers a licence to print money to those who wish to exploit the system. We have seen examples of this particularly in relation to the lease-based model. We believe that eligibility for funding for exempt accommodation must be based on an open-book, transparent breakdown of the accommodation and the support costs incurred to the provider. The Government should also consider how to give councils greater control over rents for exempt accommodation to ensure value for money.

It is quite possible that the Government does not need to spend more money on exempt accommodation but rather needs to spend it more wisely.

Planning

Evidence to our inquiry made clear that there is a limit to what local strategies for exempt accommodation can achieve without planning reforms. Councils need the ability to manage supply in line with locally assessed need. We recommend that the measures announced by the Government in March 2022 to allow local authorities better to manage their local supported housing market include planning reforms that would enable those authorities to implement local strategies for exempt accommodation based on an assessment of need.

We also recommend that the Government end the existing exemptions that registered providers have from HMO licensing and the Article 4 directive and that the loophole relating to non-registered providers with properties containing six or fewer residents also be addressed so that they are brought within the planning regime.

Models of exempt accommodation

Throughout our inquiry we sought to establish whether an appropriate balance was being struck across the different models of exempt accommodation and whether they affected the quality of provision. While it was possible to find good and bad providers, regardless of whether they were registered or commissioned or neither, it was clear that the multitude of models of exempt accommodation produces a complex landscape with no guarantee of quality. Therefore, we recommend that action be taken to address this complex landscape, by making it compulsory for all providers to be registered. There needs to be a mechanism to ensure that there is better quality provision and that standards are maintained. Good providers will have nothing to fear from registration, while the bad providers can have their registration removed. We heard some concerns that the cost and additional reporting requirements of being registered may impact on smaller providers, but registering should not be unnecessarily onerous or expensive, and if it is that should change. Therefore, we call upon the Regulator of Social Housing to take action to make it easier for smaller providers of exempt accommodation to register with them.

The lease-based model, which raised most concerns among those contributing to our inquiry, has its place in exempt accommodation, by enabling access to properties for decent providers who would otherwise not be able to purchase properties outright. However, it can be exploited by those whose primary objective is to make huge profits at the expense of the taxpayer. We ask the Government to set out how it will clamp down on those exploiting the lease-based model for profit and prohibit lease-based profit-making schemes from being set up.

Introduction

What is exempt accommodation?

1. Exempt accommodation is a category of supported housing that is exempt from locally set caps on housing benefit. Supported housing encompasses a wide range of housing that combines housing with support for people with different needs, such as older people, people with disabilities, and people with complex needs. Exempt accommodation takes its name from the fact that it is exempt from housing benefit regulations that limit local housing allowance levels. The reason for this exemption is that this housing costs more to run than general needs tenancies, for example having higher costs for administration, insurance, and repairs and maintenance.¹ Rent is set by the provider and paid for by the resident's housing benefit.

Who lives in exempt accommodation?

2. Many people who live in exempt accommodation have experienced or are currently dealing with challenges that mean they have few alternative housing options. Residents include refugees, care leavers, people with disabilities and those who have formerly been homeless, had alcohol and drug addictions, been recently released from prison, or been a victim of crime such as domestic abuse or modern slavery.² Data is not collected on how many people live in exempt accommodation, but figures obtained through a Freedom of Information request by the homelessness charity Crisis suggest that in 2021 there were 156,868 households living in exempt accommodation.³

Who provides exempt accommodation?

3. Exempt accommodation in England can be provided by a non-metropolitan county council, unitary council, housing association, registered charity or voluntary organisation. To qualify for exempt status, providers must show that they have not-for-profit status and that they are providing care, support, or supervision. Providers can be commissioned by a council, or in some cases by the NHS or another statutory body, and there are also non-commissioned providers. Some providers are registered with the Regulator of Social Housing, though this is not mandatory except for local authorities. Some providers own their properties, while others lease them from landlords or companies.

How is exempt accommodation funded?

4. While housing costs are covered, subject to the claimant's personal circumstances, by the uncapped level of housing benefit, housing benefit cannot be used to fund the cost of

1 See e.g. Yenea Housing Ltd ([EXA 056](#))

2 Commonweal Housing ([EXA 036](#)); Dr. Patrick Murphy (Clinical Psychologist at NHS) ([EXA 053](#)); Yenea Housing Ltd ([EXA 056](#)); Birmingham City Council, [Exempt Accommodation: A report from Overview & Scrutiny](#), 7 December 2021

3 Crisis ([EXA 043](#))

care, support, or supervision.⁴ Providers fund the care they provide through charitable or commissioned funding, providers' surpluses, or by charging the resident a service charge, unless the resident is eligible for a state-funded care package.⁵

What is the role of local government in exempt accommodation?

5. Aside from commissioning exempt accommodation (though not all exempt accommodation is commissioned), the role of the council is to process, and, where necessary, challenge housing benefit claims, and to recover the costs of exempt accommodation payments to providers from the Department for Work and Pensions (DWP). They may also inspect exempt accommodation, but in terms of their statutory duties this only extends to health and safety enforcement.⁶

What are the positives and negatives of exempt accommodation?

6. Where exempt accommodation works well, residents are provided with suitable accommodation and support to which they may not have otherwise had access. In recent years, however, there have been growing concerns from regulators, providers and councils. There have been concerns about the quality of provision, including bad quality accommodation and a lack of support; the growth in exempt accommodation in certain areas and its impact on local communities; a lack of regulation; the governance of providers; and the exploitation of the system by unscrupulous landlords to profit from their operations at the expense of their residents and the taxpayer.⁷

What has the Government done so far?

7. As there were no definitive guidelines on the accommodation element of supporting housing, the then Ministry of Housing, Communities and Local Government and DWP published a National Statement of Expectations in October 2020.⁸ The guidance covers only the accommodation and not the support elements of supported housing. It does not have statutory force. Between September 2020 and October 2021, the Government conducted pilots across five councils to test enforcement measures to improve quality and value for money in supported housing, backed by £5.4 million of funding, and published its evaluation report in April 2022.⁹ On 17 March 2022 the then Minister for Rough Sleeping and Housing announced the Government's intention to introduce:

4 *Supported exempt accommodation (England)*, [Commons Briefing Paper CBP-9362](#), House of Commons Library, 30 June 2022

5 Crisis, [Tackling problems with non-commissioned exempt housing](#), October 2021

6 Birmingham City Council, [Exempt Accommodation: A report from Overview and Scrutiny](#), 7 December 2021

7 Regulator of Social Housing, [Lease-based providers of specialised supported housing](#), April 2019; Spring Housing Association, [Exempt from Responsibility? Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing](#), September 2019; The Kerslake Commission on Homelessness and Rough Sleeping, [A new way of working: ending rough sleeping together](#), September 2021; Crisis, [Crisis Policy Briefing: Tackling problems with non-commissioned exempt housing](#), October 2021; Prospect Housing, [Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities](#), October 2021; Birmingham City Council, [Exempt Accommodation: A report from Overview and Scrutiny](#), 7 December 2021

8 DLUHC and DWP, [Supported housing national statement of expectations](#), 20 October 2020

9 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022

- Minimum standards for the support provided to residents;
- New powers for local authorities in England to better manage their local supported housing market and ensure that rogue landlords cannot exploit the system; and
- Changes to housing benefit regulations to seek to define care, support and supervision.¹⁰

In June 2022 the Government brought forward its Social Housing (Regulation) Bill, through which it intends to create a new consumer regulatory regime, refine the existing economic regulatory regime, and strengthen the Regulator of Social Housing's powers to enforce these regimes.¹¹ Finally, in July 2022, the Government published the prospectus for its £20 million Supported Housing Improvement Programme, which invites councils to bid for funding "to directly target local quality and value for money issues in their area".¹² This was published alongside guidance with best practice that emerged from the pilots.¹³

Our inquiry

8. Notwithstanding the Government's steps to improve exempt accommodation, significant concerns had been raised with us and so we opened an inquiry in December 2021. Our inquiry sought to obtain more data about exempt accommodation, since there is little publicly available information, as well as to explore the quality, regulation, value for money and geographical differences of exempt accommodation. We received 120 written submissions and held three oral evidence sessions with regulators, local authorities, providers, charities, and representatives of the Government: Eddie Hughes MP, then Minister for Rough Sleeping and Housing, Department for Levelling Up, Housing and Communities (DLUHC); Cathy Page, Deputy Director for Supported Housing, Domestic Abuse and Home Adaptations (Disabled Facilities Grant), DLUHC; David Rutley MP, then Minister for Welfare Delivery, DWP; and James Wolfe, Director, Disability and Housing Support, DWP.

9. We also travelled to Birmingham to visit areas with a high concentration of exempt accommodation and to hear directly from residents of exempt accommodation and neighbourhood and community groups affected by the considerable expansion of exempt accommodation in parts of that city. A summary of our visit can be found in the Annex of this report. We want to thank everybody who submitted written evidence, gave oral evidence, spoke to us during our visit to Birmingham, or otherwise contributed to the inquiry. We are also grateful for the support and advice throughout this inquiry from our specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics, London School of Economics and Political Science; Kelvin MacDonald, Senior Fellow, Department of Land Economy, University of Cambridge; and Aileen Murphie, Honorary Professor, Durham University Business School.

10 HC Deb, 17 March 2022, [col 50WS](#) [Commons written ministerial statement]

11 [Social Housing \(Regulation\) Bill](#) [Lords], [Bill 54 (2022–23)]

12 DLUHC, [Supported Housing Improvement Programme prospectus](#), 2 July 2022

13 DLUHC, [Local authority interventions to improve quality in supported housing](#), 2 July 2022

1 The lived experience of residents and communities

Experiences of residents

10. The measure of whether exempt accommodation policy is working should be that it is delivering for the people it is supposed to support. We received numerous testimonies in evidence and met residents in Birmingham to hear their stories first hand. On the positive end of the scale, we heard from residents of one provider that, where exempt accommodation works well, it plays “a vitally important role” in their lives, making them feel “safe and supported” and “free from chaos and the fear of violence and aggression” that may have been a feature of their lives before entering exempt accommodation.¹⁴ However, this was heavily outweighed by the shocking accounts we heard from others. As will become a recurring theme of this report, it has been difficult to assess how widespread these negative experiences are due to a lack of comprehensive information. While it may be the case that negative experiences will be more readily provided to inquiries than positive ones, the issues that stakeholders outlined were numerous and significant, and backed by widespread calls for change.

11. We wish to begin with the direct testimony of a resident, read by Matt Downie, Chief Executive, Crisis, because it encapsulates so many of the experiences shared with us:

It was a large place managed by what could possibly be called gangsters, who would scare tenants at various times for various reasons, often for no reason. They were sometimes drunk and they were untrained for their roles. They were abusive, intimidating and preyed on the vulnerable. They would collect money with intimidating tactics, only letting people out on certain evenings, i.e., the days the tenants had received payments. There was theft, fighting, bullying, prostitution. There was a support worker who was young and would like to have helped but didn't have support from other colleagues and [had] very little knowledge of his role. I was attacked by another tenant for getting a job. Other tenants were abused physically and mentally, but nothing was done. There were three baths and two showers for between 60 and 70 people.¹⁵

12. The very worst experiences we heard were of residents living among, and being made, the victims of the most terrible crimes, sometimes at the hands of staff. Stories included residents being raped and sexually harassed by their landlords under threat of eviction.¹⁶ We heard of staff assaulting residents and asking them for sexual acts in return for money, food, or better accommodation.¹⁷ We were told of residents forced to undertake work on the property, such as tiling a bathroom, for nothing or for a pittance.¹⁸ Staff and landlords were accused of threatening residents, selling drugs to residents and being complicit in

14 N Welling, T McKenzie and Others (Residents at Yena Housing) ([EXA 066](#))

15 [Q133](#)

16 West Midlands Police ([EXA 010](#)); Rozanne Ferber ([EXA 099](#))

17 West Midlands Police ([EXA 010](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#)); Expert Link ([EXA 073](#)); Moseley Regeneration Group ([EXA 081](#))

18 Moseley Regeneration Group ([EXA 081](#)); Antrobus Road Residents' Action Group (ARRAG) ([EXA 100](#))

anti-social behaviour.¹⁹ Residents have also been victims of crimes committed by fellow residents, such as sexual assault and burglaries.²⁰ It has also been recently reported that “organised crime groups are taking millions of pounds of taxpayers’ money [and] have been cashing in on the recent boom in exempt accommodation”.²¹ West Midlands Police’s written evidence described how organised crime groups typically invest in real estate as a front to launder money.²² The impact of experiences such as these is that some people, who are already vulnerable when they enter exempt accommodation on the promise that they will receive support, become more traumatised than before.²³ For other residents, the cost of their exempt accommodation has been their very lives, some people dying of drug overdoses and others even being murdered by fellow residents.²⁴

Referral process

13. The problems can start with the way people are referred to exempt accommodation, which follows no standard process. Some people are referred into exempt accommodation by local authorities or from prisons. Alternatively, residents can self-refer, often by responding to advertisements online, principally on Gumtree and Facebook.²⁵ These advertisements were criticised for luring in vulnerable people with promises of not having to pay rent upfront and for “unmet promises around support”.²⁶ We were also informed that many providers lack their own websites or information packs, so knowledge of the availability of accommodation is spread by word of mouth, telephone calls and emails.²⁷

14. Different providers and referring agencies vary in their assessment of the prospective resident’s needs, with some not offering a proper evaluation of the support that they should receive.²⁸ Consequently new residents can be placed in inappropriate housing with an unsuitable mix of residents.²⁹ For example, we heard about female survivors of domestic abuse being placed in mixed-sex accommodation or with former perpetrators of violent crime.³⁰ We also heard that “those in recovery from a drug problem can find themselves living with people in active addiction”.³¹ The referral process can also result in people

19 Expert Link ([EXA 073](#)); Anonymous ([EXA 051](#)); [Q134](#) (Matt Downie, Crisis)

20 West Midlands Police ([EXA 010](#)); Expert Link ([EXA 073](#))

21 “UK crime gangs rake in millions through supported housing, say police”, The Guardian, 16 October 2022

22 West Midlands Police ([EXA 010](#))

23 Expert Link ([EXA 073](#)); [Q43](#)

24 Birmingham City Council Conservative ([EXA 063](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#))

25 Yena Housing Ltd ([EXA 056](#))

26 BCP Council ([EXA 019](#)); Association of Police and Crime Commissioners ([EXA 107](#)); Preet Kaur Gill (Member of Parliament for Birmingham, Edgbaston at House of Commons) ([EXA 108](#)); [Q67](#) (Sharon Thompson, West Midlands Combined Authority); [Q127](#), [Q138](#) (Matt Downie, Crisis)

27 Commonweal Housing ([EXA 036](#)); Birmingham City Council ([EXA 114](#))

28 Dr Chris O’Leary (Senior Lecturer at Policy Evaluation and Research Unit, Manchester Metropolitan University) ([EXA 001](#)); Spring Housing Association ([EXA 047](#))

29 BCP Council ([EXA 019](#)); Commonweal Housing ([EXA 036](#)); Preet Kaur Gill (Member of Parliament for Birmingham, Edgbaston) ([EXA 108](#)); [Q47](#) (Guy Chaundy, Senior Manager Housing Strategy, City Housing, Birmingham Council)

30 Commonweal Housing ([EXA 036](#)); Moseley Regeneration Group ([EXA 081](#)); Rozanne Ferber ([EXA 099](#)); Preet Kaur Gill (Member of Parliament for Birmingham, Edgbaston) ([EXA 108](#)); London’s Deputy Mayor for Policing and Crime ([EXA 118](#)); [Q46](#) (Sharon Thompson, West Midlands Combined Authority); [Q136](#) (Farah Nazeer, Chief Executive, Women’s Aid)

31 Association of Police and Crime Commissioners ([EXA 107](#))

moving hundreds of miles to live in exempt accommodation. In Birmingham only 42% of current provision was meeting identified local need.³² Many criticised the process of relocating people, not least for isolating residents from their friends and families.³³

Care, support, and supervision

15. Once a person has moved into exempt accommodation, the amount and the quality of the “care, support, or supervision” that they receive varies greatly. We heard some examples of good practice from witnesses: St Petrocs, a charity based in Cornwall, offers a full needs assessment, housing support officers on the premises every day, regular support plan assessments, an in-house counselling service, and an employment and training programme.³⁴ At the other end of the scale, some residents receive no support whatsoever.³⁵ Some did not receive support for six months; others had an hourly meeting cut short whenever the support worker was delayed in their journey to them; others merely received a weekly phone call.³⁶ We heard from residents in Birmingham that their support amounted to a worker shouting up the stairs to check on them and immediately leaving. The former Minister for Rough Sleeping and Housing shared his own example of “people who have provided a loaf of bread and some jam and left that on the table and they feel that that is enough provision”.³⁷ The effect of inadequate support is that people who are in transitional arrangements that are supposed to help them to move on with their lives and progress to independent living can instead become trapped and institutionalised.³⁸

16. One reason for support sometimes being inadequate is a lack of expertise on the part of providers, both when it comes to managing exempt accommodation and also in providing specialist services.³⁹ Another is the lack of expertise of the support workers themselves. We heard they can often lack training, are inexperienced and unqualified to help people with varying needs, are poorly paid, and can become burned out when trying to help “high needs” individuals who really need other accommodation.⁴⁰ An example of support provided by residents groups in Birmingham was “a 17-year-old girl handing out a food-bank voucher once a week”.⁴¹ Consequently there can be a high turnover of staff—one resident in Birmingham had 10 support workers in a year. We also heard that there was “no recognition or proper status given to professionals working in the sector”.⁴²

17. We received a great deal of evidence about the inadequate definition of “care, support, or supervision” in housing benefit regulations and the lack of oversight of support provided in exempt accommodation, which we will consider in the next chapter.

32 Birmingham City Council ([EXA 114](#))

33 Joy Allen (Police and Crime Commissioner at Durham Police and Crime Commissioner) ([EXA 011](#)); BCP Council ([EXA 019](#)); Bristol Road Neighbourhood Watch ([EXA 022](#)); Succour Haven CIC ([EXA 026](#)); Commonweal Housing ([EXA 036](#)); Birmingham City Council Conservative Group ([EXA 063](#)); Prospect Housing Limited ([EXA 086](#)); City Of Bradford Metropolitan District Council ([EXA 088](#)); Association of Police and Crime Commissioners ([EXA107](#))

34 [Q102](#) (Henry Meacock)

35 Expert Link ([EXA 073](#)); Prospect Housing Limited ([EXA 086](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA105](#))

36 Anonymous ([EXA 023](#)); Commonweal Housing ([EXA 036](#)); Nottingham City Council, Nottingham City Homes ([EXA 093](#))

37 [Q198](#)

38 [Qq135–6](#)

39 Preston City Council ([EXA 034](#)); Changing Lives ([EXA 040](#)); [Q136](#) (Farah Nazeer, Women’s Aid)

40 Commonweal Housing ([EXA0036](#)); HMO Action Group ([EXA 076](#))

41 [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

42 Entrain Space ([EXA 087](#))

Many also suggested that a reason for support being inadequate is that some providers are motivated by making a profit rather than by supporting people, which we will consider in chapter 3.

Quality of housing

18. The quality of housing on offer can be incredibly poor. Numerous contributors described properties as cramped, dirty, damp and potentially unsafe in a fire.⁴³ A resident in Birmingham told us they were offered a room covered in bodily fluids; a neighbourhood group described walls covered in faeces.⁴⁴ The Birmingham based Moseley Regeneration Group described a lot of the housing as “appalling, with lack of keys, damp, problems with gas and electricity supplies, no access to cooking facilities, or facilities for washing clothes”.⁴⁵ Hull City Council found 3.5 significant hazards per property in the places it inspected between April 2019 and January 2022, with 62% of inspected properties failing to meet the decent homes standard.⁴⁶ We also received descriptions of large buildings with forty or more residents, and “pod units, with very small rooms around shared facilities”, that were an inappropriate setting for delivering care or support to people with support needs.⁴⁷

Vulnerability to eviction

Disincentives to work

19. We were told in written evidence and by residents in Birmingham that residents face barriers in seeking either to gain employment, or to work longer hours.⁴⁸ Changing Lives, a charity delivering exempt accommodation and community-based homelessness services, explained that once residents gain employment, they can lose access to some of their enhanced housing benefit. They are then liable for the high rents set by providers and are vulnerable to eviction if they cannot pay the rent. The conundrum is that they “cannot afford a private rental until they have a job. However, they cannot get a job until they move into a property with more affordable rents”.⁴⁹ Residents in Birmingham explained

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- 43 GreenSquareAccord Limited ([EXA 005](#)); Local Government and Social Care Ombudsman ([EXA 006](#)); West Midlands Police ([EXA 010](#)); Grand Union Housing Group ([EXA 017](#)); Handsworth Helping Hands ([EXA 018](#)); Preston City Council ([EXA 034](#)); Commonweal Housing ([EXA 036](#)); Office of the West Midlands Police and Crime Commissioner ([EXA 061](#)); Shabana Mahmood MP ([EXA 064](#)); HMO Action Group ([EXA 076](#)); City Of Bradford Metropolitan District Council ([EXA 088](#)); National Fire Chiefs Council ([EXA 091](#)); Brandwood Together (Residents Association) ([EXA 098](#)); West Midlands Fire Service ([EXA 106](#)); Preet Kaur Gill MP ([EXA 108](#)); South Kesteven District Council ([EXA 109](#)); West Devon Borough Council ([EXA 110](#)); Chartered Institute of Housing ([EXA 123](#)); [Q51](#) (Helen Clipsom, Outreach and Private Rented Options Service Manager, Bradford Council)
- 44 [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)
- 45 Moseley Regeneration Group ([EXA 081](#)). See also Hilldale Housing Association ([EXA 083](#)); Prospect Housing Limited ([EXA 086](#))
- 46 Hull City Council ([EXA 117](#)). See also [Q48](#) (Cllr. Neil Jory, Leader of West Devon District Council, West Devon Council)
- 47 Changing Lives ([EXA 040](#)); Women’s Aid Federation of England ([EXA 046](#)); [Q51](#) (Helen Clipsom, Bradford Council), City Of Bradford Metropolitan District Council ([EXA 088](#))
- 48 Anonymous ([EXA 003](#)); BCP Council ([EXA 019](#)); Centre for the New Midlands ([EXA 032](#)); Spring Housing Association ([EXA 047](#)); YMCA St Paul’s Group ([EXA 060](#)); Birmingham Social Housing Partnership (BSHP) ([EXA 067](#)); Entrain Space ([EXA 087](#)); City Of Bradford Metropolitan District Council ([EXA 088](#)); Manchester City Council ([EXA 089](#)); Rozanne Ferber ([EXA 099](#)); Barnardo’s ([EXA 102](#))
- 49 Changing Lives ([EXA 040](#))

that it was unfeasible to save for a rental deposit before benefits were withdrawn and that some residents ended up working illegally, being paid cash in hand, while simultaneously claiming benefits.

20. The then Minister for Welfare Delivery was impervious to the suggestion that housing benefit regulations can trap people in unemployment and in transitional housing arrangements. He argued that “[t]he way that the housing benefit is structured is that you will always be better off in work than not working at all”.⁵⁰ When we presented examples of residents being made vulnerable to eviction, he said:

We are trying to say that there is a range of different opportunities for people to have accommodation and once people get into work they will get into a more positive cycle in their lives and they can progress in employment and be able to afford the rent that they need as well.⁵¹

21. Suggestions we received for removing the barriers to employment faced by residents included: “delaying the point at which tenants in exempt accommodation become liable for paying rent when they gain paid employment, to allow a buffer period in which they can secure alternative accommodation after rather than before starting work”; and “[r]esidents in exempt accommodation should be [temporarily] supported to pay the exempt rent charge when they enter employment, so that they are not penalised by taking on work”.⁵² Prospect Housing, a former provider that chose to close and published a report so that others could learn from its experiences, suggested that local authorities should make extra discretionary housing benefit payments to allow residents to find paid employment.⁵³

Licence arrangements, complaints, and lack of information for residents

22. Another feature that can make residents vulnerable to eviction arises when providers give residents a licence agreement rather than a tenancy. According to Commonweal Housing, a housing charity, licence arrangements are the dominant agreement type among non-commissioned exempt accommodation.⁵⁴ They give residents permission to occupy the property without the full status and rights of a tenant. This means they can be evicted at short notice, and if they leave voluntarily “are then likely to be seen as intentionally homeless by their council”.⁵⁵ While the Government’s Social Housing (Regulation) Bill would give stronger protections to social housing residents who have licence arrangements, these protections would not extend to licensees in privately rented exempt accommodation.⁵⁶ Prospect Housing’s report recommended that, to give residents more secure tenure, providers should consider granting assured shorthold tenancies instead of licence agreements.⁵⁷

50 [Q152](#)

51 [Q153](#)

52 Changing Lives ([EXA 040](#)); YMCA St Paul’s Group ([EXA 060](#))

53 Prospect Housing, [Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities](#), October 2021, p 23

54 Commonweal Housing, [Exempt from responsibility? Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing](#), September 2019, p 17

55 [Q134](#) (Matt Downie)

56 [Q218](#) (Eddie Hughes MP)

57 Prospect Housing, [Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities](#), October 2021, p 23

23. The report by Commonweal Housing found that “the inherent precarity” of licence agreements prevented residents from asserting their rights for fear of retaliation or eviction.⁵⁸ Grand Union Housing Group expressed a general concern that fear of eviction prevents residents from providing feedback on the quality of their provision, while others suggested that residents are not given sufficient information or support to understand their rights or seek redress.⁵⁹ Both the Domestic Abuse Commissioner for England and Wales and Bristol Road Neighbourhood Watch suggested that a complaints system should sit within local authorities.⁶⁰

Domestic abuse survivors

24. We received specific concerns about exempt accommodation provision for survivors of domestic abuse and their children.⁶¹ That is not to say that excellent specialist provision is not available. However, there was real concern about the growth of non-specialist providers who target survivors yet lack proper expertise or experience. Accommodation in these examples is often too large, with examples of 40 or 60 residents, or is in unsafe areas. These providers offer little to no wraparound support or safeguarding procedures and fail to meet the definition of relevant safe accommodation in Part 4 of the Domestic Abuse Act 2021. Some survivors had experienced violence, harassment, and controlling behaviour by staff and other residents. Some are inappropriately housed with an unsuitable mix of residents, in mixed-sex provision, or alongside perpetrators, or can be easily found by perpetrators. Since these unscrupulous providers operate on a “business model” funded by housing benefit, they have no incentive to help survivors and their children move on. Farah Nazeer, Chief Executive, Women’s Aid Federation of England, illustrated just how high the stakes are:

We are talking about very vulnerable people. Particularly in the context of domestic abuse, it takes a woman on average seven years before she is willing, able and ready to branch out and leave that relationship. It takes a lot of courage. If we get it wrong at that one point, when they have experienced that kind of accommodation, we have lost them. They will quite often go back. Women will feel forced to go back to the perpetrator, because that feels like a safer option than what is being provided.⁶²

25. Farah Nazeer explained that what has enabled the emergence of these “murky” providers is an undersupply of commissioned services.⁶³ Although, as the former Minister for Rough Sleeping and Housing pointed out, the Domestic Abuse Act 2021 places a duty on tier one authorities to map service provision,⁶⁴ Farah Nazeer argued that engagement with this duty by councils is a “postcode lottery”.⁶⁵ The Domestic Abuse Commissioner for England and Wales argued that “the commissioning structure often discourages specialist

58 Commonweal Housing, [Exempt from responsibility? Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing](#), September 2019, p 33

59 Grand Union Housing Group ([EXA 017](#)); Sandwell Metropolitan Borough Council ([EXA 035](#)); Office of the West Midlands Police and Crime Commissioner ([EXA 061](#))

60 Domestic Abuse Commissioner for England and Wales ([EXA 120](#)); Bristol Road Neighbourhood Watch ([EXA 022](#))

61 Sources for this paragraph are: Domestic Abuse Commissioner for England and Wales ([EXA 120](#)); Women’s Aid Federation of England ([EXA 046](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#)), and the oral evidence provided by Farah Nazeer, particularly in [Q136](#).

62 [Q138](#)

63 [Q136](#); [Q138](#)

64 [Q145](#)

65 [Q140](#)

... services from applying” where there is “a lack of a crucial mass of service users within a defined geographical area”.⁶⁶ In this context, Women’s Aid Federation of England saw the Government’s pilots as a missed opportunity to “focus explicitly on domestic abuse in order to develop an evidence-based and survivor-led model for exempt accommodation”.⁶⁷

The scale of bad experiences

26. Matt Downie, Chief Executive, Crisis, told us that “we simply do not know the scale” of the very worst experiences due to a lack of national data.⁶⁸ However, he said that “people routinely describe the horrors” of their living situations to Crisis staff, and that “we can be certain that thousands, and maybe tens of thousands, of people across the country are living under appalling and shocking living standards”.⁶⁹ We will explore the theme of data more closely in chapter 3.

Experiences of neighbours

27. We heard of some good practice employed by providers to engage residents: for example, Concept Housing told us about their resident and community engagement team.⁷⁰ But we also heard many accounts of anti-social and criminal behaviour taking place near exempt accommodation. Much, but by no means all, of this evidence came from community groups in and around Birmingham, where there is a great deal of awareness and activism on the part of local groups.⁷¹ Contributors to our inquiry described littering, rubbish piling up and pouring over the streets,⁷² encouraging the spread of vermin and cockroaches.⁷³ More than one submission mentioned residents begging.⁷⁴ There were also reports of noise from parties, fights, and quarrels.⁷⁵ We were also told about drug taking, littering, public urination, and in one area, prostitution.⁷⁶ These problems were exacerbated when exempt properties were clustered together in the same area.⁷⁷ West Midlands Police wrote that they received 18 calls in one month from just one road with a high concentration of exempt accommodation.⁷⁸ Neighbours could see that the support being given to residents was inadequate and sometimes stepped in themselves to help, but stressed that this should not be a substitute for proper support.⁷⁹

28. Neighbourhood groups were also concerned about a loss of family housing that they associated with exempt accommodation, as Victorian era properties can be easily

66 Domestic Abuse Commissioner for England and Wales ([EXA 120](#))

67 Women’s Aid Federation of England ([EXA 046](#))

68 [Q133](#)

69 [Q123](#); [Q134](#)

70 [Q113](#)

71 [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

72 Anonymous ([EXA 023](#)); Mr Devinder Kumar ([EXA 027](#)); Anonymous ([EXA 051](#)); HMO Action Group ([EXA 076](#)); City Of Bradford Metropolitan District Council ([EXA 088](#)); [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

73 HMO Action Group ([EXA 076](#)); [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

74 Anonymous ([EXA 023](#)); Mr Devinder Kumar ([EXA 027](#)); Preston City Council ([EXA 034](#))

75 Anonymous ([EXA 023](#)); Preston City Council ([EXA 034](#)); Anonymous ([EXA 051](#)); [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

76 Preston City Council ([EXA 034](#)); Soho Road East Neighbourhood Watch ([EXA 038](#)); [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

77 Preston City Council ([EXA 034](#))

78 West Midlands Police ([EXA 010](#))

79 [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

converted to multiple occupation.⁸⁰ Centre for the New Midlands, a think tank, claimed that since 2014 over 5,000 homes have been converted from family homes to exempt accommodation in the Midlands alone.⁸¹ We were also told that student housing in parts of Birmingham and Bradford was being converted.⁸² During our visit, community and neighbourhood groups emphasised that the growth of exempt accommodation in an area could set off a spiral, as anti-social behaviour and the impact on their environment encouraged people to leave but discouraged families from moving in. The only purchasers were landlords prepared to convert the homes into exempt accommodation.

29. These issues resulted in the loss of pride in, and sense of, community. The changes reduced the number of long-term residents, who felt driven out of the area, replaced by transient residents, “many of whom hardly know where they’re living”.⁸³ Neighbours feared reprisals by the owners of the properties if they complained.⁸⁴ Groups from Birmingham argued that these changes also harmed local shops, through a mixture of anti-social behaviour, theft, and residents lacking the income to purchase their goods.⁸⁵ It also placed a strain on local schools through an increase in the number of pupils attending for a short time while living in exempt accommodation and on other public services such as GP surgeries.⁸⁶

30. The impact that high concentrations of exempt accommodation can have on a community is illustrated by the Handsworth Helping Hands group:

Neighbours become overburdened with appeals for help from the vulnerable in their midst—requests for food, cigarettes, money, the use of their phones. They get tired of calling ambulances for people collapsed on the pavement, seeing drugs traded openly in the street, are vexed by pilfering of anything left in their front gardens, having their car doors tried, seeing police cars parked in their street, being kept awake by loud music late at night, or annoyed by it on summer afternoons. They despair at seeing bulky objects dumped in streets, at having to pick up rubbish spilling onto the pavement from over-filled bins, at bins being left unemptied by Fleet and Waste when recycling and household waste have been mixed. They become suspicious of strangers and worry about the safety of their children going to and from school or playing in the streets.⁸⁷

Conclusion

31. An unknown but significant number of residents’ experiences of exempt accommodation are beyond disgraceful. Taxpayers’ money is being spent on uncapped housing benefit on the understanding that residents, who are usually vulnerable, receive some care, support, or supervision—yet it is clear that some people’s situations

80 Handsworth Helping Hands ([EXA 018](#)); Local Government Association ([EXA 020](#)); Centre for the New Midlands ([EXA 032](#)); Birmingham City Council Conservative Group ([EXA 063](#)); Birmingham Social Housing Partnership ([EXA 067](#))

81 Centre for the New Midlands ([EXA 032](#))

82 Community Partnership for Selly Oak ([EXA 050](#)); City Of Bradford Metropolitan District Council ([EXA 088](#))

83 Handsworth Helping Hands ([EXA 018](#)); Soho Road East Neighbourhood Watch ([EXA 038](#)); Anonymous ([EXA 051](#))

84 Anonymous ([EXA 023](#))

85 [Birmingham Exempt Accommodation forum presentation on Exempt Accommodation](#)

86 Anonymous ([EXA 023](#)); HMO Action Group ([EXA 076](#))

87 Handsworth Helping Hands ([EXA 018](#))

actually deteriorate as a result of the shocking conditions in which they live. We heard of squalid environments, vermin, drug-taking, crime and abuse. We heard of people with a history of substance misuse being housed with drug dealers, and of survivors of domestic abuse being housed with perpetrators of such abuse. The support on offer is sometimes little more than a loaf of bread left on a table or a support worker shouting at the bottom of the stairs to check on residents.

32. Since areas with high concentrations of exempt accommodation can attract anti-social behaviour, crime, rubbish, and vermin, neighbours and communities are affected negatively as well as residents. These impacts risk undermining local support for supported housing.

33. It is egregious that organisations with no expertise are able to target survivors of domestic abuse and their children and provide neither specialist support nor an appropriate or safe environment. *Where a prospective resident of exempt accommodation is a survivor of domestic abuse, there must be a requirement that housing benefit is only paid to providers that have recognised expertise and meet the standards in Part 4 of the Domestic Abuse Act 2021. This must be implemented alongside increased supply of specialist services: the Government's Supported Housing Improvement Programme offers an opportunity to develop an evidence-based, survivor-led model of exempt accommodation for survivors of domestic abuse and their children.*

34. Due to the scarcity of data on exempt accommodation, our inquiry was unable to establish how widespread the very worst experiences are either among residents or among local communities. Where the very worst experiences are occurring, this points to a complete breakdown of the system which calls for immediate action from Government. Implementing our recommendations in this report will go some way to improving the quality of provision for residents and managing the impact on communities.

2 Improving and overseeing the quality of provision

35. The previous chapter illustrates the very worst experiences that were brought to our attention. In this chapter we bring together suggestions for improving the quality of exempt accommodation, from the referral process to the support provided to the quality of the housing. This includes exploring options for how there can be better oversight of exempt accommodation.

Improving the referral process

36. In the previous chapter we saw how some people, responding to adverts for exempt accommodation on sites such as Gumtree and Facebook, were offered no assessment of their support needs, and were then relocated great distances or housed alongside an inappropriate mix of residents. In order to remedy this, stakeholders suggested standardising or strengthening the protocols around the referral process.⁸⁸ In particular, the Local Government Association (LGA) suggested that councils should control the referral process—which was also a recommendation of Prospect’s report.⁸⁹

37. When we asked councils what kind of assurance they carry out when processing a housing benefit claim for exempt accommodation, Councillor Neil Jory, Leader of West Devon Borough Council, explained: “we do check the paperwork, but it is paperwork that comes in rather than a physical check”.⁹⁰ As part of the Government’s pilots, some councils assessed care and support “at the first point a claim is submitted”.⁹¹ The best practice guidance that followed the evaluation of the pilots recommended that councils review referral processes at scheme level, assessing how individual providers accept and decline referrals into their schemes.⁹² Cathy Page told us that DLUHC is “looking at the ways in which we can encourage and work with local authorities on referral pathways”, but accepted that there is currently no obligation on landlords to co-operate with that.⁹³ The former Minister for Rough Sleeping and Housing added that, in the case of referrals from prison, the Government has been putting housing officers in prisons to identify appropriate accommodation for prison leavers.⁹⁴

88 Yena Housing Ltd ([EXA 056](#)); Preet Kaur Gill MP ([EXA 108](#)); Sandwell Metropolitan Borough Council ([EXA 035](#)); [Q47](#)

89 Local Government Association ([EXA 020](#)) (also Blackpool Council ([EXA 077](#))); Prospect Housing, [Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities](#), October 2021, p 17

90 [Q49](#)

91 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 26

92 DLUHC, [Local authority interventions to improve quality in supported housing](#), July 2022, paras 89–93

93 [Qq148–149](#)

94 [Q150](#)

Improving care, support, or supervision

Definition

38. A key driver of support being insufficient or completely absent, we repeatedly heard, is the inadequate definition of “care, support, or supervision”.⁹⁵ It is not defined in housing benefit regulations, and has been defined in case law as “more than minimal”.⁹⁶ This lack of definition was found to have limited the impact of the Government’s pilots.⁹⁷ Contributors told us that the definition is too ambiguous, leading to different interpretations and inconsistent provision.⁹⁸ We received widespread calls for the definition to be reviewed,⁹⁹ strengthened,¹⁰⁰ made statutory, and be accompanied by a referral and risk assessment process.¹⁰¹ We heard that the criteria which the Government should consider when improving the definition included ensuring that care, support, and supervision meet the needs of the resident, and providing enough flexibility to avoid a strict “one-size-fits-all” approach, since there is a wide range of people who live in exempt accommodation and their needs will differ and be specific to their situation.¹⁰² Prospect Housing’s report recommended that minimum standards of care should include supporting the resident to progress to independence and employment.¹⁰³

39. The Government’s announcement on 17 March contained a pledge to change housing benefit regulations to include a definition of care, support, and supervision, and to introduce minimum standards for support. We heard from Ministers and officials that the Government is engaging with stakeholders to determine both those standards and the definition.¹⁰⁴

Oversight

40. Another problem with current levels of care, support, and supervision was a lack of oversight over this element. While councils monitor support provided by the services which they commission, “there is no means to do that” for non-commissioned services.¹⁰⁵ The Care Quality Commission only has oversight where an organisation provides personal care as defined in the Care Act 2014 as Debbie Ivanova, Deputy Chief Inspector for People with a Learning Disability and Autistic People, Care Quality Commission, explained:

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- 95 St Basils ([EXA 008](#)); Centre for the New Midlands ([EXA 032](#)); Spring Housing Association ([EXA 047](#)); Birmingham Social Housing Partnership ([EXA 067](#)); L’Arche ([EXA 071](#)); Nottingham City Council, Nottingham City Homes ([EXA 093](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#))
- 96 [UK Social Security and Child Support Commissioners’ Decisions](#) [2007] CH_3811_2006 (7 March 2007); [Bristol City Council v AW](#) [2009] UKUT 109 (AAC) (15 June 2009)
- 97 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 8
- 98 [Q58](#)
- 99 West Midlands Police ([EXA 0100](#)); Local Government Association ([EXA 020](#)); Centre for the New Midlands ([EXA 032](#)); Commonweal Housing ([EXA 036](#)); Centrepont ([EXA 070](#)); Signposts (Luton), Luton Homeless Partnership ([EXA 094](#)), [Q118](#) (Henry Meacock, Chief Executive, St Petrocs), (David Fensome, Concept Housing)
- 100 Centre for the New Midlands ([EXA 032](#)); Sandwell Metropolitan Borough Council ([EXA 035](#)); National Care Forum ([EXA 068](#)); L’Arche ([EXA 071](#)); West Devon Borough Council ([EXA 110](#)); Joint Mayoral Response ([EXA 112](#)); London’s Deputy Mayor for Policing and Crime ([EXA 118](#)); [Q58](#) (Cllr Sharon Thompson)
- 101 Preet Kaur Gill MP ([EXA 108](#)); Leeds City Council ([EXA 113](#))
- 102 Sandwell Metropolitan Borough Council ([EXA 035](#)); Yennaa Housing Ltd ([EXA 056](#)); Manchester City Council ([EXA 089](#)); Birmingham City Council ([EXA 114](#)); [Q69](#)
- 103 Prospect Housing, [Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities](#), October 2021, p 41
- 104 [Q188](#); [Q194](#); [Q213](#)
- 105 [Q52](#)

We have no powers to regulate any support provided by landlords as part of people's tenancy. I understand the nature of the support we are talking about here is very broad, including things like helping with benefits, budgeting and maintaining tenancies. None of that comes under the definition of "personal care", which is what CQC regulates.¹⁰⁶

Expanding the Care Quality Commission's remit, Debbie Ivanova explained, would require a formal request from Government and registration fees.¹⁰⁷

41. Local authorities conducted care and support reviews as part of the Government's pilots. These involved "a multi-disciplinary team to run questionnaires or interviews among residents and/or support staff, a tour of the premises and requests for copies of support files, plans or other evidence".¹⁰⁸ This activity was found to have "a positive impact on the quality, standard and appropriateness of support, which has in turn led to the improvement of resident outcomes".¹⁰⁹ Crucially, councils reported that it was the funding provided by the pilots that allowed them to increase their workforce and produce this outcome.¹¹⁰

Improving accommodation standards

42. Unlike the standards for care, support, or supervision, the Government has already defined minimum standards for the housing element of exempt accommodation in its National Statement of Expectations published in October 2020. Despite this, our witnesses called for clearer standards for the housing element of exempt accommodation.¹¹¹ Stakeholders also said it was a problem that these standards have no statutory force.¹¹²

43. There is greater regulation of the housing element of exempt accommodation than the support element, but our evidence revealed this to be patchy and with too many loopholes. Registered providers of social housing are subject to the oversight of the Regulator of Social Housing, meaning that private landlords and non-registered providers are not subject to the same oversight; the Domestic Abuse Commissioner for England and Wales explained that many specialist providers do not register because it takes "significant time and resources".¹¹³

44. Registered providers must meet certain economic standards in relation to governance, financial viability, value for money and rent.¹¹⁴ They must also meet certain consumer standards including some relating to the quality of accommodation; but currently the Regulator's role in enforcing these is reactive (responding to issues) rather than proactive (in-depth assessments; inspections; issuing regulatory judgements).¹¹⁵ The Government

106 [Q8](#)

107 [Q41](#)

108 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 26

109 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 44

110 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 44

111 [Q63](#); [Q118](#)

112 E.g. Women's Aid Federation of England ([EXA 046](#)); Medway Council ([EXA 054](#)); Derby City Council ([EXA 082](#))

113 Domestic Abuse Commissioner for England and Wales ([EXA 120](#))

114 Regulator of Social Housing, [Regulatory standards](#). The Regulator only has the power to set economic standards for local authorities in relation to rent.

115 Regulator of Social Housing, [Regulatory standards](#); [Q24](#)

is seeking to strengthen the Regulator's powers regarding consumer standards through its Social Housing (Regulation) Bill, and Ashley Horsey, Chief Executive, Commonweal Housing, called for these to "make specific reference to exempt accommodation".¹¹⁶

45. Stakeholders criticised the existence of exemptions that mean even registered providers escape certain oversight of accommodation standards. Indeed, Sam Lister, Policy and Practice Officer, Chartered Institute of Housing, suggested that this was a deliberate move by some providers, who use registered provider status "as a shelter to get away from some of the regulations".¹¹⁷ For example, registered providers are permitted to offer "non-social" housing as well as social housing, to which the consumer standards do not apply.¹¹⁸ "Non-social" housing is broadly defined as homes let at market rents, meaning that exempt accommodation can fall into this category. Ashley Horsey argued that in spite of the rent levels, all exempt accommodation delivered by registered providers should be "defined as social housing" because it is "providing a social need".¹¹⁹ Registered providers are also exempt from the Management of Houses of Multiple Occupation (England) Regulations 2006, which we heard "can make it very difficult for a local authority to enforce housing standards" and also means that landlords, directors and providers can bypass the "fit and proper person test".¹²⁰

46. The Government's pilots involved local authorities conducting property inspections and enforcing accommodation standards. The evaluation found that "pilot funding had directly increased the number of inspections they were able to carry out due to the resources made available, especially in terms of staff time".¹²¹ Participating authorities agreed that the pilots would have a "positive impact on [accommodation] quality and standards", having identified 3,000 hazards, most of which "would not have been identified without the funding of the pilots".¹²² When it came to enforcing standards, participating authorities preferred to begin with informal engagement activity to resolve issues such as offering advice and recommendations or informal notices, both to maintain good relationships with providers and to avoid resource-intensive legal action.¹²³

Overall oversight

47. In addition to the patchy regulation of the support and housing elements of exempt accommodation, evidence given to us was critical of the fact that there is no central regulation of exempt accommodation. Providers may be registered with multiple regulators, or none at all. We have already had cause to mention the Care Quality Commission and the Regulator of Social Housing, the latter being the dominant regulator, overseeing roughly 57% of exempt accommodation providers.¹²⁴ Providers with charitable status may be registered with the Charity Commission, which oversees their governance and meeting their charitable purpose, while providers that are Community Interest Companies may be registered with the Financial Conduct Authority and the Office of the Regulator of

116 [Social Housing \(Regulation\) Bill HL \(parliament.uk\)](#); [Q128](#)

117 [Q131](#)

118 E.g. Crisis UK ([EXA 043](#)); Spring Housing Association ([EXA 047](#)), Sanctuary ([EXA 085](#)); Bristol City Council ([EXA 115](#))

119 [Q128](#)

120 Spring Housing Association ([EXA 047](#))

121 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 25

122 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 41

123 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, pp 39–40

124 [Q14](#)

Community Interest Companies.¹²⁵ As a result of this complex regulatory environment, we were told there are “quite a number” of providers “who fall outside of any regulatory regime”.¹²⁶ Indeed, Commonweal Housing told us that some providers amended their structures and status “to better bypass regulation or minimise scrutiny, while reaping large returns”.¹²⁷

48. All these regulators oversee specific aspects of exempt accommodation. While there can be collaboration between regulators,¹²⁸ there is “no single regulator” that pulls together the different aspects.¹²⁹ Those that are registered with different regulators are regulated insofar as they are social housing providers, or insofar as they are charities, or insofar as they provide personal care, but no single body regulates providers insofar as they provide exempt accommodation. Debbie Ivanova, Care Quality Commission, described why this is not the best arrangement from the perspective of the resident:

When we inspect that service, and we are looking at the quality of the care that they receive, they very often want to talk to us about the house and what does not work in the house and the things that are not right for them there ... the more complex it is the less likely it is to have good outcomes for people in services.¹³⁰

49. Some contributors felt that oversight for all exempt accommodation should fall to an existing regulator,¹³¹ or that existing regulators should be strengthened.¹³² Because of the different remits of the regulators, our witnesses felt exempt accommodation was not “something that can easily be put under one regulator”.¹³³ Others felt that a new dedicated regulator should be created.¹³⁴ When we put our concerns about gaps in regulations to Ministers and officials, Cathy Page said that the Government is “working to map the regulatory framework and where the gaps are”.¹³⁵ She recognised that “[t]he definition of care, support and supervision appears to be a gap” and that the Government was exploring how to “layer the different regulatory regimes so that the gaps can be closed”.¹³⁶ She added that “a national oversight body” was one option being considered.¹³⁷

125 Local Government Association ([EXA 020](#)); [Q2](#), [Q4](#), [Q15](#), [Q33](#)

126 [Q38](#)

127 Commonweal Housing ([EXA 036](#)); Crisis UK ([EXA 043](#))

128 [Q24](#)

129 Oculus Real Estate ([EXA 095](#))

130 [Q37](#)

131 First Priority Housing Association Limited ([EXA 062](#)); Birmingham City Council Conservative Group ([EXA 063](#)); The Salvation Army ([EXA 074](#)); Manchester City Council ([EXA 089](#))

132 St Basils ([EXA 008](#)); West Midlands Combined Authority ([EXA 009](#)); West Midlands Housing Association Partnership ([EXA 012](#)); Centre for the New Midlands ([EXA 032](#)); Praevaleo Ltd ([EXA 048](#)); Joint Mayoral Response ([EXA 112](#)); Birmingham City Council ([EXA 114](#))

133 [Q37](#); cf. [Q14](#)

134 Centrepont ([EXA 070](#)); London Borough of Hackney ([EXA 096](#)); West Devon Borough Council ([EXA 110](#)); The Ashley Foundation ([EXA 119](#)). See also Blackpool Council ([EXA 077](#))

135 [Q211](#)

136 [Q211](#)

137 [Q214](#)

50. There was a great deal of support in our evidence for standards to be set nationally,¹³⁸ and for local authorities to play a stronger enforcing role with greater powers.¹³⁹ Indeed, new powers for local authorities is one of the three measures that the former Minister for Rough Sleeping and Housing announced on 17 March. The former Minister for Welfare Delivery referred to these in evidence before us,¹⁴⁰ and Cathy Page added: “we definitely need to have a look at mandatory support standards, how those support standards are enforced, if we are going to enforce them”.¹⁴¹

51. The former Minister for Rough Sleeping and Housing, however, was hesitant about introducing new legislation or regulations. He repeatedly cautioned against the risk of “unintended consequences”, which included reducing supply by driving good providers out of business and pushing out well-intentioned but underperforming providers who could improve.¹⁴² Both Ministers repeatedly stressed that other councils had managed to rebuff unscrupulous providers using the powers they already had, including through the pilots, and that the situation in Birmingham was “not true for the whole of the country”.¹⁴³ The then Minister for Rough Sleeping and Housing explained that the Government’s intention was first “to work with councils to understand what tools they can have to deploy”, and then only to change legislation to help them “if it is necessary”.¹⁴⁴

52. However, we heard that both a lack of powers and a lack of funding was what held councils back from being able to do more. David Fensome, Chief Executive, Concept Housing Association, said: “the regulation and standards should be set nationally, but local authorities should have considerably more budget and powers to monitor and enforce those regulations”.¹⁴⁵ Guy Chaundy, Senior Manager Housing Strategy, City Housing, Birmingham City Council, said:

The key thing is councils having the resources and the control to provide the oversight so that they can inspect properly. If it is well-resourced, they can work with providers under a regulatory regime to drive up standards.¹⁴⁶

Indeed, the evaluation of the pilots recommended that local authorities’ powers should be strengthened.¹⁴⁷ We have already had cause to mention that councils expressly linked their successes within the pilots to the funding that enabled them to grow their teams.¹⁴⁸ The Government has provided another £20 million through the Supported Housing Improvement Programme, but since councils will have to bid for funding, most councils will not receive any. The former Minister for Rough Sleeping and Housing explained that the intention of the fund is to say: “Let’s prove to you what works and you can determine

138 E.g. London’s Deputy Mayor ([EXA 018](#)), Stepping Stone Projects ([EXA 024](#)), Centrepont ([EXA 070](#)), Blackpool Council ([EXA 077](#)), City of Bradford Metropolitan District Council ([EXA 088](#)), Luton Homeless Partnership ([EXA 094](#)); [Q68](#); [Q119](#)

139 E.g. Local Government Association ([EXA 020](#)); [Q41](#); [Q68](#); [Q119](#); [Q127](#), [Q139](#)

140 [Q195](#)

141 [Q213](#)

142 [Q161](#); [Q165](#); [Q174](#)

143 [Q161](#); [Q182](#); [Q183](#); [Q207](#)

144 [Q185](#)

145 [Q119](#)

146 [Q58](#)

147 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 8

148 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, pp 25–27, 35, 41

whether you engage it in the future”.¹⁴⁹ The prospectus particularly targets areas of the country that are “experiencing high volume or significant impacts arising from poor quality supported housing provision or unscrupulous landlords operating in their area”.¹⁵⁰

Accreditation

53. There was wide support in our evidence for there to be an accreditation scheme for exempt accommodation providers. Some envisaged a national scheme,¹⁵¹ while others favoured schemes managed by individual local authorities.¹⁵² The idea is that providers would have to meet certain criteria on housing quality and support services in order to gain accreditation. Sam Lister suggested setting up a “graded” scheme that has a minimum grade in order to qualify, and “over time you could gradually increase the level of quality for those that are not operating in bad faith but do not have the knowledge or skills to deal with things properly at the moment”.¹⁵³ The former Minister for Rough Sleeping and Housing was willing to consider the idea of an accreditation scheme, provided that it would “maximise the impact without driving out people through overburdening them”.¹⁵⁴

Conclusion

54. It was clear from our evidence that the quality of provision of exempt accommodation varies greatly and that the poor quality provision puts already vulnerable residents at serious risk. The Government fears “unintended consequences” from further regulation and points to councils that have turned things around within the funding envelope and powers available to them. Yet we received compelling evidence that there need to be national standards for referrals, support, and accommodation and that local authorities are best placed to enforce them. For all the efforts and best practice that Birmingham council has implemented, we still met residents of exempt accommodation in Birmingham living in utterly appalling circumstances, nine months after the Government’s pilots concluded. Two years after the Government published its National Statement of Expectations on the quality of the housing element of exempt accommodation, there are still landlords providing unacceptably poor housing. We welcome the Government’s exploration with councils of referral pathways and its commitment to improving the definition of “care, support or supervision” and setting minimum standards. It is imperative that these standards are not optional.

149 [Q193](#)

150 DLUHC, [Supported Housing Improvement Programme prospectus](#), July 2022

151 St Basils ([EXA 008](#)); West Midlands Combined Authority ([EXA 009](#)); West Midlands Housing Association Partnership ([EXA 012](#)); Centre for the New Midlands ([EXA 032](#)); Sandwell Metropolitan Borough Council ([EXA 035](#)); Spring Housing Association ([EXA 047](#)); Birmingham City Council Conservative Group ([EXA 063](#)); Birmingham Social Housing Partnership ([EXA 067](#)); Sheffield City Council ([EXA 103](#)); Joint Mayoral Response ([EXA 112](#)); Birmingham City Council ([EXA 114](#)); London’s Deputy Mayor for Policing and Crime ([EXA 118](#))

152 Succour Haven CIC ([EXA 026](#)); Commonweal Housing ([EXA 036](#)); Centrepont ([EXA 070](#)); The Riverside Group Ltd ([EXA 080](#)); Luton Homeless Partnership ([EXA 094](#)); [Q127](#)

153 [Q141](#)

154 [Q212](#)

55. *Within twelve months of the publication of this report, the Government should publish national standards, and give local authorities the power and resources to enforce these standards, in the following areas:*

- *The referral process, which should include an assessment of the prospective resident's support needs and if there are any considerations about with whom they should or should not be housed;*
- *Care, support, or supervision, which should include helping the resident progress towards independence and employment;*
- *The quality of housing; and*
- *Information the provider must give to the resident, including on their rights, particularly their right to work and right to complain.*

56. *Consideration should be given to an accreditation scheme for providers, implemented on a graded basis, so that councils can assess the quality of provision in their area and so that poorer quality providers can improve.*

57. *The Government should provide new burdens funding to local authorities to ensure that they can carry out these duties to the best of their ability, recognising that improving the overall standard of exempt accommodation and making it more consistent is likely to save resources in the long-term. The Government should also carry out an impact assessment to identify and mitigate any unintended consequences.*

58. The patchwork regulation of exempt accommodation has too many holes. We recognise that the exempt accommodation sector is complex with different types of providers, therefore requiring the involvement of multiple regulators. But some providers do not fall under the remit of any regulator, and no regulator has complete oversight of the different elements of exempt accommodation. Later in this report we recommend that all providers be registered, which would mean their oversight of economic and consumer standards was undertaken by the Regulator of Social Housing. We are particularly concerned about the fact that the “care, support, or supervision” element is unregulated except in the specific and limited circumstances where it falls within the Care Quality Commission’s remit. We welcome the Government’s commitment to exploring the regulatory regime to identify whether there are any gaps—but evidence to us expressed total unanimity as to the fact that gaps exist.

59. The different regulators have oversight for different aspects of exempt accommodation, and this means it is not simple to include oversight of exempt accommodation under a single regulator. However, the existing regulators are experts in their own areas and may be able to improve oversight of exempt accommodation if they worked more closely together in a more structured way. We therefore welcome the comment from the Department for Levelling Up, Housing and Communities (DLUHC) that a national oversight body was being considered.

60. *We recommend that a National Oversight Committee be urgently established to address the oversight issues relating to exempt accommodation. Among its functions we expect that it would coordinate awareness of emerging issues, inform the development of policy in this area and develop proposals for reform of the regulatory system. The*

composition of the committee should include the existing regulators—the Care Quality Commission, Regulator of Social Housing, Charity Commission, Financial Conduct Authority and the Office of the Regulator of Community Interest Companies—officials from DLUHC, the Local Government Association, and any other organisation it was thought would make a valuable contribution to improving oversight. One of the committee’s first tasks should be to input into the development of the national standards we have recommended.

3 Data and costs

61. A key challenge of this inquiry has been an inability to determine how widespread the worst examples of exempt accommodation are. A further consequence of this lack of information is not being able to determine whether this taxpayer funded system is delivering value for money. We received worrying evidence that taxpayer money was in fact being exploited for profit at the expense of vulnerable residents. This chapter explores how the Government can get a better grip on the numbers.

Data on exempt accommodation

62. Contributors stressed that one of the key issues with exempt accommodation is that there is no data nationally, and no systematic collection of data.¹⁵⁵ When Members of Parliament have asked, through written parliamentary questions, for even basic information on “how many housing benefit claims for people living in supported exempt accommodation in England” were made last year, or “how much the Government has spent on housing benefit for supported exempt accommodation in England in 2020–21”, the response from DWP has been: “The information requested is not readily available and to provide it would incur disproportionate cost”.¹⁵⁶

63. We did receive some heavily caveated information. The last time a review was conducted was the Supported Accommodation Review in 2016, which estimated that 233,000 people in Great Britain lived in exempt accommodation.¹⁵⁷ This was based on a survey rather than administrative data, and produced only estimates rather than definitive figures.¹⁵⁸ Through Freedom of Information requests made to DWP, Crisis estimated that the number of households (as opposed to individuals) living in exempt accommodation may have grown by 65% percent between 2016 and 2021 (95,149 households in 2016 compared with 156,868 households in 2021).¹⁵⁹ However, Crisis explained that the baseline figures may be an undercount, due to the varying pace with which councils may have implemented changes to data capture rules introduced in 2015—therefore the 65% rate of increase may be an overestimate.¹⁶⁰

64. We also received some data from individual councils covering a range of aspects such as the number of units, providers, bed spaces, and claims, as well as the amount spent on exempt accommodation and average rents.¹⁶¹ The snapshot they provided showed

155 E.g. [Q70](#); [Q123](#); Dr Chris O’Leary (Senior Lecturer at Policy Evaluation and Research Unit, Manchester Metropolitan University) ([EXA 001](#)); Crawley Borough Council ([EXA 002](#)); Joy Allen (Police and Crime Commissioner at Durham Police and Crime Commissioner) ([EXA 011](#)); Anglia Revenues Partnership ([EXA 014](#)); Nottingham Community Housing Association ([EXA 015](#)); Golden Lane Housing ([EXA 016](#)); Grand Union Housing Group ([EXA 017](#)); BCP Council ([EXA 019](#)); Local Government Association ([EXA 020](#)); Philip Shanks ([EXA 021](#)); Bristol Road Neighbourhood Watch ([EXA 022](#)); Stepping Stone Projects ([EXA024](#)); YMCA England & Wales ([EXA 029](#)); Birmingham City Council ([EXA 114](#))

156 [PQ 11707](#) [on Housing Benefit: Supported Housing], 10 June 2021; [PQ 86545](#) [on Housing Benefit], 8 December 2021

157 DWP and DCLG, [Supported Accommodation Review](#), November 2016

158 [Q168](#)

159 Crisis UK ([EXA 043](#))

160 Crisis UK ([EXA 043](#))

161 Hull City Council ([EXA 117](#)); Leeds City Council ([EXA 113](#)); Birmingham City Council ([EXA 114](#)); South Kesteven District Council ([EXA 109](#)); Charnwood Borough Council ([EXA 104](#)); Nottingham City Council and Nottingham City Homes ([EXA 093](#)); City of Bradford Metropolitan District Council ([EXA 088](#)); Derby City Council ([EXA 082](#)); Blackpool Council ([EXA 077](#)); Medway Council ([EXA 054](#)); Preston City Council ([EXA 034](#)); Sunderland City Council ([EXA 033](#)); Welwyn Hatfield Borough Council ([EXA 125](#))

significant variations between councils in terms of the proportion of registered and commissioned providers.¹⁶² These variations between councils underline the uncertainty about how widespread the worst problems are. The then Minister for Rough Sleeping and Housing estimated that there is a “significant problem in perhaps 10% to 15%” of councils, but later admitted that this was a guess.¹⁶³ The then Minister for Welfare Delivery was keen to impress upon us that the situation in Birmingham was “not true for the whole of the country”, whereas Ashley Horsey implied that it is because most of the information has come from Birmingham that there is an impression that problems are only focused there.¹⁶⁴

65. As for how much public money is spent on exempt accommodation, Prospect Housing’s report estimated the annual cost in 2020–21 to be “at least £816 million”.¹⁶⁵ The Comptroller and Auditor General suggested this figure could be much higher:

The SAR [Supported Accommodation Review in 2016] estimated that £2.15 billion was spent on ‘specified accommodation’ across Great Britain. No further breakdown was provided, but as 89% of people in specified accommodation are in exempt accommodation, it is probable that a significant proportion of this is spent on exempt accommodation.¹⁶⁶

66. We tried to obtain data directly from DWP on exempt accommodation for each year from 2015 to 2021. We were constantly told that its data was not of a sufficient quality to share it with a select committee, despite our willingness to accept data with caveats.¹⁶⁷ The issue is that there is under-reporting within local authorities in the housing benefit administrative data of whether a claim is exempt.¹⁶⁸ James Wolfe added that “because local authorities are getting better and better at recording supported accommodation, we don’t know how much of the change over time is a genuine growth in the sector and how much is local authorities reporting better on the accommodation they have”.¹⁶⁹

67. Governments have been aware for at least a decade that robust information about exempt accommodation is not held centrally. Research for DWP published in 2010 and 2016 acknowledged the lack of information, including about the number of people living in exempt accommodation.¹⁷⁰ DWP research in 2013 also found that 26% of British local authorities did not know how many people were living in exempt accommodation in their areas.¹⁷¹ It appears to be only in the last few months that the Government has taken steps to improve the picture. Firstly, in April it introduced improvements to local authorities’

162 Hull City Council ([EXA 117](#)); Birmingham City Council ([EXA 114](#)); City of Bradford Metropolitan District Council ([EXA 088](#)); Blackpool Council ([EXA 077](#)); Medway Council ([EXA 054](#)); Sunderland City Council ([EXA 033](#))

163 [Q147](#); [Q171](#)

164 [Q207](#); [Q123](#)

165 Prospect Supported Housing, *Safe, successful, sustainable: A shared vision for better homes, support and opportunities*, October 2021, p 14

166 [Letter from the Comptroller and Auditor General to the Chair dated 27 July 2022 concerning data on Exempt Accommodation](#)

167 [Letter from the Chair to the Secretary of State for Work and Pensions dated 17 May 2022 concerning data on exempt accommodation](#); [Letter from the Minister for Welfare Delivery to the Chair dated 30 June 2022 concerning exempt accommodation data](#); [Letter from the Chair to the Minister for Welfare Delivery dated 13 July 2022 concerning exempt accommodation data](#)

168 [Letter from the Comptroller and Auditor General to the Chair dated 27 July 2022 concerning data on Exempt Accommodation](#)

169 [Q170](#)

170 DWP, ‘Exempt’ and supported accommodation, 2010, p 2; DWP and DCLG, *Supported accommodation review: The scale, scope and cost of the supported housing sector*, November 2016, especially p 28.

171 Department for Work and Pensions, *Local Authority Insight - Wave 24*, July 2013, p 80

IT systems, “simplifying the data fields and ... making it mandatory so that new claims are appropriately flagged”.¹⁷² As the then Minister for Welfare Delivery highlighted, since this is for new claims, it will take some time before data quality improvements are seen for the entire exempt accommodation stock.¹⁷³ Secondly, the former Minister for Rough Sleeping and Housing commissioned a data review of the exempt accommodation sector to “understand its size, the demand and its associated costs”.¹⁷⁴ However, that will only give a snapshot in time.

68. Sam Lister pointed out that while more data from DWP is sorely needed, it will not go far enough because housing benefit data will not provide data on the “quality of the support that is being provided” or the “quality of accommodation”.¹⁷⁵ Another gap in data collection that our inquiry threw up was a near complete lack of information on how many providers are registered with which regulators. Neither the Charity Commission, nor the Care Quality Commission, nor the Regulator of Social Housing knew how many services that fell within their regulation were providers of exempt accommodation.¹⁷⁶

Profiting from exempt accommodation

69. Exempt accommodation providers are supposed to be not-for-profit, but we received overwhelming evidence of unscrupulous landlords who claim uncapped housing benefit to make a profit.¹⁷⁷ West Midlands Police offered the following illustration of how this profiteering works—and escalates:

Typically, a provider will purchase or take out a lease on an address (say for £800 rent/mortgage a month in a deprived area of the city), convert every room into a bedroom (thus losing any communal space) then rent out up to five rooms for £1,000 a month, paid for by enhanced housing benefit. The profits from this (£4,200 a month) are used to lease/rent more properties and convert them in to HMOs. Some of the providers are making half a million pounds profit each month and are buying new properties on a weekly basis.¹⁷⁸

Profits can be made through the lease model or through connections between not-for-profit and for-profit organisations or through registered providers outsourcing the care and support element to managing agents that are profit making.¹⁷⁹ Many of the contributions to our inquiry associated profit-making with inadequate levels of support, because the organisation is motivated by financial returns rather than supporting its vulnerable residents.

172 [Q168](#)

173 [Q168](#)

174 [Q195](#), [Q211](#), [Q220](#)

175 [Q125](#)

176 [Q3](#); [Q6](#); [Qq13–14](#)

177 E.g. [Q129](#); Stepping Stone Projects ([EXA 024](#)); Succour Haven CIC ([EXA 026](#)); Preston City Council ([EXA 034](#)); Sunderland City Council ([EXA 033](#)); Commonweal Housing ([EXA 036](#)); YMCA England and Wales ([EXA 029](#)); Soho Road East Neighbourhood Watch ([EXA 038](#)); Crisis UK ([EXA 043](#)); Shabana Mahmood MP ([EXA 064](#)); Praevaleo Ltd ([EXA 048](#)); Changing Lives ([EXA 040](#)); Homeless Link ([EXA 116](#)); Bristol City Council ([EXA 115](#)); Leeds City Council ([EXA 113](#)); Women’s Aid Federation of England ([EXA 046](#))

178 West Midlands Police ([EXA 010](#))

179 Sheffield City Council ([EXA 103](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#)); Birmingham City Council ([EXA 114](#))

How rent levels are set

70. Exempt accommodation is exempt from locally set caps on housing benefit because “the costs of managing shared, supported housing could be higher than the norm”, and “not for profit organisations’ supported housing services may be unviable if benefit levels were limiting using the same rules that applied to mainstream private renting”.¹⁸⁰ In written evidence, Yenaa Housing explained why their operating costs are higher than for other types of housing:

- significantly higher administration costs due to the turnover of residents;
- insurance for the building, employer liability, and public liability is three times higher than normal houses in multiple occupation;
- repairs, maintenance, and furniture replacement costs are double those of normal houses in multiple occupation;
- they do not take deposits;
- they run it as a business, paying administration costs and corporation tax; and
- they are at risk of housing benefits being suspended at any time.¹⁸¹

71. We heard that profits are made through charging unreasonably high rents. David Fensome argued that there were safeguards in place to prevent unreasonably high rents, saying: “[w]e would not be able to charge higher rents than other comparable organisations in the market. The local authority just would not allow it.”¹⁸² However, councils described how potential providers used Freedom of Information requests to ascertain the level of average rents in order to judge whether it will be profitable for them to enter the market and thus aim for higher rents.¹⁸³ We even heard about the existence of consultants who advise providers on how to maximise their claims for housing benefit.¹⁸⁴ Helen Clipsom, Outreach and Private Rented Options Service Manager, City of Bradford Metropolitan District Council, described the rents set by landlords as “a licence to print money”.¹⁸⁵

72. Claims for exempt housing benefit are processed by councils who can challenge the levels of rent proposed by the provider. A local authority that wishes to restrict the rents charged by exempt accommodation providers must prove that the rent is unreasonably high; that there is suitable alternative accommodation that meets the resident’s needs; that the resident can move to the alternative accommodation; and that it is reasonable for them to do so for the amount of money saved. Our evidence suggested that these criteria were too narrow and made it “a practical impossibility” to challenge rents.¹⁸⁶ Housing benefit decisions can also be challenged at an appeal tribunal.¹⁸⁷ According to the Government’s

180 Crisis, [Tackling problems with non-commissioned exempt housing](#), October 2021

181 Yenaa Housing ([EXA 056](#))

182 [Q84](#)

183 Bristol City Council ([EXA 115](#)); Medway Council ([EXA 054](#))

184 City of Bradford Metropolitan District Council ([EXA 088](#)); Sunderland City Council ([EXA 033](#)); BCP Council ([EXA 019](#))

185 [Q63](#)

186 Bristol City Council ([EXA 115](#)); Also e.g. Local Government Association ([EXA 020](#)); Anglia Revenues Partnership ([EXA 014](#)); Sunderland City Council ([EXA 033](#))

187 DWP, [Guidance: Housing Benefit guidance for support housing claims](#), 25 May 2022, paras 73–75, 203. See also Bristol City Council ([EXA 115](#))

own pilots, the appeal process “takes a long time and substantial resource, with feedback suggesting that appeals relating to supported housing have a relatively low chance of the decision being upheld”.¹⁸⁸ Funding from the pilots resourced councils to conduct higher levels of housing benefit scrutiny, but these councils also reported being restricted by their limited ability to challenge rent levels: “The pilots have highlighted the complexities and challenges within this system, but it has clearly not changed the system itself”.¹⁸⁹

73. While we received a range of suggestions in evidence for how parameters for rent levels could be set,¹⁹⁰ Nottingham Community Housing Association pointed out that flexibility was needed because a range of factors affect the true cost for providers, including “location, throughput, intensity of support and other services provided”.¹⁹¹ This reflected other evidence that we received that emphasised the differences in costs between areas.¹⁹² We heard that rents should reflect “the actual cost of providing that accommodation”,¹⁹³ and received support for the idea that greater transparency should be required from providers about their costs, financial viability, and links between different parties involved in provision.¹⁹⁴ Providers that we heard from were also willing to support a transparent, open-book approach.¹⁹⁵

74. When we put our concerns to the Ministers, the then Minister for Rough Sleeping and Housing thought it was “understandable” for businesses to use Freedom of Information requests to determine “whether this is a market that I would be able to enter”.¹⁹⁶ Both Ministers supported an open-book approach to rents.¹⁹⁷ On councils’ control of rents, the then Minister for Rough Sleeping and Housing said: “I think that it is for councils to determine what is the appropriate level for rent in their area as best they can and to try to control that. That is something that Government could not be prescriptive about [because of geographical differences in market rates]”.¹⁹⁸

Funding for support

75. Housing benefit cannot be used to fund the care, support, or supervision element, and this was given as a reason for the sometimes inadequate provision. In the past, local authorities could use funds from the ringfenced Supporting People Programme to pay for care, support, or supervision. In 2009 the ringfence was removed, and since 2011 there has been no specific budget line for local authorities for supporting people services.¹⁹⁹ Now, providers fund the support they offer through charitable or commissioned funding or through charging residents a service charge.

188 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 8

189 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 61

190 E.g. YMCA St Paul’s Group ([EXA 060](#)); GreenSquareAccord ([EXA 005](#)); Leeds City Council ([EXA 113](#)); West Devon Borough Council ([EXA 110](#))

191 Nottingham Community Housing Association ([EXA 015](#))

192 Centre for the New Midlands ([EXA 032](#)); Homeless Link ([EXA 116](#)); Hull City Council ([EXA 117](#))

193 Local Government Association ([EXA 020](#)); also Nottingham City Council, Nottingham City Homes ([EXA 093](#)); West Devon Borough Council ([EXA 110](#))

194 Manchester City Council ([EXA 089](#)). See also Nottingham City Council, Nottingham City Homes ([EXA 093](#)) on the links between persons.

195 Nottingham Community Housing Association ([EXA 015](#)); Grand Union Housing Group ([EXA 017](#)); YMCA St Paul’s Group ([EXA 060](#)); Oculus Real Estate ([EXA 095](#)); [Q96](#)

196 [Q185](#)

197 [Qq186–187](#)

198 [Q190](#)

199 *The Supporting People programme*, [Research Paper 12/40](#), House of Commons Library, 16 July 2012

76. The LGA criticised the service charge model for being unfair to residents who are already on low incomes.²⁰⁰ Birmingham City Council described it as “the only model in the welfare system where the cost to the citizen is not means tested”.²⁰¹ Stakeholders also pointed out that requiring people on low incomes to pay for their own support will inevitably not pay for very much support.²⁰²

77. Emmaus UK, a homelessness charity, argued that providers should be able to use housing benefit to fund support costs.²⁰³ Some are already finding ways to do so, bending the housing benefit rules by reclassifying support costs as housing-related costs in order to pay for it through housing benefit.²⁰⁴ Matt Downie, Chief Executive, Crisis, argued that “in order for people with support needs to be properly supported, the support costs need to be separate”.²⁰⁵ Several contributors argued that local authorities should receive separate funding to pay for support,²⁰⁶ including calls for ring-fenced funding similar to the Supporting People programme.²⁰⁷

78. The then Minister for Rough Sleeping and Housing resisted the idea of reinstating ringfenced funding because “it is not for Government centrally to be prescriptive”.²⁰⁸ Indeed, he pointed out that “one of the things that councils seem to frequently be complaining about, particularly with us offering various funding pots, is that we are controlling what they should be spending their money on”.²⁰⁹ The then Minister for Welfare Delivery pointed to the different sources of funding that providers can draw on, such as fundraising and “cross-subsidising funds from other profitable areas like a housing provider”, arguing that this “shows their commitment to want to make care, support and supervision an integral part of their business model”.²¹⁰

Subsidy rules for local authorities

79. Local authorities receive a 100% subsidy for the housing benefit claim if the provider of the exempt accommodation is registered with the Regulator for Social Housing. Where the provider is not registered, the local authority will receive 100% subsidy up to the level of Claim Related Rent or Local Reference Rent. A 60% subsidy is provided in the following circumstances—when:

- The claimant or a member of their family is in a protected group (either being at the qualifying age to receive state pension credit, being recognised by DWP as being unfit for work, or being responsible for a child or young person);
- There is no suitable cheaper accommodation available; or

200 Local Government Association ([EXA 020](#))

201 Birmingham City Council ([EXA 114](#))

202 [Q101](#) (David Fensome, Concept Housing). See also Yenea Housing Ltd ([EXA 056](#)); HMO Action Group ([EXA 076](#))

203 Emmaus UK ([EXA 084](#))

204 Local Government Association ([EXA 020](#)); Spring Housing Association ([EXA 047](#))

205 [Q141](#)

206 West Midlands Housing Association Partnership ([EXA 012](#)); Birmingham Social Housing Partnership ([EXA 067](#)); Green Pastures ([EXA 045](#)); Joint Mayoral Response ([EXA 112](#)); Leeds City Council ([EXA 113](#)); Birmingham City Council ([EXA 114](#))

207 Green Pastures ([EXA 045](#)); YMCA St Pauls Group ([EXA 060](#)); Blackpool Council ([EXA 077](#)); London Borough of Hackney ([EXA 096](#))

208 [Q191](#)

209 [Q191](#)

210 [Q193](#)

- It would be unreasonable to expect the claimant to move into suitable cheaper accommodation.²¹¹

80. This differentiating rate of subsidy attracted strong criticism and no support in evidence to us.²¹² Bournemouth, Christchurch and Poole Council stated: “The providers all offer similar services to meet the needs of the tenants and charge similar rents, so it is difficult to see why the Department continues to treat them differently”.²¹³ Some thought that the rules resulted in less scrutiny by local authorities of registered providers,²¹⁴ or prevented commissioned services provided by non-registered providers from being financially viable.²¹⁵ The LGA highlighted that 23 councils had lost over £1 million each through this subsidy gap, while Charnwood Council was projected to lose nearly £2 million, equivalent to over a quarter of its council tax revenue.²¹⁶

81. When we asked the former Minister for Welfare Delivery to justify this differential, he said: “This is the way that these regulations have been put in place over decades”. He added that “we can start looking at some of these other broader issues” after the priority measures as announced on 17 March had been delivered.²¹⁷

Conclusion

82. **The dearth of data on exempt accommodation shows how successive Governments have been caught sleeping. The Government does not know how much exempt accommodation there is or how many people live in exempt accommodation. The Government claims that poor providers are a minority but has no data to back this up. The Government does not know how many providers are regulated and by which regulators. We know there have been acute problems in Birmingham, for example, which the then Minister for Welfare Delivery said were not happening across the country. Without data, however, it has been very difficult to ascertain the extent of these problems across the country. We welcome the data review commissioned by the Government, but it will only provide a snapshot in time. We also welcome the steps the Department for Work and Pensions (DWP) is taking to improve data collection, but since this will apply only to new claimants it will take time for a reliable national picture to emerge.**

83. *Within twelve months of publication of this report, the Government must organise the collection, collation and publication of annual statistics at a local authority level on the following:*

- *The number of exempt accommodation claimants;*
- *The number of exempt accommodation providers;*

211 MR Associates, [Subsidy calculation when the landlord is a charity, voluntary organisation or English non-metropolitan county council](#), [What is the law on exempt accommodation subsidy?](#); Qq203–204 (David Rutley MP)

212 Anglia Revenues Partnership ([EXA 014](#)); Local Government Association ([EXA 020](#)); Sunderland City Council ([EXA 033](#)); Sandwell Metropolitan Borough Council ([EXA 035](#)); Manchester City Council ([EXA 089](#)); Sheffield City Council ([EXA 103](#)); Charnwood Borough Council ([EXA 104](#)); West Devon Borough Council ([EXA 110](#)); Leeds City Council ([EXA 113](#)); Bristol City Council ([EXA 115](#))

213 BCP Council ([EXA 019](#))

214 Zetetic Housing ([EXA 013](#)); The Salvation Army ([EXA 074](#))

215 Manchester City Council ([EXA 089](#))

216 Local Government Association ([EXA 020](#)); Charnwood Borough Council ([EXA 104](#))

217 [Qq203–204](#)

- *The number of housing units used for exempt accommodation;*
- *The number of exempt accommodation housing units per provider;*
- *The number of exempt accommodation claimants per provider;*
- *The number of exempt accommodation providers registered with different regulators, and commissioned to provide accommodation or support;*
- *The number of providers meeting and failing to meet the national standards we set out; and*
- *The amount of money paid by both the DWP and the local authority in exempt accommodation housing benefit.*

84. The Government has no idea how much taxpayer money is spent on exempt accommodation, nor what this money is spent on. It cannot know whether the current system is delivering value for money. Millions of pounds are being poured into exempt housing benefit with no guarantee that vulnerable residents will get the support they need. In some cases, vulnerable residents who are likely to have low incomes have to pay for support out of their own pockets. It is quite possible that the Government does not need to spend more on exempt accommodation but to spend more wisely.

85. *The Government should conduct a review of exempt housing benefit claims to determine how much is being spent and on what. Rent should be capped at a reasonable level that meets the higher costs of managing exempt accommodation. Funding for support should be provided separately.*

86. Providers of exempt accommodation are supposed to be not-for-profit, and there are many responsible providers, some of whom gave evidence to us. However, we also heard that the current system offers a licence to print money to those who wish to exploit it. We do not agree with the former Minister that using Freedom of Information requests to determine potential rent levels is a viable business model. Instead it gives the impression of a cartel pushing up rent levels and pocketing the excess at the expense of vulnerable residents and the taxpayer. The bar for local authorities to challenge rent levels is too high and appeals have rarely found in the council's favour. *Eligibility for funding for exempt accommodation must be based on an open-book, transparent breakdown of the accommodation and the support costs incurred to the provider. The Government should consider how to give councils greater control over rents for exempt accommodation to ensure value for money.*

87. The Government was unable to provide a satisfactory justification, let alone an explanation, as to why DWP reimburses councils for 100% of housing benefit if the provider is registered but only 60% if it is not registered, leaving the council to pick up the rest of the tab. *The same 100% subsidy should be paid by DWP whether or not the provider is registered. Later in this report we recommend that all providers be registered. While this will result in increased costs for DWP, this is likely to be offset by savings resulting from implementing our recommendations to drive out unscrupulous, profit-driven providers.*

4 Planning and licensing

88. We have already considered arguments for giving local authorities greater control over and responsibility for the quality of exempt accommodation. We also received calls to give local authorities greater control over and responsibility for the quantity of exempt accommodation. This came down to two levers: local strategies for exempt accommodation, and the planning system.

Local strategies

89. Many suggested that local authorities should assess the need for exempt accommodation provision in their area and develop strategies for meeting that need.²¹⁸ Succour Haven CIC and Commonweal Housing both suggested in evidence that having such a strategy would help councils to identify and control any issues arising from exempt accommodation.²¹⁹ Some also suggested that there is a direct link between local strategies and the quality of provision: Golden Lane Housing and the Learning Disability and Autism Housing Network both suggested that poor quality provision was sometimes due to “poor strategic planning” at a local level; while Philip Shanks, a retired social worker and co-founder of an exempt accommodation provider, suggested that standards are higher when the local authority has a good strategy in place.²²⁰

90. The councils that participated in the Government’s pilots carried out activities around both strategic planning and managing new provision. These activities included surveying and talking to providers, assessing the demand for exempt accommodation, visiting properties, and doing background research.²²¹ Participating authorities did find that they were better able to manage supply of exempt accommodation and deter or prevent poor providers from entering the market.²²² However, the pilots made clear that the councils faced the following barriers to implementing these strategies:

- A lack of control;
- The inability of councils to de-commission provision that they did not commission; and
- If the housing benefit claim meets all qualifying criteria, the council has no legal grounds on which to withhold payment, even if the provision does not align with its strategy or assessment of need or demand.²²³

218 E.g. St Basils ([EXA 008](#)); West Midlands Combined Authority ([EXA 009](#)); West Midlands Housing Association Partnership ([EXA 012](#)); Centre for the New Midlands ([EXA 032](#)), Crisis UK ([EXA 043](#)), Birmingham Social Housing Partnership ([EXA 067](#)), Sheffield City Council ([EXA 103](#)); HMO Action Group ([EXA 076](#)); [Q70](#); [Q127](#)

219 Succour Haven CIC ([EXA 026](#)); Commonweal Housing ([EXA 036](#))

220 Golden Lane Housing ([EXA 016](#)); Learning Disability and Autism Housing Network ([EXA 041](#)); Philip Shanks ([EXA 021](#))

221 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, pp 33–34

222 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 66

223 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, pp 68, 71 Cf. [Q58](#); Leeds City Council ([EXA 113](#))

Lack of affordable mainstream housing

91. The pilots also found that councils' strategic planning activities were affected by the amount of access to affordable mainstream housing in their area. The evaluation report of the pilots found that "not all of those being referred by Housing Options teams to supported housing had support needs in addition to their housing need; single homeless people tended to be placed in supported accommodation by default, due to a lack of affordable mainstream accommodation".²²⁴ Our evidence echoed the idea that demand for exempt accommodation was driven by a lack of affordable mainstream housing, both for residents of exempt accommodation to move on to and to prevent residents from being placed in exempt accommodation in the first place.²²⁵ As Matt Downie put it: "When exempt accommodation was brought in, in 1995–96, in England around 57,000 additional units of social rent were brought in. Last year, it was more like 6,000 or 7,000".²²⁶

Lack of powers for councils

92. Though we received evidence expressing support for local strategies, we were told, similarly to what was revealed by the Government's pilots, that councils did not have sufficient powers to make a success of implementing exempt accommodation strategies and controlling local provision.²²⁷ Manchester City Council explained to us that this is because, in cases where planning permission is not required, "there is no legal obligation for exempt accommodation providers to engage with the council".²²⁸ Preston City Council shared with us the example of a time when staff informed a new provider that the council did not require its provision, but the provider "completely ignored the strategic approach we are trying to take" and then opened three new properties.²²⁹ Spring Housing Association outlined the potential consequences of this lack of control:

This can lead to an oversupply; to providers seeking out wider and more varied referral routes and taking on 'riskier' clients in order to fill rooms. The financial imperative to 'fill void bedspaces' in accommodation that has not been rigorously assessed for area-based suitability and need can take precedence over proper risk assessments around client groups. This can also lead to other local areas 'exporting' their more problematic, or 'difficult to house' clients into areas with a perceived abundance of available spaces.²³⁰

93. On 17 March 2022, the then Minister for Rough Sleeping and Housing announced the Government's "intention to take forward a package of measures that will include ... New powers for local authorities in England to better manage their local supported housing market and ensure that rogue landlords cannot exploit the system to the detriment of vulnerable residents and at the expense of taxpayers".²³¹ Cathy Page told us

224 DLUHC, [Evaluation of the Supported Housing Oversight Pilots](#), April 2022, p 67

225 Birmingham Social Housing Partnership ([EXA 067](#)); National Housing Federation ([EXA 101](#)); Birmingham City Council ([EXA 114](#)); Crisis UK ([EXA 043](#)); London's Deputy Mayor for Policing and Crime ([EXA 018](#))

226 [Q139](#)

227 Centre for the New Midlands; Birmingham Social Housing Partnership ([EXA 067](#))

228 Manchester City Council ([EXA 089](#)); see also Sheffield City Council ([EXA 103](#))

229 Preston City Council ([EXA 034](#))

230 Spring Housing Association ([EXA 047](#))

231 HC Deb, 17 March 2022, [col 50WS](#) [Commons written ministerial statement]

that the Department was “looking to see what kind of powers we may need to give local authorities” and that they were holding discussions with local authorities, providers and other key stakeholders in relation to this.²³²

Planning and licensing

94. One of the reasons that councils lack control over the extent and spread of exempt accommodation, we were told, is because of exemptions within the planning system. Firstly, providers of exempt accommodation that are registered with the Regulator of Social Housing are exempt from HMO (House in Multiple Occupation) licensing requirements. Stakeholders suggested that extending HMO licensing to exempt accommodation would give councils more control over the spread of provision.²³³ For example, under HMO licensing, local authority environmental health teams can close down properties.²³⁴ Secondly, by being excluded from the HMO definition, registered providers are also exempt from Article 4 directions. Article 4 directions give councils, if they choose to impose them, the ability to restrict the change of use of a property under permitted development rights. Where there is a relevant Article 4 direction in place, a change of use to an HMO would require planning permission. Since registered providers of exempt accommodation are exempt from these, it is more difficult for councils to manage their growth in line with a strategy based on need.²³⁵ Thirdly, there is also a loophole for non-registered providers who would otherwise fall into the definition of HMO. While HMOs with seven or more residents automatically require planning permission, a property with six or fewer residents living together as a single household where care is provided for residents can be classed as a single household (Use Class C3) as opposed to a small HMO where the residents are unrelated and care is not provided (Use Class C4), again avoiding the need for planning permission.²³⁶ Permitted development rights allow the change of use from Class 3 to Class 4 without the need to apply for planning permission.

95. The then Minister for Rough Sleeping and Housing was reluctant to consider changes to the planning system to deal with some of the issues around exempt accommodation. He said: “I personally do not think that planning reform is the tool that is going to drive up standards”, explaining that if the overall quality of provision was raised, anti-social behaviour would reduce and “people would be less likely to notice [exempt accommodation] in their area or in their street”.²³⁷ He pointed to councils, such as Birmingham and Blackpool, that had made good use of the Article 4 direction.²³⁸ He also pointed out that councils had very different outcomes in terms of the expansion of provision, with the same planning tools available to them, giving the example that over a four-year period the number of units in Birmingham increased by 92% while in Manchester it dropped by 70–80%.²³⁹ Additionally, Denise Hatton, National Secretary and CEO, YMCA of England and

232 [Q150](#)

233 E.g. Salvation Army ([EXA 074](#)); HMO Action Group ([EXA 076](#))

234 Expert Link ([EXA 073](#))

235 Spring Housing Association ([EXA 047](#)); Birmingham City Council Conservative Group ([EXA 063](#)); Joint Mayoral Response ([EXA 112](#)); St Basils ([EXA 008](#)); Birmingham City Council ([EXA 114](#)); West Midlands Combined Authority ([EXA 009](#)); West Midlands Housing Association Partnership ([EXA 012](#)); [Q71](#)

236 Community Partnership for Selly Oak ([EXA 050](#)); HMO Action Group ([EXA 076](#)); Antrobus Road Residents' Action Group ([EXA 100](#))

237 [Q215](#)

238 [Q215](#)

239 [Q216](#); [Q175](#)

Wales, was nervous that introducing more planning regulations may enable communities to block the development of specialist accommodation that is needed in an area because “[n]obody really wants difficult, complex young people in their area”.²⁴⁰

96. We note that, in spite of the Article 4 direction in Birmingham, and in spite of the efforts made in Manchester, both councils told us that they do not have enough powers to control provision, for the reasons already given above.²⁴¹ Councillor Sharon Thompson, Chair, Homelessness Taskforce Members Advisory Group, West Midlands Combined Authority, gave compelling reasons beyond the quality of provision as to why councils need more control. First was around balancing provision with other housing need: “we have so many properties that are being flicked into exempt accommodation when our biggest need is family housing”.²⁴² Second was being able to control the density of exempt accommodation in an area: a high concentration “attracts people who want to manipulate people who are vulnerable”.²⁴³

Conclusion

97. **The former Minister was reluctant to consider changes to the planning system, arguing that some councils are having successes with the planning tools available to them, and that raising the overall quality will reduce the negative impacts on communities and in turn reduce the need to control the spread of exempt accommodation. However, our evidence pointed out that there is a limit to what local strategies for exempt accommodation can achieve without planning reforms. Councils need the ability to manage supply in line with locally assessed need. They need to be able to balance the provision of much needed family housing. They also need the ability to control the density of exempt accommodation because areas of high concentration can attract those with malicious intent to exploit vulnerable residents.**

98. **The Government, in its written ministerial statement in March and in evidence to us, said it intends to take forward measures that will include new powers for local authorities to better manage their local supported housing market. *We recommend that these measures include planning reforms that would assist councils to implement local strategies for exempt accommodation based on an assessment of need.***

99. ***Specifically, we recommend that the Government end the existing exemptions that registered providers have from HMO licensing and the Article 4 direction. Furthermore, we recommend that the loophole relating to non-registered providers with properties containing six or fewer residents also be addressed so that they are brought within the planning regime. This action would prevent there being a change of use without planning permission, which would be a much-needed tool to enable local authorities to balance the provision of exempt accommodation with other housing need and to control the density of exempt accommodation in an area.***

240 [Q115](#)

241 Manchester City Council ([EXA 089](#)); Birmingham City Council ([EXA 114](#)); [Q58](#); [Q71](#)

242 [Q71](#)

243 [Q71](#)

100. Demand for exempt accommodation is driven in part by a shortage of affordable homes. To solve the issues found in exempt accommodation the Government must solve the wider housing crisis. *We reiterate the recommendations from our 2020 report, “Building more social housing”—in particular, our call on the Government to build 90,000 social rent homes a year.*

5 Models of exempt accommodation

101. As the previous chapters have shown, one of the biggest challenges with exempt accommodation is the very many different models of providers. Through our inquiry we sought to establish whether an appropriate balance was being struck across these models and whether they affected the quality of provision. Our inquiry suggested that there was a place for both registered and non-registered providers, and for both commissioned and non-commissioned providers. However, our evidence pointed to some issues with the lease-based model, which is more often found among non-commissioned providers, that need addressing.

Registered versus non-registered providers

102. Many stakeholders said that, in the absence of data, it is not possible to demonstrate whether registered or non-registered providers offer a higher quality of provision. One school of thought was that, due to the greater regulation that comes with being registered with the Regulator of Social Housing, registered providers offer better quality provision and better value for money.²⁴⁴ Crawley Borough Council also suggested that non-registered providers charge “significantly higher rents” as their lack of access to funding forces them “to turn to private equity provision”.²⁴⁵ On the other hand, others pointed out that some non-registered providers offer an excellent service,²⁴⁶ in many cases niche or specialised services which “add diversity to the market”.²⁴⁷ On the regulation point, some said that there are still issues with quality and poor governance among some registered providers, as we saw in chapter 2.²⁴⁸ Additionally, the costs of requiring small providers to register could curtail other charitable work by charitable providers, or prevent them from setting up at all.²⁴⁹ Centrepont told us that barriers exist around becoming a registered provider, “namely the costs and additional reporting requirements, and the fact that smaller providers reliant on charitable and grant funding may struggle to meet the financial viability requirements of the Regulator of Social Housing”. They argued that while the regulation of exempt accommodation may be overseen by the Regulator of Social Housing, they did not believe that becoming a registered provider should be a necessary precondition to delivering supported accommodation.²⁵⁰

Commissioned versus non-commissioned providers

103. The arguments about commissioned versus non-commissioned provision were similar to those made about registered versus non-registered. Some felt that commissioned accommodation, because of its greater oversight by local authorities, was

244 E.g. YMCA England & Wales ([EXA 029](#)); Empower Housing Association ([EXA 031](#)); Centre for the New Midlands ([EXA 032](#)); Midland Heart ([EXA 069](#)); Hilldale Housing Association ([EXA 083](#)); Prospect Housing Limited ([EXA 086](#))

245 Crawley Borough Council ([EXA 002](#)). See also Anglia Revenues Partnership ([EXA 014](#))

246 Zetetic Housing ([EXA 013](#)); Centrepont ([EXA 070](#)); L’Arche ([EXA 071](#)); Signposts (Luton), Luton Homeless Partnership ([EXA 094](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#)); Domestic Abuse Commissioner for England and Wales ([EXA 120](#)); [Q53](#) (Cllr Jory)

247 Philip Shanks ([EXA 021](#))

248 E.g. Prospect Housing ([EXA 086](#)); Zetetic Housing ([EXA 013](#))

249 E.g. YMCA England and Wales ([EXA 029](#)); St Petros ([EXA 025](#))

250 Centrepont ([EXA 070](#))

of superior quality.²⁵¹ Indeed, much of our evidence suggested that problems with exempt accommodation were more prevalent among non-commissioned providers.²⁵² However, as with non-registered providers, we heard that many non-commissioned providers offer an excellent, often specialised, service.²⁵³ We heard from Henry Meacock that St Petrocs went so far as to “move away from delivering commissioned services, because we believe we can support individuals better by being non-commissioned”.²⁵⁴ Some also felt that non-commissioned provision was cheaper and more flexible.²⁵⁵ Ashley Horsey argued that it simply “is not a realistic prospect” for all services to be commissioned,²⁵⁶ while the former Minister for Rough Sleeping and Housing pointed out that “[e]ven during the heyday of Supporting People”, where public funding was available for support services (see chapter 2), “we would not have had solely commissioned accommodation”.²⁵⁷

The lease-based model

104. One model that was singled out for concern, which is particularly prevalent among non-commissioned provision, is the lease-based model.²⁵⁸ On this model, the entity that owns the property is for-profit, and leases the property to a not-for-profit entity which delivers the management and care services, often through agencies.²⁵⁹ The not-for-profit entity may be a private company or a registered provider.²⁶⁰ We heard that this is a perfectly legitimate model: the London Borough of Hackney explained that “it enables genuine supported not-for-profit providers to access the market where due to high capital values they could not afford to buy properties outright”.²⁶¹ However, it said, alongside several other contributors, that problems arise when actors exploit this model for profit.²⁶² Because the landlord meets the criteria for uncapped housing benefit but the owner of the property sits outside those regulations, the uncapped rent can be pocketed as a “disguised profit income stream”,²⁶³ and hidden through “complex legal structures”.²⁶⁴ Sometimes the not-for-profit entity has close links to the investors and has only been set up as a “front”.²⁶⁵

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- 251 GreenSquareAccord ([EXA 005](#)); St Basils ([EXA 008](#)); Nottingham Community Housing Association ([EXA0015](#)), Philip Shanks ([EXA 021](#)); Empower Housing Association ([EXA 031](#)); Sunderland City Council ([EXA 033](#)); National Care Forum ([EXA 068](#)); Hilldale Housing Association ([EXA 083](#)); Institute of Revenues, Rating and Valuation ([EXA 090](#)); Nottingham City Council, Nottingham City Homes ([EXA 093](#)); Oculus Real Estate ([EXA 095](#)); London Borough of Hackney ([EXA 096](#)); National Housing Federation ([EXA 101](#)); Sheffield City Council ([EXA 103](#)); Leeds City Council ([EXA 113](#)); Birmingham City Council ([EXA 114](#)); Bristol City Council ([EXA 115](#)); [Q52](#); [Q53](#)
- 252 E.g. GreenSquareAccord ([EXA 005](#)); St Basils ([EXA 008](#)); BCP Council ([EXA 019](#)); Centre for the New Midlands ([EXA 032](#))
- 253 Centrepont ([EXA 070](#)). See also Signposts (Luton), Luton Homeless Partnership ([EXA 094](#)); Commonweal Housing ([EXA 036](#)); National Housing and Domestic Abuse Policy and Practice Group ([EXA 105](#)); Domestic Abuse Commissioner for England and Wales ([EXA 120](#))
- 254 [Q111](#)
- 255 Birmingham Social Housing Partnership (BSHP) ([EXA 067](#)); Green Pastures ([EXA 045](#)); Homeless Link ([EXA 116](#))
- 256 [Q128](#)
- 257 [Q208](#)
- 258 E.g. Local Government Association ([EXA 020](#))
- 259 HMO Action Group ([EXA 076](#))
- 260 Sandwell Metropolitan Borough Council ([EXA 035](#))
- 261 London Borough of Hackney ([EXA 096](#)); cf. Local Government Association ([EXA 020](#))
- 262 E.g. London Borough of Hackney ([EXA 096](#)); Manchester City Council; West Devon Borough Council; Sandwell Metropolitan Borough Council ([EXA 035](#)); Local Government Association ([EXA 020](#)); HMO Action Group ([EXA 076](#))
- 263 Manchester City Council ([EXA 089](#))
- 264 London Borough of Hackney ([EXA 096](#))
- 265 Manchester City Council ([EXA 089](#))

105. Manchester City and West Devon Borough Councils gave examples of property market manipulation, whereby a company buys and sells properties on the same day at great profit because of the high yields they expect to gain from leasing the properties for exempt accommodation. Manchester gave this example: “a property was bought for £575,000 and sold on the same day for £1.8 million. This was then presented to us by the lessee ... as a new specified accommodation scheme with a high core rent (lease rent)”.²⁶⁶ In West Devon’s example, a portfolio of 12 properties were sold to a special purpose vehicle for £6 million and resold on the same day to an offshore investment company for £18 million.²⁶⁷ Cllr Jory explained: “That was done on the back of increasing the rents, through turning the tenants into exempt housing benefit tenants and increasing the rent on a 25-year lease in order to get that return over the period of the lease”.²⁶⁸

106. When we put our concerns about the lease-based model to the Ministers, the former Minister for Rough Sleeping and Housing agreed that the Government needs “to clamp down on the cases Where people are making an inordinate amount of profit. That is my intention through the work we are doing”.²⁶⁹ However, he once again pointed to councils using the tools they already have “to drive some of these people out of the market”.²⁷⁰

Conclusion

107. **The multitude of models of exempt accommodation produces a complex landscape with no guarantee of quality. We have heard concerns about the quality of non-commissioned exempt accommodation, but have also been provided with good examples of specialist non-commissioned providers. Likewise, in the absence of data, it has not been possible to demonstrate whether registered or non-registered providers offer a higher quality of provision. Therefore, the implementation of our recommendations on standards, oversight and costs should be implemented across all models to ensure overall quality is improved and value for money is delivered across the piece. The improved data collection that we recommend should be monitored and analysed to determine whether models of exempt accommodation should be streamlined in the future.**

108. *We also recommend that action be taken to address this complex landscape, by making it compulsory for all providers to be registered. A mechanism is required to ensure that there is better quality provision and that standards are maintained. Good providers will have nothing to fear from registration, while the bad providers can have their registration removed. We heard some concerns that the cost and additional reporting requirements of being registered may impact on smaller providers, particularly those reliant on charitable and grant funding. We do not see why this is the case, or why it should continue to be so. Registering should not be unnecessarily onerous or expensive, and if it is that should change. Therefore, we call upon the Regulator of Social Housing to take action to make it easier for smaller providers of exempt accommodation to register with them.*

266 Manchester City Council ([EXA 089](#))

267 West Devon Borough Council ([EXA 110](#)); [Q55](#)

268 [Q55](#)

269 [Q175](#)

270 [Q175](#)

109. The lease-based model has its place in exempt accommodation, by enabling access to properties for decent providers who would otherwise not be able to purchase properties outright. However, it can be exploited by those whose primary objective is to make huge profits at the expense of the taxpayer: we received examples of profits in the millions of pounds. *The Government must set out how it will clamp down on those exploiting the lease-based model for profit and prohibit lease-based profit-making schemes from being set up. This should include how it will ensure that there is full transparency over ownership structures and how income from housing benefit is being used.*

Conclusions and recommendations

The lived experience of residents and communities

1. An unknown but significant number of residents' experiences of exempt accommodation are beyond disgraceful. Taxpayers' money is being spent on uncapped housing benefit on the understanding that residents, who are usually vulnerable, receive some care, support, or supervision—yet it is clear that some people's situations actually deteriorate as a result of the shocking conditions in which they live. We heard of squalid environments, vermin, drug-taking, crime and abuse. We heard of people with a history of substance misuse being housed with drug dealers, and of survivors of domestic abuse being housed with perpetrators of such abuse. The support on offer is sometimes little more than a loaf of bread left on a table or a support worker shouting at the bottom of the stairs to check on residents. (Paragraph 31)
2. Since areas with high concentrations of exempt accommodation can attract anti-social behaviour, crime, rubbish, and vermin, neighbours and communities are affected negatively as well as residents. These impacts risk undermining local support for supported housing. (Paragraph 32)
3. It is egregious that organisations with no expertise are able to target survivors of domestic abuse and their children and provide neither specialist support nor an appropriate or safe environment. *Where a prospective resident of exempt accommodation is a survivor of domestic abuse, there must be a requirement that housing benefit is only paid to providers that have recognised expertise and meet the standards in Part 4 of the Domestic Abuse Act 2021. This must be implemented alongside increased supply of specialist services: the Government's Supported Housing Improvement Programme offers an opportunity to develop an evidence-based, survivor-led model of exempt accommodation for survivors of domestic abuse and their children.* (Paragraph 33)
4. Due to the scarcity of data on exempt accommodation, our inquiry was unable to establish how widespread the very worst experiences are either among residents or among local communities. Where the very worst experiences are occurring, this points to a complete breakdown of the system which calls for immediate action from Government. Implementing our recommendations in this report will go some way to improving the quality of provision for residents and managing the impact on communities. (Paragraph 34)

Improving and overseeing the quality of provision

5. It was clear from our evidence that the quality of provision of exempt accommodation varies greatly and that the poor quality provision puts already vulnerable residents at serious risk. The Government fears “unintended consequences” from further regulation and points to councils that have turned things around within the funding envelope and powers available to them. Yet we received compelling evidence that there need to be national standards for referrals, support, and accommodation and that local authorities are best placed to enforce them. For all the efforts and best

practice that Birmingham council has implemented, we still met residents of exempt accommodation in Birmingham living in utterly appalling circumstances, nine months after the Government's pilots concluded. Two years after the Government published its National Statement of Expectations on the quality of the housing element of exempt accommodation, there are still landlords providing unacceptably poor housing. We welcome the Government's exploration with councils of referral pathways and its commitment to improving the definition of "care, support or supervision" and setting minimum standards. It is imperative that these standards are not optional. (Paragraph 54)

6. *Within twelve months of the publication of this report, the Government should publish national standards, and give local authorities the power and resources to enforce these standards, in the following areas:*
 - *The referral process, which should include an assessment of the prospective resident's support needs and if there are any considerations about with whom they should or should not be housed;*
 - *Care, support, or supervision, which should include helping the resident progress towards independence and employment;*
 - *The quality of housing; and*
 - *Information the provider must give to the resident, including on their rights, particularly their right to work and right to complain. (Paragraph 55)*
7. *Consideration should be given to an accreditation scheme for providers, implemented on a graded basis, so that councils can assess the quality of provision in their area and so that poorer quality providers can improve. (Paragraph 56)*
8. *The Government should provide new burdens funding to local authorities to ensure that they can carry out these duties to the best of their ability, recognising that improving the overall standard of exempt accommodation and making it more consistent is likely to save resources in the long-term. The Government should also carry out an impact assessment to identify and mitigate any unintended consequences. (Paragraph 57)*
9. The patchwork regulation of exempt accommodation has too many holes. We recognise that the exempt accommodation sector is complex with different types of providers, therefore requiring the involvement of multiple regulators. But some providers do not fall under the remit of any regulator, and no regulator has complete oversight of the different elements of exempt accommodation. Later in this report we recommend that all providers be registered, which would mean their oversight of economic and consumer standards was undertaken by the Regulator of Social Housing. We are particularly concerned about the fact that the "care, support, or supervision" element is unregulated except in the specific and limited circumstances where it falls within the Care Quality Commission's remit. We welcome the Government's commitment to exploring the regulatory regime to identify whether there are any gaps—but evidence to us expressed total unanimity as to the fact that gaps exist. (Paragraph 58)

10. The different regulators have oversight for different aspects of exempt accommodation, and this means it is not simple to include oversight of exempt accommodation under a single regulator. However, the existing regulators are experts in their own areas and may be able to improve oversight of exempt accommodation if they worked more closely together in a more structured way. We therefore welcome the comment from the Department for Levelling Up, Housing and Communities (DLUHC) that a national oversight body was being considered. (Paragraph 59)
11. *We recommend that a National Oversight Committee be urgently established to address the oversight issues relating to exempt accommodation. Among its functions we expect that it would coordinate awareness of emerging issues, inform the development of policy in this area and develop proposals for reform of the regulatory system. The composition of the committee should include the existing regulators—the Care Quality Commission, Regulator of Social Housing, Charity Commission, Financial Conduct Authority and the Office of the Regulator of Community Interest Companies—officials from DLUHC, the Local Government Association, and any other organisation it was thought would make a valuable contribution to improving oversight. One of the committee's first tasks should be to input into the development of the national standards we have recommended.* (Paragraph 60)

Data and costs

12. The dearth of data on exempt accommodation shows how successive Governments have been caught sleeping. The Government does not know how much exempt accommodation there is or how many people live in exempt accommodation. The Government claims that poor providers are a minority but has no data to back this up. The Government does not know how many providers are regulated and by which regulators. We know there have been acute problems in Birmingham, for example, which the then Minister for Welfare Delivery said were not happening across the country. Without data, however, it has been very difficult to ascertain the extent of these problems across the country. We welcome the data review commissioned by the Government, but it will only provide a snapshot in time. We also welcome the steps the Department for Work and Pensions (DWP) is taking to improve data collection, but since this will apply only to new claimants it will take time for a reliable national picture to emerge. (Paragraph 82)
13. *Within twelve months of publication of this report, the Government must organise the collection, collation and publication of annual statistics at a local authority level on the following:*
 - *The number of exempt accommodation claimants;*
 - *The number of exempt accommodation providers;*
 - *The number of housing units used for exempt accommodation;*
 - *The number of exempt accommodation housing units per provider;*
 - *The number of exempt accommodation claimants per provider;*

- *The number of exempt accommodation providers registered with different regulators, and commissioned to provide accommodation or support;*
 - *The number of providers meeting and failing to meet the national standards we set out; and*
 - *The amount of money paid by both the DWP and the local authority in exempt accommodation housing benefit. (Paragraph 83)*
14. The Government has no idea how much taxpayer money is spent on exempt accommodation, nor what this money is spent on. It cannot know whether the current system is delivering value for money. Millions of pounds are being poured into exempt housing benefit with no guarantee that vulnerable residents will get the support they need. In some cases, vulnerable residents who are likely to have low incomes have to pay for support out of their own pockets. It is quite possible that the Government does not need to spend more on exempt accommodation but to spend more wisely. (Paragraph 84)
 15. *The Government should conduct a review of exempt housing benefit claims to determine how much is being spent and on what. Rent should be capped at a reasonable level that meets the higher costs of managing exempt accommodation. Funding for support should be provided separately. (Paragraph 85)*
 16. Providers of exempt accommodation are supposed to be not-for-profit, and there are many responsible providers, some of whom gave evidence to us. However, we also heard that the current system offers a licence to print money to those who wish to exploit it. We do not agree with the former Minister that using Freedom of Information requests to determine potential rent levels is a viable business model. Instead it gives the impression of a cartel pushing up rent levels and pocketing the excess at the expense of vulnerable residents and the taxpayer. The bar for local authorities to challenge rent levels is too high and appeals have rarely found in the council's favour. *Eligibility for funding for exempt accommodation must be based on an open-book, transparent breakdown of the accommodation and the support costs incurred to the provider. The Government should consider how to give councils greater control over rents for exempt accommodation to ensure value for money. (Paragraph 86)*
 17. The Government was unable to provide a satisfactory justification, let alone an explanation, as to why DWP reimburses councils for 100% of housing benefit if the provider is registered but only 60% if it is not registered, leaving the council to pick up the rest of the tab. *The same 100% subsidy should be paid by DWP whether or not the provider is registered. Later in this report we recommend that all providers be registered. While this will result in increased costs for DWP, this is likely to be offset by savings resulting from implementing our recommendations to drive out unscrupulous, profit-driven providers. (Paragraph 87)*

Planning and licensing

18. The former Minister was reluctant to consider changes to the planning system, arguing that some councils are having successes with the planning tools available

to them, and that raising the overall quality will reduce the negative impacts on communities and in turn reduce the need to control the spread of exempt accommodation. However, our evidence pointed out that there is a limit to what local strategies for exempt accommodation can achieve without planning reforms. Councils need the ability to manage supply in line with locally assessed need. They need to be able to balance the provision of much needed family housing. They also need the ability to control the density of exempt accommodation because areas of high concentration can attract those with malicious intent to exploit vulnerable residents. (Paragraph 97)

19. The Government, in its written ministerial statement in March and in evidence to us, said it intends to take forward measures that will include new powers for local authorities to better manage their local supported housing market. *We recommend that these measures include planning reforms that would assist councils to implement local strategies for exempt accommodation based on an assessment of need.* (Paragraph 98)
20. *Specifically, we recommend that the Government end the existing exemptions that registered providers have from HMO licensing and the Article 4 direction. Furthermore, we recommend that the loophole relating to non-registered providers with properties containing six or fewer residents also be addressed so that they are brought within the planning regime. This action would prevent there being a change of use without planning permission, which would be a much-needed tool to enable local authorities to balance the provision of exempt accommodation with other housing need and to control the density of exempt accommodation in an area.* (Paragraph 99)
21. Demand for exempt accommodation is driven in part by a shortage of affordable homes. To solve the issues found in exempt accommodation the Government must solve the wider housing crisis. *We reiterate the recommendations from our 2020 report, “Building more social housing”—in particular, our call on the Government to build 90,000 social rent homes a year.* (Paragraph 100)

Models of exempt accommodation

22. The multitude of models of exempt accommodation produces a complex landscape with no guarantee of quality. We have heard concerns about the quality of non-commissioned exempt accommodation, but have also been provided with good examples of specialist non-commissioned providers. Likewise, in the absence of data, it has not been possible to demonstrate whether registered or non-registered providers offer a higher quality of provision. Therefore, the implementation of our recommendations on standards, oversight and costs should be implemented across all models to ensure overall quality is improved and value for money is delivered across the piece. The improved data collection that we recommend should be monitored and analysed to determine whether models of exempt accommodation should be streamlined in the future. (Paragraph 107)
23. *We also recommend that action be taken to address this complex landscape, by making it compulsory for all providers to be registered. A mechanism is required to ensure that there is better quality provision and that standards are maintained. Good providers will have nothing to fear from registration, while the bad providers can have their*

registration removed. We heard some concerns that the cost and additional reporting requirements of being registered may impact on smaller providers, particularly those reliant on charitable and grant funding. We do not see why this is the case, or why it should continue to be so. Registering should not be unnecessarily onerous or expensive, and if it is that should change. Therefore, we call upon the Regulator of Social Housing to take action to make it easier for smaller providers of exempt accommodation to register with them. (Paragraph 108)

24. The lease-based model has its place in exempt accommodation, by enabling access to properties for decent providers who would otherwise not be able to purchase properties outright. However, it can be exploited by those whose primary objective is to make huge profits at the expense of the taxpayer: we received examples of profits in the millions of pounds. *The Government must set out how it will clamp down on those exploiting the lease-based model for profit and prohibit lease-based profit-making schemes from being set up. This should include how it will ensure that there is full transparency over ownership structures and how income from housing benefit is being used. (Paragraph 109)*

Annex: The Committee's visit to Birmingham

The evidence we received for our inquiry made it clear that there had been a large increase in the amount of exempt accommodation in Birmingham and that this had raised many concerns. We decided to visit Birmingham in order to hear directly from residents, neighbours, councillors, and council and police officers. The visit took place on Thursday 16 June 2022 and comprised:

- An escorted walk around the Stockland Green ward;
- An engagement event with residents of exempt accommodation; and
- A presentation and discussion with representatives of the Exempt Accommodation Forum, made up of neighbourhood and community groups.²⁷¹

We would like to thank all those who helped to organise or participated in the visit. We would particularly like to thank the residents of exempt accommodation for talking to us so honestly, bravely, and knowledgeably about the challenges they have faced and how they think improvements can be made.

Walk around Stockland Green

The Stockland Green ward in Erdington, in the north of Birmingham, has 418 exempt accommodation properties, comprising 1,217 units operated by 32 providers. The ward contains roughly 6% of all exempt accommodation in Birmingham but accounts for 11% of the total recorded complaints, issues and enquiries relating to exempt accommodation. We were accompanied on our walk around Stockland Green by local councillors, council officers, representatives from the local community group Pioneer, and West Midlands Police. They made the following points:

- Rents for a room can be £230/week;
- Four providers, all registered with the Regulator of Social Housing, provide over 70% of all the exempt accommodation properties in Birmingham (Reliance Social Housing (38%), Concept Housing (16%), Ash Shahada (11%), and Sustain UK (7%));
- One of the largest providers was refusing at the time of our visit to sign up to Birmingham Council's voluntary Charter of Rights;
- There were high volumes of calls to police in the area, including reports of serious offences;
- The main problems stemmed from the worst providers being non-commissioned. When properties have been decommissioned for being unsuitable, they have been taken over by other providers who reuse them;

271 [Birmingham EA Forum on Exempt Accommodation presentation](#)

- Criminal organisations can use exempt accommodation as a front for money laundering. They can make has much money from providing exempt accommodation as from drug dealing;
- A challenge with identifying a lack of support for residents is that it requires them to come forward. If they do, there will be a review of their housing benefit claim. This puts them at risk of losing their benefits and therefore being unable to pay their rent. Residents who get a job can also risk losing their benefits;
- Support workers often lack training, deal with 45–50 residents, and are not required to have a criminal records check; and
- Residents can get trapped in exempt accommodation, with some residents with complex needs living in exempt accommodation for long periods of time, for example four years.

We were also told about the Safer Streets Project being run on Slade Road in Stockland Green, which had received funding to:

- Increase the number of streetlights and cameras;
- Help the community form organisations such as litter groups and forums; and
- Carry out security checks on residents.

Roundtable event with residents

We heard from eleven people either with experience of living in exempt accommodation or who work closely with those who live in exempt accommodation. Several common themes emerged during the discussion:

Lack of adequate support

Participants felt that the support being provided was inadequate, with one describing the situation as “an absolute farce”. The typical allocation of support of one hour a week was thought to be too low, and that low bar was often not being met. For some, support amounted only to signing a form or a telephone call. One person had not been supported to fill out an application for social housing during the last four years. Another had signed up to training courses, such as for improving personal finance skills, which never took place. The service charge that was supposed to fund one participant’s support was instead spent on “wi-fi and a cleaner”. Attendees complained that the local council had not asked them whether they were receiving the support they needed.

The quality of support workers was also felt to be poor. Participants felt that it was too easy to get a job as a support worker, and that they lacked training. Some support workers were intimidating, while others were intimidated by the work of supporting people with complex needs. The turnover of support workers was extremely high—one person had five support workers in four weeks. One support worker was reported to have quit, having met with residents for 20 minutes, on moral grounds that they had not received any training.

An attendee said that they never knew if their support worker was gone to turn up; if they did, they might stay only for 15 minutes as they had spent 45 minutes travelling to the appointment.

Lack of assessment beforehand

Concerns were raised about the adequacy of the assessment process. One person had received no assessment of their support needs, while another person's assessment had lasted just 20 minutes. Participants felt the lack of assessment was a key factor in people being inappropriately housed together, for example people recovering from drug addiction being housed with people struggling with drug addiction. We were also told that providers refused to house people together if they knew each other. The lack of prior assessment meant that a person using a wheelchair was allocated an upstairs room, in a house that was not wheelchair accessible. This had left them dependent on their housemates to get through the front door or to their room.

Participants also felt that the lack of assessment led to problems with behaviour within the property that had a negative impact on their welfare and mental health. We were told about incidences of violence, including the brandishing of machetes and individuals setting themselves on fire. Despite this, bedroom door locks either did not exist or were not changed after a change in resident or an incident. The attendees said these experiences greatly increased their anxiety levels, which for one attendee had led to weight loss and for another had exacerbated the sense of isolation that followed from the loss of connection with family members. For an attendee who had moved into exempt accommodation because they had been offered mental health support, the experience had worsened their mental health. One participant said they preferred to sleep by the canal with the rats, rather than remain in their accommodation.

Poor quality of exempt accommodation housing

The physical condition of the exempt accommodation could also be shocking. For instance, one participant was asked to move into a room "covered in bodily fluids". Others described disrepair and unhygienic conditions, with problems taking a long time to be fixed. In one case 2½ weeks were taken to clear up a sewage leak in a garden; in another 6 weeks were taken to fix a toilet seat; in a third, a door handle was replaced with a screw; and in a fourth there was no fridge freezer for five weeks. We were also told that gas and electricity bills were not being paid by providers, while the landlord retained control of the meter, meaning that residents could not pay for utilities themselves. Another property had no internet for six weeks, which made it impossible for one resident to work from home and for another to look for jobs.

Costs and contracts

One participant's rent was £244/week, with a £15 weekly service charge to cover support and £13 for electricity. Another attendee's rent was £229/week, with a £20 weekly service charge for utilities and the internet. Despite these high costs, rooms can be very small—one person's room was 2 x 5 metres. It was repeated that exempt accommodation is a "trap". Residents had to sign a 59-page contract that did not detail the landlord's obligations. One

participant described the difference between what is sold and the reality as the difference between day and night. Yet attendees felt they could not complain as this risked immediate eviction, because they had a licence contract and not a tenancy.

Problems getting a job

Participants told us that they could not work full time because they would lose their housing benefit and therefore be unable to pay their rent. At the same time, they did not have long enough to build up a deposit to rent in the private sector. Instead, they could only work for 14 hours a week. We were told that providers preferred potential residents to be receiving universal credit. Providers also demanded access to individuals' personal universal credit accounts, and when people moved in, they were required to agree that landlords could claim benefits on their behalf. Because of this, some residents worked for cash in hand while simultaneously claiming benefits.

Ways to improve things

Participants had the following recommendations:

- Proper monitoring of providers and vetting of landlords;
- Character profiling of residents to ensure a suitable mix; and
- Banning adverts on sites such as Gumtree and Facebook.

Event with neighbourhood groups

We received a presentation from the Exempt Accommodation Forum which included six case studies detailing the challenges in particular roads across Birmingham.²⁷² The forum consists of neighbourhood and community groups from across Birmingham who have concerns about the rise of exempt accommodation. Key points from the presentation and following discussion included:

Growth of exempt accommodation

Mapping the growth of exempt accommodation was only possible because forum members submitted freedom of information requests to obtain the data. Their efforts showed that 64% of Birmingham's exempt accommodation was concentrated in 20 of the city's 69 wards. The forum was particularly concerned that there had been an increase in exempt accommodation offered by non-compliant providers, and that there had been an increase in the use of smaller family houses for exempt accommodation in order to avoid planning controls.

Impact on the community

Members described major problems with fly-tipping, rubbish, cockroaches, and vermin, leading to fire and health risks. They also described how exempt accommodation was putting a strain on public services such as GP surgeries and causing the loss of local shops

272 [Birmingham Exempt Accommodation Forum presentation](#)

whose shopkeepers cannot sell their goods or afford security personnel. They added that the spread of exempt accommodation was causing existing residents to move out of the area.

There was a palpable sense of frustration from the members of the forum, summed up as a “pervading sense of hopelessness”. A participant referred to the “daily grind” of worrying about the risk to their children, abuse from some residents of exempt accommodation, rubbish spilling over into the streets, and the fear that more exempt accommodation would replace family houses. We were told that “people who have lived in the area for many years have had enough”.

Problems with support for residents

Due to a lack of support, some residents can be seen begging and others remain addicted to drugs. For some, “care, support, or supervision” is little more than a 17-year-old girl handing out foodbank vouchers once a week. One resident of exempt accommodation had had 10 support workers in 12 months. Forum members felt that service charges cannot pay for adequate support, and so the “good” providers are either commissioned or charity-funded. There is no incentive for providers to encourage people to move on, as they will lose their housing benefit if they get a job.

Experiences of residents

One part of the presentation was delivered by an outreach worker who assists residents of exempt accommodation. She said:

- Exempt accommodation properties lack private spaces for residents to meet family and support workers;
- There was a poor mixing of people—for example, housing former drug rehab attendees with drug users and promises of women-only exempt accommodation not being delivered, with victims of domestic abuse having to live with men with a history of sexual abuse;
- There were instant offers of accommodation being given without seeking information on or even the names of the residents. Licence agreements were backdated when they were provided. This also meant residents had fewer rights to bring forward complaints and to protect against eviction;
- Service charges were being paid in cash without receipts and support plans had been falsified. Landlords had benefits paid directly to them as residents lacked bank accounts, and deducted the service charge;
- Accommodation can have damp and mould; no electricity, gas or hot water, or with hot water remotely controlled; and faeces on walls. There is no accommodation for people with pets;
- Residents might be required to do work for providers for little or no pay—for example, receiving a pint of milk for tidying the bathroom. There had been

an HMRC investigation in Selly Oak, which had focused on cash-payments and illegal workers being used for construction work, but not on the exempt accommodation aspects;

- Women were asked for sex in return for promises of better accommodation;
- Currently, residents of exempt accommodation are invisible, being hidden among the community. Not all the people need the support aspect of exempt accommodation, just somewhere to live; and
- The experiences of people who go through exempt accommodation meant they could end up permanently damaged. There had been “terrible exploitation of these people—they are not supported in any sense at all, in fact their condition is worse”.

Lack of oversight

The approach to dealing with problems was described as “whack-a-mole”, since, members described, the police are under-resourced and have a high turnover. One neighbourhood group received responses from only two of the eleven providers to whom they had complained about problems with drugs, anti-social behaviour, and rubbish. Members described as scandalous the fact that providers do not need to be accredited. Members felt that a lack of transparency about who owns and runs the properties, the source of their funding, and whether they pay tax in the UK, impeded efforts to deal with problems. The forum had repeatedly requested a meeting with the Regulator of Social Housing, which had been ignored, and all the while the two largest non-compliant providers had been able to grow in size.

Ways to improve things

Suggestions included:

- Introducing a cap on the number of providers and units of exempt accommodation in a given area;
- Replacing non-commissioned exempt accommodation as soon as possible with commissioned provision, with accreditation as an interim measure;
- Stronger powers for the Regulator of Social Housing, and a dedicated team within the Regulator to focus on exempt accommodation;
- Applying the Social Housing (Regulation) Bill’s requirements to residents with licences as well as tenancies;
- More powers for local authorities over planning and licencing, including the removal of exemptions from HMO regulations;
- Classing exempt accommodation as a business so that owners are liable for business rates and waste disposal;
- Improving the definition of care, support, or supervision, and improving the skills and availability of support workers;

- Regular property inspections, focusing on “homes not rooms”;
- A high-level investigation by the HMRC and National Crime Agency into corruption and criminality;
- Increased resources for local authorities; and
- Increased provision of general-needs housing.

It was firmly underlined that this is a national problem requiring national action, and that “the money is the answer here”, since “millions of pounds of money is being misspent”, which needs to be redirected and used intelligently.

Formal minutes

The following declarations of interest were made at meetings relating to Exempt Accommodation:

28 March 2022

Clive Betts declared that he was a Vice-President of the Local Government Association (also declared on 27 April and 4 July).

Kate Hollern declared that she employed a councillor in her office (also declared on 27 April and 4 July).

Mohammad Yasin declared that he was a member of the Bedford Town Deal Board.

27 April 2022

Andrew Lewer declared that he was a Vice-President of the Local Government Association.

Mary Robinson declared that she employed a councillor in her office (also declared on 4 July).

4 July 2022

Sara Britcliffe declared that she was the Treasurer of the All-Party Parliamentary Group on Temporary Accommodation.

Ian Byrne declared that he employed a councillor in his office.

Ben Everitt declared that he employed a councillor in his office.

Darren Henry declared that employed a councillor in his office.

Wednesday 19 October 2022

Members present:

Mr Clive Betts, in the Chair

Ian Byrne

Kate Hollern

Mary Robinson

Mohammad Yasin

Draft report (*Exempt Accommodation*) proposed by the Chair, brought up and read.

Ordered, That the report be read a second time, paragraph by paragraph.

Paragraphs 1 to 109 read and agreed to.

Summary agreed to.

Annex agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

[Adjourned until Monday 24 October at 3.30pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 28 March 2022

Paul Latham, Director of Communication and Policy, Charity Commission; **Jonathan Walters**, Deputy Chief Executive, Regulator of Social Housing; **Debbie Ivanova**, Deputy Chief Inspector, Care Quality Commission (CQC)

[Q1–43](#)

Cllr Neil Jory, Leader, West Devon Borough Council; **Helen Clipsom**, Outreach and Private Rented Options Service Manager, City Of Bradford Metropolitan District Council; **Cllr Sharon Thompson**, Chair of the Homelessness Taskforce Members Advisory Group, West Midlands Combined Authority; **Guy Chaundy**, Senior Manager Housing Strategy, City Housing, Birmingham City Council

[Q44–71](#)

Wednesday 27 April 2022

Denise Hatton, National Secretary and CEO, YMCA England & Wales; **Henry Meacock**, Chief Executive, St Petrocs; **David Fensome**, Chief Executive, Concept Housing Association

[Q72–121](#)

Matt Downie, Chief Executive, Crisis; **Ashley Horsey**, Chief Executive, Commonweal Housing; **Sam Lister**, Policy and Practice Officer, Chartered Institute of Housing; **Farah Nazeer**, Chief Executive, Women's Aid Federation of England

[Q122–141](#)

Monday 4 July 2022

Eddie Hughes MP, Minister for Rough Sleeping and Housing, Department for Levelling Up, Housing and Communities; **Cathy Page**, Deputy Director for Supported Housing, Domestic Abuse and Home Adaptations (Disabled Facilities Grant), Department for Levelling Up, Housing and Communities; **David Rutley MP**, Minister for Welfare Delivery, Department for Work and Pensions; **James Wolfe**, Director, Disability and Housing Support, Department for Work and Pensions

[Q142–223](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

EXA numbers are generated by the evidence processing system and so may not be complete.

- 1 Alden, Councillor Robert (Leader of Birmingham City Council Conservative Group, Birmingham City Council) ([EXA0063](#))
- 2 Allen, Joy (Police and Crime Commissioner, Durham Police and Crime Commissioner) ([EXA0011](#))
- 3 Anglia Revenues Partnership ([EXA0014](#))
- 4 Anonymous, ([EXA0023](#))
- 5 Anonymous, ([EXA0051](#))
- 6 Anonymous, ([EXA0003](#))
- 7 Antrobus Road Residents' Action Group (ARRAG) ([EXA0100](#))
- 8 Association of Police and Crime Commissioners ([EXA0107](#))
- 9 BCP Council ([EXA0019](#))
- 10 Barnardo's ([EXA0102](#))
- 11 Birmingham City Council ([EXA0114](#))
- 12 Birmingham Social Housing Partnership (BSHP) ([EXA0067](#))
- 13 Blackpool Council ([EXA0077](#))
- 14 Brandwood Together (Residents Association) ([EXA0098](#))
- 15 Bristol City Council ([EXA0115](#))
- 16 Campbell Tickell Ltd ([EXA0044](#))
- 17 Care Quality Commission (CQC) ([EXA0121](#))
- 18 Centre for the New Midlands ([EXA0032](#))
- 19 Centrepoin; Mary Seacole Housing Association; Falcon Support Services; New Roots; Young People and Children First; and Horizons North East ([EXA0070](#))
- 20 Changing Lives ([EXA0040](#))
- 21 Charnwood Borough Council ([EXA0104](#))
- 22 Chartered Institute of Housing ([EXA0122](#))
- 23 Chartered Institute of Housing ([EXA0123](#))
- 24 Chartered Institute of Housing ([EXA0058](#))
- 25 City Of Bradford Metropolitan District Council ([EXA0088](#))
- 26 Commonweal Housing ([EXA0036](#))
- 27 Community Partnership for Selly Oak ([EXA0050](#))
- 28 Crawley Borough Council ([EXA0002](#))
- 29 Crisis UK ([EXA0043](#))
- 30 Derby City Council ([EXA0082](#))
- 31 Domestic Abuse Commissioner for England and Wales ([EXA0120](#))

- 32 Emmaus UK ([EXA0084](#))
- 33 Empower Housing Association ([EXA0031](#))
- 34 Entrain Space ([EXA0087](#))
- 35 Expert Link ([EXA0073](#))
- 36 Ferber, Rozanne ([EXA0099](#))
- 37 First Priority Housing Association Limited ([EXA0062](#))
- 38 Gill, Preet Kaur (Member of Parliament for Birmingham, Edgbaston, House of Commons) ([EXA0108](#))
- 39 Golden Lane Housing ([EXA0016](#))
- 40 Grand Union Housing Group ([EXA0017](#))
- 41 Green Pastures ([EXA0045](#))
- 42 GreenSquareAccord Limited ([EXA0005](#))
- 43 HBV Group ([EXA0065](#))
- 44 Handsworth Helping Hands ([EXA0018](#))
- 45 Heywood, Mrs Frances (retired housing researcher, member of HMOAG Birmingham but speaking as myself) ([EXA0079](#))
- 46 Hilldale Housing Association ([EXA0083](#))
- 47 Homeless Link ([EXA0116](#))
- 48 Horizons North East ([EXA0030](#))
- 49 Hull City Council ([EXA0117](#))
- 50 Inclusion Group ([EXA0007](#))
- 51 Institute of Revenues, Rating and Valuation ([EXA0090](#))
- 52 John, Mrs Danielle (Secretary, Langleys Road - Oak Tree Lane - Bristol Road Neighbourhood Watch); and Barham, Mrs Christine (Vice Chair person, Langleys Road - Oak Tree Lane - Bristol Road Neighbourhood Watch) ([EXA0022](#))
- 53 Joint Mayoral Response ([EXA0112](#))
- 54 Kumar, Mr Devinder ([EXA0027](#))
- 55 L'Arche ([EXA0071](#))
- 56 Learning Disability and Autism Housing Network; and Golden Lane Housing ([EXA0041](#))
- 57 Leeds City Council ([EXA0113](#))
- 58 Local Government and Social Care Ombudsman (LGSCO) ([EXA0006](#))
- 59 London Borough of Hackney ([EXA0096](#))
- 60 London's Deputy Mayor for Policing and Crime ([EXA0118](#))
- 61 Lotus Sanctuary CIC ([EXA0039](#))
- 62 Mahmood MP, Shabana ([EXA0064](#))
- 63 Manchester City Council ([EXA0089](#))
- 64 Medway Council ([EXA0054](#))
- 65 Midland Heart ([EXA0069](#))
- 66 Moseley Regeneration Group ([EXA0081](#))

- 67 Murphy, Dr. Patrick (Clinical Psychologist, NHS) ([EXA0053](#))
- 68 National Care Forum ([EXA0068](#))
- 69 National Fire Chiefs Council ([EXA0091](#))
- 70 National Housing Federation ([EXA0101](#))
- 71 National Housing and Domestic Abuse Policy and Practice Group ([EXA0105](#))
- 72 Nottingham City Council; and Nottingham City Homes ([EXA0093](#))
- 73 Nottingham Community Housing Association ([EXA0015](#))
- 74 Oculus Real Estate ([EXA0095](#))
- 75 Office of the West Midlands Police and Crime Commissioner ([EXA0061](#))
- 76 O'Leary, Dr Chris (Senior Lecturer, Policy Evaluation and Research Unit, Manchester Metropolitan University) ([EXA0001](#))
- 77 Praevaleo Ltd t/a Michael Patterson ([EXA0048](#))
- 78 Preston City Council ([EXA0034](#))
- 79 Progress Housing Group Ltd ([EXA0059](#))
- 80 Prospect Housing Limited ([EXA0086](#))
- 81 Regulator of Social Housing ([EXA0078](#))
- 82 Resonance ([EXA0092](#))
- 83 Sanctuary ([EXA0085](#))
- 84 Sandwell Metropolitan Borough Council ([EXA0035](#))
- 85 Shanks, Phil (Independant board member/advisor, various) ([EXA0021](#))
- 86 Sheffield City Council ([EXA0103](#))
- 87 Signposts (Luton); and Luton Homeless Partnership ([EXA0094](#))
- 88 Soho Road East Neighbourhood Watch ([EXA0038](#))
- 89 South Kesteven District Council ([EXA0109](#))
- 90 South Yorkshire Housing Association ([EXA0042](#))
- 91 Spring Housing Association ([EXA0047](#))
- 92 St Basils ([EXA0008](#))
- 93 St Mungo's ([EXA0111](#))
- 94 St Petrocs ([EXA0025](#))
- 95 Stepping Stone Projects ([EXA0024](#))
- 96 Succour Haven CIC ([EXA0026](#))
- 97 Sunderland City Council ([EXA0033](#))
- 98 The Ashley Foundation ([EXA0119](#))
- 99 The Connection at St Martins ([EXA0037](#))
- 100 The HMO Action Group; and Deer's Leap Residents Association, Summerfield Streetwatch, Safer Neighbourhoods Partnership Group, Brandwood Together, NEAT (North Edgbaston Action Team), Langleys Road Neighbourhood Watch, Handsworth Wood Residents Association, Perry Barr Constituency Housing Action Group, North Moseley Residents, the Community Partnership for Selly Oak. ([EXA0076](#))
- 101 The Local Government Association ([EXA0020](#))

- 102 The Riverside Group Ltd ([EXA0080](#))
- 103 The Salvation Army ([EXA0074](#))
- 104 Wellings, Mr Neil (Resident, Yenaa Housing); and Tembi, Miss McKenzie (Resident, Yenaa Housing) ([EXA0066](#))
- 105 Westmoreland Supported Housing Limited ([EXA0075](#))
- 106 Welwyn Hatfield Council ([EXA0125](#))
- 107 West Devon Borough Council ([EXA0110](#))
- 108 West Midlands Combined Authority ([EXA0009](#))
- 109 West Midlands Combined Authority (WMCA) Faith Strategic Partnership Group ([EXA0049](#))
- 110 West Midlands Fire Service ([EXA0106](#))
- 111 West Midlands Housing Association Partnership (WMHAP); and Citizen Housing ([EXA0012](#))
- 112 West Midlands Police ([EXA0010](#))
- 113 Women's Aid Federation of England ([EXA0124](#))
- 114 Women's Aid Federation of England ([EXA0046](#))
- 115 YMCA England & Wales ([EXA0029](#))
- 116 YMCA St Paul's Group ([EXA0060](#))
- 117 Yenaa Housing Ltd ([EXA0056](#))
- 118 Zetetick Housing ([EXA0013](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	The regulation of social housing	HC 18
2nd	Long-term funding of adult social care	HC 19

Session 2021–22

Number	Title	Reference
1st	The future of the planning system in England	HC 38
2nd	Local authority financial sustainability and the section 114 regime	HC 33
3rd	Permitted Development Rights	HC 32
4th	Progress on devolution in England	HC 36
5th	Local government and the path to net zero	HC 34
6th	Supporting our high streets after COVID-19	HC 37
7th	Building Safety: Remediation and Funding	HC 1063
8th	Appointment of the Chair of the Regulator of Social Housing	HC 1207

Session 2019–21

Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting the homeless and the private rented sector: MHCLG's response to Covid-19	HC 1329
7th	Cladding Remediation—Follow-up	HC 1249

Birmingham City Council

Coordinating Overview and Scrutiny Committee

Date: Friday 9th December 2022



Subject: Customer Service Programme Task & Finish Group

Report of: Councillor Sir Albert Bore
Chair Co-ordinating Overview & Scrutiny

Report author: Nikki Spencer
Delivery Manager Digital & Customer Services
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07766 924234

1 Purpose

- 1.1 The purpose of this report is to provide details on the actions of the Overview & Scrutiny Committee Task and Finish Group which was established following the Customer Service Programme and Update report to Co-ordinating Overview & Scrutiny Committee in September 2022.
- 1.2 Year 1 of the Customer Service Programme activities focussed on 'Fixing the Basics' as originally set out in the Customer Service Strategy and associated Enhanced Business Case (EBC) approved by Cabinet in December 2021.
- 1.3 Through extensive user research and data analysis, the programme sought to validate the strategy commitments by trying to understand the current customer and staff experience when engaging with Council high demand services.
- 1.4 The programme has delivered a number of customer benefits in year one including the creation of an easy-read Customer Service Strategy, a co-created Customer Charter, introduced a Citizen Panel, the refresh and cleansing of approximately 800 web pages to date; and end to end discovery of 4 high volume, high priority service areas for the Council providing a set of recommended opportunities for services to improve the customer experience and increase customer satisfaction. (Figure 1)

Figure 1: Number of service improvement opportunities identified from the Customer Service Programme's initial user research



- 1.5. Work is ongoing to define and develop quantifiable and measurable benefits against the programme's current scope of work and will enable improved visibility, tracking and reporting of proposed benefit categories, such as efficiency, customer satisfaction and complaints reduction, A mandated engagement approach for services would ensure service accountability of the recommended opportunities for improvement and drive forward the associated service and business change required for benefit realisation benefits.

2 Recommendations

- 2.1 The Task and Finish Group continues to ensure the identified end-to-end customer service improvements are implemented.
- 2.2 The Task and Finish Group completes its review of the recommendations submitted to service leads for Bereavement Services, Housing Repairs, Waste Management and Highways.
- 2.3 In a second phase of the work, Task and Finish Group meets with senior managers to scrutinise how their services have responded to feedback from the Customer Service workshops to embed the Customer Service Strategy and drive up standards.
- 2.4 Co-ordinating O&S Committee to endorse these actions
- 2.5 Supports the implementation of Customer Service Programme Phase 2 as outlined in the December 2022 Cabinet Report. (Appendix A)

3 Update on Customer Services Programme Task and Finish Group (TFG)

- 3.1 Appendix B provides an overview of the outcomes of TFG meetings held with the service area sponsor / leads for improving the customer experience and details

the recommended opportunities for improvement identified from the user research conducted by the programme.

- 3.2 **Bereavement Services:** TFG held on 24th November 2022 with Assistant Director, Regulation and Enforcement, Customer Service Programme Operational Sponsor and Product Owner in attendance. All recommendations were reviewed, and status update provided and clarified with further comments and recommendations from OSC taken onboard by the service AD. (Appendix B)

Workshops with the service leads and Customer Service Programme have also commenced to prioritise the recommendations and create a service improvement plan and roadmap, clearly defining delivery accountability with the items within scope of the programme added to the Customer Service Programme Phase 2. Specific examples include but are not limited to:

- 3.2.1 Additional income generation opportunities under review (e.g. core service fees, package options for additional services, longer leases/renewal options).
- 3.2.2 Single contact point for customers by onboarding the service to Contact Centre telephony solution.
- 3.2.3 Reduction of long-term agency staff and resourcing is a challenge and the service is looking to backfill the eight current vacancies.
- 3.2.4 Sutton New Rd site open until 7pm. Service is investigating if there is demand for the other sites to establish out of hours provision to enable Muslim burials to proceed at pace.
- 3.2.5 Service agreed site signage and site maps to make sites easier to navigate around, would improve the customer experience.
- 3.2.6 'Tell us once' and the appointment of a HoS for both Bereavement and Registrars which will join the process up and enable better sharing of information.
- 3.3 Specific concerns were raised by OSC in relation to opportunities 'rejected' by the service which require further consideration:
 - 3.3.1 Capability of Oracle to send invoices to stone masons via BCC's current finance system.
 - 3.3.2 The new bereavement system has the capability to provide funeral directors with a view of all current bookings with the council, made complex due to the different processes adopted across sites.
- 3.4 **Housing Repairs:** TFG held on 29th November 2022 with Head of Service for Housing Management, Customer Service Programme Operational Sponsor, Product Owner and Delivery Manager in attendance. All recommendations were reviewed, and status update provided and clarified with further comments and recommendations from OSC taken onboard by the HoS.
- 3.5 OSC commended the on-going work kicked off within the service and the efforts undertaken to improve the customer experience and satisfaction. Particular

reference was made to the critical nature of the following improvements and the potential to revolutionise the service:

- 3.5.1 Fit for purpose measures and KPIs
- 3.5.2 The review of existing tenancy agreements and communication materials detailing expectations of both BCC and the tenant, as well as the escalation process if a either party is found not to be meeting the agreement.
- 3.5.3 Choice-based lettings – meaningful guidance required for customers which aligns to the customer journey, the 'as is' not providing the information customers require at the time they need.
- 3.5.4 Web content review – improving the front-end communication and guidance for customers. Customers need to understand the situation in Birmingham; realistic expectations set by the service; and customers know this information before they start the process.
- 3.5.5 The website states there's high demand for housing within Birmingham but doesn't give any example or average waiting times based on typical applications. Members can obtain regularly updates with <https://www.birminghamchoice.co.uk/> which can cascaded via the Members Page. The tool contains an Average Waiting Time calculator to check the supply and demand of properties per area; and [live updates on property availability](#). (Figure 2)

Figure 2: Birmingham Choice website

The screenshot displays the Birmingham Choice website's search interface. At the top, the Birmingham City Council logo is on the left, and links for 'Mobile view', 'Accessibility', 'Help', 'Register', and 'Login' are on the right. Below this is a navigation bar with 'Home' and 'About' on the left, and 'Properties and recent lets search' and 'My to do list' on the right. The main content area is titled 'Properties and recent lets search' and features three tabs: 'Advertised Properties' (highlighted), 'Average Waiting Time', and 'Recent lets'. Under 'Advertised Properties', there is a 'Search properties' section with three columns of filters: 'Advert type' (Social Housing, Affordable Rent), 'Property type' (Bungalow, Flat, House, Maisonette, Other), and 'Bedrooms' (Studio, 1 Bed, 2 Beds, 3 Beds, 4 Beds, 5 Beds, 6 Beds, 7 Beds, 8 Beds, 9 Beds, 10 Beds). To the right of these filters is a 'Properties in *' section with a text input field for a postcode or town name and a 'Search' button.

- 3.6 The remaining Task & Finish Groups are inflight and scheduled as detailed below. A further update will be provided once all sessions have been convened:
 - 3.6.1 **Waste Management:** TFG scheduled for 5th December 2022
 - 3.6.2 **Highways Repairs:** TFG scheduled for 12th December 2022

4 Any Finance Implications

- 4.1 The original Enhanced Business Case sought and approved total funding of £1.7m for Year 1 in December 2021. The Customer Service resource profile forecasts budget spend at the identified £ 1.7m costs allocated to the programme in final qtr. of 2021/22 and 2022/23.
- 4.2 The savings that are currently set out in the MTFP increase by £600k in 2023/2024, phase 2 will help to deliver these and also identify future potential savings of over the next 2 years.
- 4.3 There are no procurement implications or financial implications of the recommendations in this report.

5 Any Legal Implications

- 5.1 The Council is under a duty under Section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency, and effectiveness.
- 5.2 The City Council will carry out this work under the General Powers of Competence Section 1 of the Localism Act 2011.

6 Any Equalities Implications

- 6.1 Overall, implementation of the Customer Service Strategy and therefore the activities of the Task and Finish Group may impact a number of the nine protected characteristics (specifically Age, Disability and Race) with the channel shift to self-serve; however the vision of the Strategy is clear and will endeavour to ensure a high quality, consistent and efficient approach to the customer journey across all channels by ensuring our customers access the right information at the right time and content is accurate and up to date regardless of the channel.

7 Appendices

- 7.1 A: Customer Service Programme Phase 2 Cabinet Report V6.1
- 7.2 B: Status overview of recommendations

Birmingham City Council

Report to Cabinet

13th December 2022



Subject: Customer Service Programme Phase 2

Report of: Director, Digital & Customer Services

Relevant Cabinet Member: Cllr Brigid Jones- Deputy Leader

Relevant O &S Chair(s): Councillor Sir Albert Bore – Co-ordinating Overview & Scrutiny
Councillor Mohammed Aikhlaq – Resources Overview & Scrutiny

Report author: Nikki Spencer
Delivery Manager Digital & Customer Services
Nikki.Spencer@birmingham.gov.uk
07766 924234

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010705/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1.1 Executive Summary

- 1.2 The Customer Service Programme was formed in December 2021 following full cabinet approval on 14th December 2021 being received which initiated a discovery phase into areas that were not achieving the customer service standards required. The outcome of this discovery informed an enhanced business case, demonstrating how the Council will deliver significant

improvements in customer service performance by adjusting its approach and reviewing the customer experience end to end.

- 1.3 The programme has delivered a number of customer benefits in year one including the creation of an easy-read Customer Service Strategy, a co-created Customer Charter, introduced a Citizen Panel, the refresh and cleansing of approximately 800 web pages to date and end to end discovery of 4 high volume, high priority service areas for the Council with recommendations being played back to the appropriate department for progressing.
- 1.4 The purpose of this report is to seek approval for the drawdown of funding to continue to deliver the customer improvements required across year 2 and 3 of the programme in order to continue to deliver the required outputs of the Customer Service Strategy. The scope of the Customer Service Programme Phase 2, the agile and customer centred approach and the associated funding required to deliver the programme are detailed in **Table 2: Customer Service Strategy deliverables within the time period of Phase 2 (April 23- March 25)** and **Appendix A: Year 2–4 Forecast Resource Budget Profile**, of this report.
- 1.5 The Customer Service Programme had a number of defined outputs which created a roadmap for change and the delivery of savings. Therefore the transformational nature of the programme enables us to capitalise the funding allocated to resourcing a dedicated team. The transformation programme is based on four key priority areas which will need to be considered across all services that the Council provides:

Service improvements - delivery of customer journey improvements for the priority service areas, identified in the discovery phase by customer preference, complaints, and volume data.

Fixing the basics - finalisation of the Quick Wins & Early Momentum outputs ('fix the basics') that have been scheduled to be completed.

Programme delivery - Embedding the thinking, skills, and approach into the organisation to enable a long-term sustainable approach to transformation.

Delivery of the enhanced business case – continue to deliver the core capabilities defined in year 1 of the Customer Service Strategy that will deliver ongoing efficiencies for the Council.

2 Recommendations

- 2.1 Recommendations to Cabinet: -
- 2.2 Note the progress made by the Customer Service Programme to date since approval of the Enhanced Business Case in December 2021 (**Table 1**).
- 2.3 Approve the Customer Service Programme Phase 2, as defined in this report to ensure a joined-up and consistent approach to best-in-class service delivery across the Council and partner organisations, putting the customer at the heart of everything we do.

- 2.4 Approve the forecast resource budget profile (**Appendix A**) to invest reserves of £4.187m to deliver the Customer Service Programme Phase 2 to start in April 2023 until March 2025 as a drawdown of the already approved investment funds for Customer Service activity.

3 Background and Context

- 3.1 The UK saw the equivalent of more than 12 years of ecommerce growth in a single year and the pandemic accelerated the digitisation of customer interactions in Europe by three years and the partial or total digitisation of products and services by seven years, compared with the average rates of adoption in 2017-19. (Source: Digital Transformation Report in the Times (Sept 2021). We cannot stand still as this technological revolution continues to accelerate yet many of our service areas do not have an online presence. We need to be bold and embrace the innovation that has now become commonplace.
- 3.2 Cabinet mandated on 14th December 2021 a significant shift in how we improve the Services we provide to Customers. This mandate initiated the formation of the Customer Service Programme (Phase 1) with a vision to deliver significant improvements in performance and implement the Council's new [Customer Service Strategy](#) which aims to embed change and improve how the Council delivers its services to citizens through all access channels.
- 3.3 Research conducted by the programme during phase 1 validated earlier anecdotal insights:
- customer service standards across the Council are inconsistent
 - opportunities to digitalise and automate to improve interactions are not being taken up
 - customers feel overwhelmed with having too many access points
 - a large amount of our online content is poor and needs improving
 - we receive high volumes of complaints and have high costs associated to managing failure demand activity (chase ups, etc)
- 3.4 In addition to the lack of consistency across different services, we needed to acknowledge that expectations from our citizens are increasing, they expect to be able to transact with the Council through a variety of access channels including online, and for those services to be good, to keep them informed and simply work without hiccups.
- 3.5 Since the start of the programme in January 2022, with an initial 12-month timeline to 'Fix the Basics' as outlined in the Customer Service Strategy commitments, the customer service programme undertook analysis of existing BCC data sources (i.e. Online Brum; Corporate Contact Centre, CSAT and Online Fire & Send) to identify the Top 60 services our customers engage with most frequently.

The analysis highlighted high volume services such as those detailed below, which it should be noted, also aligns with the services outlined within the Council Leader's Top Ten Non-Negotiables:

- Housing (repairs, applications and ASB)
- Waste (garden waste renewal, replacement and missed bins)
- Highways (repairs, fly tipping, report pavements)
- Revenues & Benefits (benefit entitlements)
- Education & Skills (school admissions, child bus pass)
- Bereavement Services (register a death)

- 3.6 To understand the current customer experience for high demand services, the customer service programme conducted an initial discovery phase focused on Waste Management, Housing Repairs, Bereavement Services and Highways. Through user research and data analysis the programme sought to understand the current customer and staff experience, including pain points and user needs, in order to identify a model customer experience, based on best practice that will increase/improve satisfaction.
- 3.7 Based on evidence from the research, a high-level common 'gold standard' customer experience was developed that is intended to be broadly applicable to any service area; and provide the north star underpinning the activity of the Customer Service programme.

Figure 1. Visual extract of the target 'gold standard' customer experience



- 3.8 In addition to the development of the 'gold standard', findings from the research provided the following insights:

About our customers:

- People are proud of Birmingham
- There are mixed views of the council
- Trust in the council (and Government as a whole) is low
- There is an awareness that the council is stretched
- There is some discontent around political and contractual structures within the council

Research themes:

- Most people commented on a lack of communication when interacting with council services
- Decisions aren't made transparently, there is a lack of understanding about why things happen
- There is an expectation that the council should be proactive – some things shouldn't need customer interaction
- People should be treated empathetically

What good customer service looks like:

- People don't need to submit a formal complaint when things go wrong
- People want the council to be held to account but won't always take action to do so
- Examples of good customer service include being kept informed, being treated with empathy and ease of use
- A general belief that the council can achieve 'good customer service' but expectations are low
- Customers expect the council to make improvements around training and culture.

- 3.9 As a result of the programme's Discovery work, 116 recommendations / opportunities to improve customer satisfaction and associated insights have been presented to the relevant service areas to date (i.e. Bereavement 28, Waste 13, Highways 10, Housing Repairs 13 and Housing Management 52), which demonstrates the scale and complexity of improvement work still required in some service areas in order to 'fix the basics' end-to-end to achieve that 'gold standard customer experience' for their service users.

Each recommendation / opportunity detailed the insights gathered from user research conducted with our customers, with supporting storyboards (visual representation of a theme of actions and/or events gathered from the Discovery user research), personas (snapshot of a typical service user highlighting their user needs, and positive and negative experiences), and user journeys (detailing the experiences a user has when interacting with a service area). Three key themes emerged:

- **Communication:** with customers, within services and between services
- **Complaints and feedback:** asking at the right time, making it easy to give feedback and action being taken by the service as a result
- **Use of digital and technology:** we need to address the paper based, manual processes and maximise what is already available

- 3.10 This discovery informed the programme's next stages of work with the service areas:

- **Bereavement Services:** To provide clear, accessible guidance (end to end) to help people understand how to lay a loved one to rest in Birmingham; transition of service into the Contact Centre (single contact number).
- **Culture Change:** To embed the principles of Our Customer Charter ensuring all 11,000 provide a basic level of customer care – putting people first all the time, every time
- **Waste (prototype & testing):** Investigate how we can enable proactive digital communication between the Waste service and residential customers e.g. against missed, assisted collections and garden waste
- **Housing Management:** To develop a common understanding of the current end to end journey of a housing tenant. Agree options to proto-type and test with users using evidence-based user needs
- **Web Content Review:** To ensure customers access the right information at the right time and content is accurate and update. Applying an iterative approach to the improvement work and ensuring alignment to the standards outlined in the new Content Strategy and Content Governance guidelines, also developed by the programme. (**Figure 2. Overview of web audit reports for prioritised services**).
- **Customer Panel:** Giving our customers a voice - to take an active role in shaping the services we deliver to make sure we continually meet people's needs. The Customer Service Programme has established a Customer Panel of core citizens members based on the 2022 ONS Census data; and work to continuously improve the panel in terms of diversity, purpose and role; and to establish a wider cohort of member will continue during Phase 2 to ensure the group is truly representative and reflective of Birmingham's diverse community.

3.11 With the endorsement, buy-in and engagement of directorate services, the inflight workstreams and the growing product backlog (pipeline of improvements) present opportunities for BCC to achieve outcomes such as:

- Improved customer service across a range of priority service areas
- A method/internal capability for delivering ongoing service improvements
- Improved reputation for the Council and reduction in complaints
- Reduction in costs as failure demand is tackled
- Cultural change and the embedding of agile practice through delivery

3.12 Analysis of the Council's customer contact showed:

- Contact is not managed in a structured or uniform way - we have fewer than 2% of services managed within the contact centre, resulting in excessive points of contact.

- We don't ask customers what they think or gather knowledge to improve - Only 5% of our service areas ask customers about satisfaction and where we do, the satisfaction level is only 60%.
- We are not using our customer portal (Brum Account) to its full capacity. Only 21% of service areas have services available on our customer portal.
- Non-standardised web forms: we have 119 forms online. The functionality is not uniform, and, in some cases, forms still need to be printed off and for a wet signature to be added.
- Unclear access points for Customers, Visitors, Businesses and Tenants to information, advice guidance or trading opportunities.
- Difficult to navigate website with jargon and often out of date content.

Figure 2. Overview of web audit reports for prioritised services



3.13 The programme is **“Everyone’s Battle Everyone’s Business – together we will tackle inequalities”** aware and through discovery user research is shaping customer access to services against the protected characteristics to ensure content is accessible and easy to understand for all our communities (e.g. Deaf people can now [call the Council's Contact Centre in British Sign Language with SignVideo](#), connecting users to a registered BSL interpreter. They'll confirm you're calling Birmingham City Council and will start the conversation in BSL to facilitate service requests.

- 3.14 In addition, the programme also contributes to the five key principles of EBEB to drive systemic change and guide our work to become a council that puts equity at the heart of our policy making and services:
- **A focus on equity** - We will focus our approach on equity.
 - **Actively listening to the voices of lived experience** - We will put those who are affected by inequalities at the heart of designing solutions.
 - **Understand the diverse range of views and perspectives of citizens and ensure solutions are based on the widest available evidence** - We will take an intersectional approach to understand how people experience inequality according to their social class, age, gender, ethnicity, disability and sexual orientation.
 - **Language counts** - We will aim to use plain language in our publications that is jargon-free and easily understood and will also develop a shared understanding of the terms used to describe inequalities.
 - **Place matters** - we will focus on place-based approaches that improve access to opportunities.
- 3.15 In order to ensure all programme engagement was reflective of Birmingham's diverse community, participation was based on the ONS 2022 Census data and all user research with our customers conducted by the programme to date has been rigorous in the analysis and application of the sampling mix.
- 3.16 The Customer Service Programme is working with our customers to maximise opportunities to tackle inequality and address both long-standing and novel challenges facing the city, including customer service improvements.
- 3.17 Our Customer Service Strategy will enable the Council to organise our services around demand; leverage the city's many opportunities for the benefit of local people; connect with customers in a way that improves their quality of life and drive innovation within the organisation and across partnerships by making sure we put in place the necessary strategies and capacity to enable it to happen. The Customer Service Strategy complies with the Council's Delivery Plan 2020-2022 and will contribute to the following outcomes and related priorities:
- Using innovative technology and processes to support making Birmingham an aspirational city to grow up and live in.
 - Optimising services to support making Birmingham a great city to live in
 - Focus our resources on the people that need it most, making Birmingham a fulfilling city to age well in
- 3.18 Improving customer satisfaction/experience is further compounded by organisational culture and although creation of the first iteration of Our Customer Charter (developed and tested with our users) communicates the principles, standards and behaviours expected of all our 11,000 employees; embedding a change in culture of this scale (i.e. across all levels, from the front

line to our managers, the board and even our members) takes time and the shift in culture required to become truly user needs focussed and put people first, all the time, every time should not be underestimated. Having said this, the Customer Standards Workshops rolled out by the programme has seen engagement steadily increase, with nearly 1,000 staff participating following the go-live launch in September 2022, and a Forward Plan of engagement scheduled to March 2023. However, further work is required to evaluate the change, and further embed the principles via continual learning and application of the standards in practice.

- 3.19 The Customer Service Programme [Phase 1] delivery approach aimed to help Birmingham City Council's maturity on its journey towards being a truly 'person centred' organisation...'Putting people first, all the time, every time'. The programme adapted well to the new way of working, partnering with contracted supplier Methods during the first year, building organisational capability and experience as well as helping the organisation to embed the approach, so that continuous improvement to customer service becomes second nature.
- 3.20 The purpose of this report seeks approval to invest reserve funding for Years 2-4 of the Customer Service Programme to deliver customer improvements to commence in April 2023. A view of the scope of the Customer Service Programme, the agile and customer centred approach and the associated funding to deliver the programme are detailed in **Appendix A**.
- 3.21 The Customer Service Programme continues to map out and prioritise with service leads the 116 recommendations/opportunities for customer journey improvements identified in the discovery phase. The outputs have provided the programme with a roadmap for change for Phase 2 which are based on four key priority areas to start in April 2023 until March 2025:
- **Fixing the basics** – continued implementation of the web content improvement plan, pipeline of the identified Top 50 prioritised services, and a roadmap of engagement for all Council services.
 - **Service improvements** - delivery of customer journey improvements for the priority service areas, identified in Discovery to understand the current customer experience for high demand services.
 - **Programme delivery** – Customer Service Programme Phase 2 delivery of the Customer Service Strategy for the period up to March 2025, and embedding of the thinking, skills, and approach into the organisation to enable a long-term sustainable approach to continuous improvement and modernisation.
 - **Delivery of the benefits** – continued delivery of the capabilities defined in the Customer Service Strategy, where validated by the evidence, data and insights gathered by the Customer Service Programme's user research. With an ambition to deliver end-to-end, reusable solutions (i.e. Advanced payments) that may potentially deliver savings for the Council and can be

used by other business areas during and beyond the programme to achieve efficiencies. However, it should be noted, without a mandated strategic approach for services to engage and be accountable (i.e. take ownership) to the identified recommendations/opportunities for improvement, enabling and driving forward the associated service and business change required, realisation of any financial benefits and/or efficiencies will be adversely impacted.

In order to deliver the outcomes outlined there is a dependency on other cross-cutting programmes with a range of core capabilities which will impact this work including:

- **Smart communications** – chat bots and other automations to handle and improve customer enquiries.
- **Robotic process automation** – for appointment reminders and reducing double keying of information e.g., Care plans and financial assessments.
- **Pre-emptive demand reduction** – for example garden waste renewals.
- **Customer service improvements** – prioritising individual customer service and efficiency improvements, implementing best practice and user centred design principles.

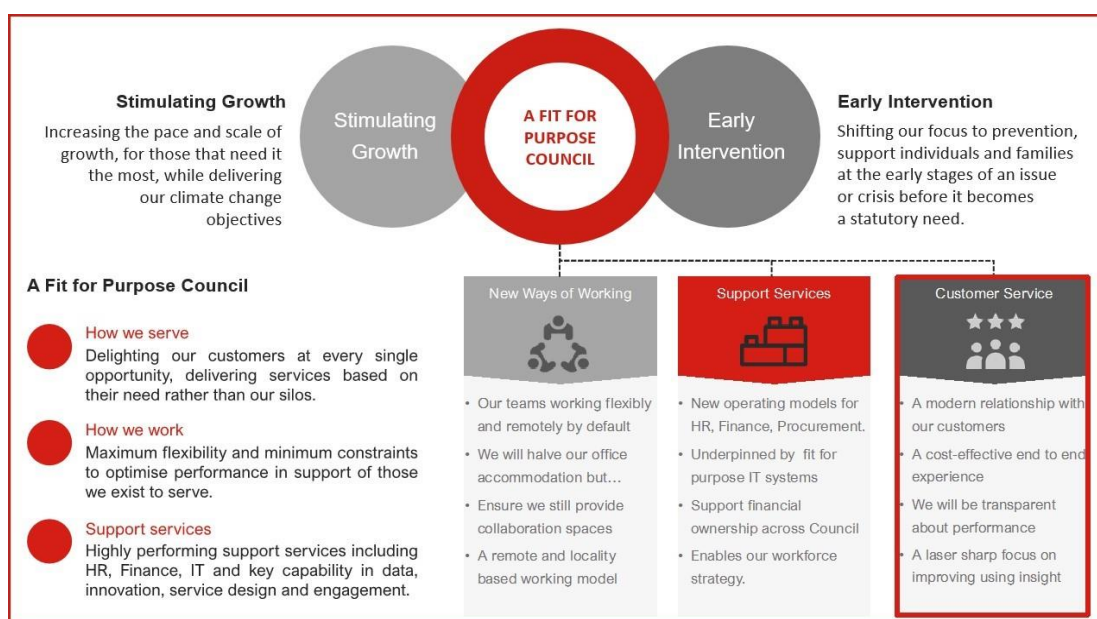
The services we have worked with to date are outlined in the Leaders Top 10 non-negotiables and continuation of the programme is vital to ensure an improved customer satisfaction/experience.

- 3.22 Our Customer Service Strategy established a key set of principles and promises, positioning work and priorities within the context of 'A fit for purpose council', using a sustainable process and approach to sustain the strategy beyond the lifetime of the programme, an ambition Phase 2 will endeavour to continue to achieve, with a vision to not only raise standards but set standards and strive for a 'best in class' relationship with our customers.
- 3.23 Customer expectations of the Council are rising. Our customers expect services that are reliable, joined up around their needs and involve them as equals. They benchmark our performance against the likes of Uber and Amazon, Spotify, and Expedia. These changes in expectation fundamentally challenge how our services need to be designed; how they are led; our approach to innovation and how we drive change and improvement in a consistent and reliable manner across the Council as a whole. This applies not only to services run by our customer services team – it means all services, from children to adults, from street cleansing to parking enforcement, treating customer, citizens, and service users with respect. This will require a step change in our approach rather than incremental changes at the margins or digitising what remain effectively paper based or manual processes. The world has moved on and so must we.
- 3.24 There is sometimes a lack of trust between our Customers and the Council. Customers expect a much greater level of involvement in decisions that affect

their lives, be they the big things that have a bearing across the City as a whole, or the little things that have a big impact in their street or neighbourhood.

- 3.25 In this context, getting the basics right means more than relentless reliability, it also means understanding and then exceeding expectations, and in turn that means an approach to service delivery that is open, reflective, and humble. The test for our services should be whether, they are consistently putting citizens first, building trust and designed around citizen needs.
- 3.26 Our recent success in delivery of the Commonwealth Games; and meeting the challenges posed by covid19 has given us much for the Council to be proud of, but we need clear ambition to make sustainable changes to how the Customers experience the services the Council provides. It is within this context underpinned by the Customer Service Strategy that continued delivery by the Customer Service Programme is required.
- 3.27 Our Customer Service Strategy was developed with the following principles:
- We will work better together with you
 - Make quicker decisions for you
 - Reduce your need to contact us
 - Tell us once
 - We will put the citizen first
 - Taking a proactive approach to customer service
- 3.28 Figure 3 below, provides a high-level summary of how the Customer Service Programme relates to our parent portfolio and to other strategic transformation initiatives across the Council.

Figure 3. Fit for Purpose Council portfolio breakdown.



4 Table 1. Current Progress against Strategy Commitments from January 2022:

Commitment	Timeline	Status
A Customer Focussed Council		
Our contract with you We will develop a customer charter, setting out the customer service standards you can expect from us.	May 2022	Completed
Communicating change We will launch an annual customer services communications plan	January 2022	Completed
Owning customer service We will ensure that all 11,000 of our staff have completed customer centricity training	December 2022	In Progress
Giving you a voice We will launch customer service panels, for citizens, young people etc	August 2022	Completed
Testing our services We will recruit and launch our first mystery shopping teams	August 2022	In Progress
Understanding you We will use publicly available data sets to really understand the make-up of those in Birmingham and use this information to help shape our services	December 2022	In Progress
A Connected Council		
Getting our information right We will review and update information and materials we provide about our services on our website	September 2022	In Progress
Speeding up your frequent tasks We will identify the top 50 service requests and prioritise digitising them, with many to be available online	August 2022	Completed
Helping you stay on top of things We will be able to send you simple reminders for your appointments	June 2022	Phase 1 Completed
A Smarter Council		
Redesign our customer service set up We will create a new team to provide earlier support and intervention, bringing together the parts of the Council providing the top 50 targeted and specialist services	January 2023.	In Progress
One view of you We will develop our single view of you, sharing data safely and securely across the top 10 service areas.	December 2022	In Progress
Keeping you informed We will identify the top 5 activities you would like to know about in your area (e.g., planned roadworks) and trial pre-emptively tell you, by text or email	December 2022	In Progress
A Connected city		
Signposting for you We will identify the top 50 non-Council service requests and	March 2022	In Progress

ensure we prioritise and signpost to them on our website		
Easy searching We will improve search capabilities on our website, so it is easy to find the right service provider for your needs	March 2022	Completed
Asking you to help out We will trial using digital technologies with a first cohort of 10 citizens, linking them to family and friends who can help with their care	January 2023	In Progress

5 Year 2-4 Forecast Resource Budget Profile

5.1 The Forecast resource budget profile of £ 4.2m is detailed in **Appendix A** of this Cabinet Report.

The original Enhanced Business Case sought and approved total funding of £1.7m. The Customer Service resource profile forecasts budget spend at the identified £ 1.7m costs allocated to the programme in final qtr. of 2021/22 and 2022/23.

5.2 As stated earlier in the report, to date the Customer Service Programme has achieved a number of benefits such as creating a Customer Strategy, Customer Charter, cleansing down of web content, creating a customer panel, see the table below for further detail.

5.3 The Customer Service Programme has developed a comprehensive proposal for change, using agile project management principles. In doing so, the programme will be cognisant of other parts of the portfolio to determine the type of council that Birmingham needs to be in the medium and longer-term to deliver its vision and ambitions.

5.4 The Customer Service Programme is an overarching, cross-cutting programme and requires the Council to manage customer service improvements as a set of portfolios of works in line the Customer Service Strategy. Thus ensuring a joined-up and consistent approach to best-in-class service delivery across the Council and partner organisations, putting the customer at the heart of what we do.

5.5 The Customer Service Programme will continue to use the current programme governance to ensure the overall performance, benefits, risks, and issues are strategically aligned so that future Customer Service is fully understood and agreed by key stakeholders. Customer Service Design Principles will be established to assure new solution designs, ensuring that each component meets the requirements and are fit for purpose with the overall architecture / corporate strategy in meeting customer needs.

5.6 The Customer Service Programme will implement and embed a sustainable process and approach to deliver the strategy using internal resource during the lifecycle of the programme.

6 Table 2 - Customer Service Strategy deliverables within the time period of Phase 2 (April 23- March 25):

Commitment
A Customer Focussed Council
Owning customer service We will ensure that all 11,000 of our staff have completed customer centricity training
Testing our services We will recruit and launch our first mystery shopping teams
Understanding you We will use publicly available data sets to really understand the make-up of those in Birmingham and use this information to help shape our services
Unblocking services We will have reviewed all our major processes to remove unnecessary steps and blockers
Sector leading customer service We will create a customer service Centre of Excellence
A Connected Council
Getting our information right We will review and update information and materials we provide about our services on our website
A single front door We will have a broader range of services through our, dedicated and specialist customer service team
Speeding up your frequent tasks We will identify the top 50 service requests and prioritise digitising them, with many to be available online
Speeding up your frequent tasks We will develop the technology to share your information, in a safe and secure way, so that you don't have to keep repeating information to us approach
Helping you stay on top of things We will be able to send you simple reminders for your appointments
Personalised service alerts and reminders We will personalise automated reminder texts and emails, based on your circumstances and preferences (e.g. channel, time, messaging etc), so you never have to miss a deadline or an appointment with us
Digital to promote healthy lifestyles We will identify the top 50 service requests and prioritise digitising them, with many available online
A Smarter Council
Connecting our Teams We will create a network of customer service champions across services, to work together to identify new ways of working better for you.
Redesign our customer service set up We will create a new team to provide earlier support and intervention, bringing together the parts of the Council providing the top 50 targeted and specialist services
One view of you We will develop our single view of you, sharing data safely and securely across the top

10 service areas.
Getting ahead of demand We will look for ways to work smarter, pre-empting your contact wherever possible across the top 10 service areas
Pointing you to services We will identify the top 20 related services (e.g. school applications and local summer activities) and start automating linked messaging
Keeping you informed We will identify the top 5 activities you would like to know about in your area (e.g., planned roadworks) and trial pre-emptively tell you, by text or email
A Connected city
Signposting for you We will identify the top 50 non-Council service requests and ensure we prioritise and signpost to them on our website
Community hubs We will conduct a review of our properties to identify the best locations for community hubs / one stop shops, with partners
Asking you to help out We will trial using digital technologies with a first cohort of 10 citizens, linking them to family and friends who can help with their care
Located together for you We will co-locate with other service providers and partners, able to jointly support your needs, by December 2024.

- 6.1 In the adoption of an agile approach, the programme will continue to seek to implement the strategic objectives above. The individual projects will be prioritised for delivery into the programme product backlog based on the value they bring to the both our customers and the Council. The three delivery teams established during year 1 will continue to build solutions that are designed collaboratively with real users of that service. Teams will continue to be timebound to solution delivery to ensure that the programme remains on track and gets solutions into people's hands quickly to test and iterate swiftly. Dedicated Change team support will be required to embed the solutions into service areas as well as report back the benefits that have been realised as a result of any change.

7 Options Considered:

- 7.1 The approach to the cost savings requires a mandated approach to which services need to comply and respond to, in order to realise any financial benefits and/or efficiencies. Projects will be prioritised into the delivery schedule based on the value they bring to the both our customers and the Council; size and scale of complexity; pace i.e. ability to deliver any potential quick-wins, as agreed with the service areas.

7.2 The option of not completing the programme has been considered and discounted as this would have significant customers and organisation impact for the following key reasons:

- Satisfaction with Council Services would not improve and our reputation for providing services would continue to worsen
- The capabilities identified have utility capability that can be used multiple times and are required for the modern relationship with customers and implementation of the Customer Service Strategy.

8 Consultation

8.1 The Leader, Cabinet Member for Finance and Resources, and Chair of Overview & Scrutiny Committee have been consulted.

8.2 Phase 2 Programme scope was informed by consultations and engagements with stakeholders across the Council including, but not limited to:

- Council Leadership Team
- Customer Service Governance Board and Steering Committee
- Overview & Scrutiny Committee Chairs
- Officer Consultation regarding Finance, Legal, Procurement, HR, Communications.

9 Risk Management

9.1 The ongoing risks will be managed in Phase 2:

Table 4 – High level risk management

Description	Impact	Mitigation
There is a risk that services' lack buy-in and engagement to adopt the strategy and that new processes will not realise benefits in line with the programme's aims.	High	Service commitment to providing an appropriate level of internal resources to support work across all services in-scope for redesign will be sought. A detailed time-based resource plan will be provided in support of this request. Corporate Governance has been established via the Customer Service Programme Board.
There is a risk that cashable savings will be absorbed as service efficiencies if they are not clearly defined for each programme area.	High	The cashable savings which must be attributed to the programme are detailed in the existing the eight MVP Business Cases. A status breakdown per business case and service commitment is provided in the Enhanced Business Case.

There is a risk that an appropriate level of resources will not be dedicated to the programme resulting in it being unable to deliver at pace or with the necessary momentum.	High	The programme has set aside specific budgets to second staff over to the programme and support with delivery. Backfill arrangements shall be confirmed in advance of commencement. Regular monthly meetings held with the Finance Business Partner updating on spend to date and forecast for the programme lifespan.
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9.2 These risks are incorporated into the programme risk register and are regularly managed/mitigated.

10 Compliance Issues

10.1 The recommended decisions are consistent with the Council's priorities, plans and strategies, supporting the Council's stated commitments to ensure we are a truly customer centric organisation.

11 Legal Implications

11.1 The Council is under a duty under Section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency, and effectiveness

11.2 The City Council will carry out this work under the General Powers of Competence Section 1 of the Localism Act 2011.

12 Financial Implications

12.1 Total forecast spend on the programme is £ 4.2m as per section 5 above.

12.2 The savings that are currently set out in the MTFP increase by £600k in 2023/2024, phase 2 will help to deliver these and also identify future potential savings of over the next 2 years.

12.3 There are no procurement implications of the recommended decisions for Phase 2 as defined in this report.

13 HR implications

13.1 Any required changes to current job roles or current operating model will be done so in line with Birmingham City Councils Policies and Procedures, incorporating a full engagement/consultation process with Trade Unions and employees. All new roles will be recruited to in accordance with Birmingham City Councils Recruitment and Selection Policy and Procedure, supporting Birmingham City Councils commitment to mitigate against compulsory redundancy where possible, any new roles will be prioritised to employees at risk of redundancy.

14 Public Sector Equality Duty

- 14.1 An Equality Impact Analysis EQUA1000 has been completed and is attached at **Appendix B.**

15 Background Documents

- 15.1 Report to Cabinet dated 14th December 2021 – “Customer Service Strategy Enhanced Business Case and Delivery”

16 Appendices:

- 16.1 A – Year 2–4 Forecast Resource Budget Profile
16.2 B – Equality Impact Analysis

BEREAVEMENT SERVICES

RECOMMENDATIONS PRESENTED TO SERVICE LEADS

Code	Insight	Recommendation detail	Initial rating	Delivery Accountability
A	Citizens find the process of laying their loved one to rest complicated and confusing, at an already difficult time. There is a lack of clarity over what choices a family has, who does what and when. Relatives call sites as they don't trust the accuracy of the information on the website, but note our website page view analysis does demonstrate that citizens are visiting the BCC web site pages for the bereavement service guidance and information on the service offerings.	Create clear guidance taking relatives through each step in the process and their options, detailing who is involved and who is responsible for what, approximate timelines and costs (including BCC service fees and what is/not included), documentation requirements, what to expect and what to do if these expectations are not met. Consider including recommended suppliers. This guidance should start from the point of death and include registering a death. It should include the process if relatives are not using a funeral director. Conduct an audit of the current guidance available online and understand how we can tailor/expand this. This guidance should be available both online and in paper format. Distribute to partners to reach customers as soon as they need that information. Ensure it is available in a range of formats and languages. Status Update 24-Nov: clear online guidance developed and published: what to do after someone dies, offline guidance is awaiting sign off and coroners review	Medium	Programme
B	Wildlife can have a negative impact on grave sites, which can be distressing for the family.	Communicate with relatives that this can be an issue and recommend particular plants and flowers that wildlife will not disturb (e.g. deer and rabbit resistant herbaceous plants) Status Update 24-Nov: Wildlife is an on-going issue that is being managed by the service	Medium	Service: work started/ongoing
C	Some grave sites are not well maintained over time.	Communicate with relatives their responsibility of maintaining a grave, including the rules/requirements around plastic flowers. Recommend ways of establishing a low maintenance grave and the grave maintenance service offering. Status Update 24-Nov: we need to articulate clear guidedlines for people, eg; plastic fading flowers, look at signange in the graveyards etc	Low	Service: work started/ongoing
D	Documentation is often paper based and time consuming to manage for bereavement staff and partners. There is often duplication of forms, missing information and the need to scan in documents or manually input details.	Eliminate as much of the physical paperwork as possible by ensuring the new bereavement system has capability to upload, share and view documentation for all partners, as well as input data via forms directly and make use of digital signatures. Ensure this is possible for all types of funerals. Offer support to those partners that need it to adopt new system. Note: Can only build online forms for non-statutory docs, all statutory docs need to remain on paper with the new system having ability to upload a scanned version / attachment to support digital record. Status Update 24-Nov: we need to chase the timeline for this (scanning) and circulate the timeline	High	Programme
E	Burials are complex and have many variations, so bookings need to be taken via phone currently. This is time consuming for bereavement staff and funeral directors, and limits when bookings can be made.	Review the process for booking burials (including statutory and non-statutory requirements) to understand how we could simplify the service. Ensure the new bereavement system has the capability to take bookings for burials online. There is an opportunity to learn from Solihull Council about their system that allows for this. Status Update 24-Nov: Process for booking burials, looking at putting this all online whilst retaining telephone access for those offline	High	Service: work started/ongoing

F	In some cultures back filling graves (i.e. by hand) after the burial is a tradition and a sign of respect. Often a back fill is a lengthy process, and requires a staff member to stay on site at the grave whilst this is being done. Currently relatives can only choose to back fill themselves or have a manual fill using a digger, and are not always aware that they can change their minds part way through.	Offer a partial back fill/ partial manual fill option for relatives, so they can honour their loved ones in this way, but relieve the burden of time spent by the staff overseeing the process. Consider different charging options to accommodate these traditions. Ensure relatives are aware of what their choice entails before the funeral (e.g. the average time it takes for 2 people to fill an adult grave). <i>Status Update 24-Nov: the service is trying to find a scheme that work, however there is also an impact on staffing and time required etc.</i>	Medium	Service: work started/ongoing
G	Some funerals run over time, which has a knock on impact for later bookings and for staff.	Communicate to citizens the overrun charge and ensure they are aware of where responsibility for this penalty lies (i.e. funeral directors) <i>Status Update 24-Nov: service need to be better on the comms but down to funeral directors to manage these situations</i>	Medium	Rejected
H	Some burials are well attended by mourners. This can mean that graves already in use in the vicinity are stood on by mourners. This is viewed as disrespectful by some.	Clearly demarcate where graves are, create narrow paths between rows of graves to help show where citizens should stand. Ask ministers to request that mourners are mindful of where they are standing at the start of graveside ceremonies. <i>Status Update 24-Nov: agreed</i>	Low	Service: work started/ongoing
I	The current system is unable to notify funeral directors of updates and changes to their bookings.	Ensure the new bereavement system has the capability to keep funeral directors updated without having to make manual checks on the system. <i>Status Update 24-Nov: Need a system that keeps funeral directors updated, has the current functionality for scope to be improved with assistance from the Customer Service Programme required.</i>	Medium	Informed new solution spec
J	The current system has no high-level view of all bookings a particular funeral director has with BCC. Currently in order to get this view, the funeral director needs to click through to 'cancel' all bookings.	Ensure the new bereavement system has the capability to provide funeral directors with a view of all current bookings with the council. <i>Status Update 24-Nov: as row-I above</i>	Medium	Informed new solution spec
K	The process for delivering a burial or cremation differs across BCC's bereavement sites. This creates additional confusion for funeral directors and staff that may work across multiple sites.	Consider which sites are most streamlined and effective. Consider how to standardise the process across all sites based on best practice. <i>Status Update 24-Nov: O&S concerned about this being rejected.</i>	Low	Rejected
L	Some funeral directors give incorrect information to citizens about BCC's availability to conduct funerals.	Host an online view of ceremony availability across all sites so citizens are able to book the slot that works best for them. Ensure this view reflects when sites are expected to be temporarily closed down due to short staffing, due to annual leave for example. Ideally this would be additional functionality as part of the new bereavement system. <i>Status Update 24-Nov: part of the new system requirement to online and digitise etc, giving better guidance to customers</i>	Low	Service: work started/ongoing
M	The process of reassigning ownership of a grave is complicated, lengthy, and requires a lot of time from staff to support customers through this process. Often customers lose copies of deeds.	Review the current process of reassigning grave ownership. Consider how to better inform citizens about the process and what is needed at each stage - this could be written guidance, or something more interactive like a video. <i>Status Update 24-Nov: agreed</i>	Medium	Informed new solution spec

N	There is some disconnection between the various bodies that need to be made aware of a death, both within BCC and across the system. This results in citizens having to tell multiple agencies that someone has died and repeat information to different parts of the same organisation.	Explore how we can better join up and share information internally between Bereavement and Registrars. Consider the 'Tell us once' scheme and how we can bolster existing information, advice and guidance. Establish an open dialogue between other partners across the system (e.g. coroner, funeral directors etc) to explore opportunities to become more joined up. <i>Status Update 24-Nov: we have a 'Tell us once' policy and the service in the process of appointing a HOS for both Bereavement and Registrars which will join the process up better</i>	Medium	Service: work started/ongoing
O	The process of applying for a permit for a headstone is lengthy and time consuming for bereavement staff, stone masons and relatives.	Review the current process and timelines of putting a headstone on a grave and how requests are currently prioritised. Provide access to the new bereavement system for stone masons and use that portal for all documentation. Provide guidance on the process and timelines to relatives. <i>Status Update 24-Nov: agreed</i>	High	Informed new solution spec
P	Stone masons are often posted invoices from BCC for each individual permit, which creates a lot of manual paperwork for both parties.	Explore the possibility of sending invoices to stone masons via BCC's current finance system or using the new finance system for this. Investigate if an integration can be added between the current / new finance system and the new Bereavement system to output the invoice. <i>Status Update 24-Nov: ensure stone mason invoices can be processed through the Oracle system. O&S - should not be rejected.</i>	Medium	Rejected
Q	Some sites are confusing to get around, for example finding appropriate parking and the right location for ceremonies. Some locations have names that are similar to other local sites, meaning citizens go to the wrong site. All of this adds to the stress on the day of a funeral.	Consider how to make sites easier to navigate around, including signage and site maps. Consider how we could name sites in a way that removes confusion for visitors. Consider including all site information on the BCC service web site pages and new system. Could it be included as part of the booking confirmation for funeral directors that they could send on to relatives, or could relatives view this information on the system. <i>Status Update 24-Nov: agreed that website is useful but signage at the sites themselves need to be improved.</i>	Low	Informed new solution spec
R	The service generally operates during core hours (Monday – Friday 8:30am – 4:30pm). Sutton New Hall does operate seven days a week. In some cases, partners need to contact Bereavement services outside of these hours, but are unable to (e.g. Muslim burials over the weekend in other areas of the city).	Where there is appropriate lighting, services could be conducted into the early evening in the winter. Consider if there is demand to establish an out of hours process to enable Muslim burials to proceed at pace across the whole of Birmingham, for example could we offer an out of hours service for Muslim burials that cannot wait at a premium charge? <i>Status Update 24-Nov: Sutton New Rd open until 7pm. Service is investigating if there is demand for the others to be open late. Looking to visit Bradford.</i>	Medium	Service: work started/ongoing
S	The COVID-19 pandemic has exacerbated the local staffing issue. Some of the staff working in the service long term are agency staff, which carries a higher cost than permanent staff.	Consider how we could bring some of the long-term agency staff into the service as permanent members of staff, reducing costs and the negative impact of short notice periods on the service. Consider how to make the service (and wider council) attractive as a career path. Update and improve guidance documentation for new staff, ensure staff have online access to remain connected to their colleagues across sites. <i>Status Update 24-Nov: staffing is currently challenging and looking to backfill vacancies, currently 8 vacancies</i>	Medium	Service: work started/ongoing
T	There are a number of phone numbers and email addresses that the service must manage	Move to one main service contact number and mailbox. There is an opportunity in the Customer Services Programme for this service to use the corporate contact centre to help log, triage, track and report all enquires received, in one place. This would help to reduce the volume of enquiries the Bereavement service receive via the triage process, leveraging best practice technologies for voice, IVR, routing of calls & omni handling of non-voice contacts like email, chat, social media all managed via a single process & technology. This would support the single phone number/email strategy. <i>Status Update 24-Nov: Agreed - work started/ongoing</i>	High	Programme

U	No key performance indicators available	Identify key service operational and financial KPIs so that the service can get an overview of how the service is performing on a regular basis. Consider using power BI to report from BACAS data to create visual, dynamic dashboards. The dashboards can also be used to setup service KPIs. <i>Status Update 24-Nov: Agreed - work started/ongoing</i>	High	Programme
V	Citizens make general enquires about the condition of cemeteries and ask for help in completing deed replacements and transfers. Some of these calls can take a long time and can result in repeated calls from the same citizens.	Look at ways to promote the creation of Cemetery Friends groups to help provide general information and news relating to local cemeteries. Work with existing Friends groups to spread awareness including the benefits of having a Friends group can make by raising funds or applying for government funding to improve the condition of cemeteries. <i>Status Update 24-Nov: Agreed - work started/ongoing</i>	Low	Service: work started/ongoing
W	User feedback is not available – this was suspended during the pandemic to enable the service to prioritise core services (funerals and memorials).	Restart capturing customer feedback in both online and offline formats. There is an opportunity to work with the Customer Service Programme to repurpose the corporate solution for customer satisfaction to log, monitor, review and report. Signposting to service feedback, could also be added to the existing service web pages and form part of a service request in the new Bereavement system. This will ensure we have a consistent measure of satisfaction and will allow us to benchmark/measure at intervals of the end-to-end journey. <i>Status Update 24-Nov: Agreed - help required from the Customer Service Programme on what the service can do</i>	High	Programme
X	The complaints data shows the most common root cause problems to be: 'Not the quality or standard expected' 'Failure to deliver a service' 'Disagree with policy or procedure'	Regularly review the complaints data to identify repeat complaints and common trends. Work with the complaints leads to see how they can be avoided through service improvement plans. <i>Status Update 24-Nov: Agreed - work started/ongoing</i>	Medium	Service: work started/ongoing
Y	The complaints data shows the response target for stage 1 citizen complaints was 73% in 2019, 69% in 2020 and 41% in 2021. This shows a gradual decline in responses provided to citizens within 14 working days and could be attributed to the level of demand experienced during the Covid-19 pandemic. It could also be down to the complaint leads prioritising waste management complaints.	Monitor the dates between complaints being submitted and the bereavement team receiving notification by the complaint leads to ensure there are no internal delays. This will ensure the team have enough time to investigate complaints and provide a response within the set number of working days. Request regular reports from the complaint leads to check for the team is improving their stage 1 response times. <i>Status Update 24-Nov: Agreed - work started/ongoing using root cause analysis to improve, complaint volumes very low</i>	Medium	Service: work started/ongoing
Z	Additional income generation opportunities	A. Review fees of core services to understand where the service makes the most revenue, to understand how the service can maximise income <i>Status Update 24-Nov: Agreed - work started/ongoing to review income generation opportunities</i>	Medium	Service: work started/ongoing
		B. Review possible package options to encourage relatives to buy additional services, e.g. maintenance or borders for graves <i>Status Update 24-Nov: as at point a. above</i>	High	Service: work started/ongoing
		C. Offer longer lease lengths or renewal options for grave leases to generate additional income <i>Status Update 24-Nov: as at point a. above</i>	Medium	Service: work started/ongoing

HOUSING REPAIRS

RECOMMENDATIONS PRESENTED TO SERVICE LEADS

Code	Insight	Recommendation	Initial Rating	Delivery Accountability
19	Customers find it difficult to explain what the issue is online. They are unsure if their issue qualifies as an emergency or not, so often they find it easier to ring up and speak to someone. Staff find that some customers believe everything is urgent, meaning there is a gap in expectations and a lack of common understanding.	<p>Review the BRUM account reporting process and content to understand how we might clearly communicate the different levels of severity of repairs. Make it easier for customers to tell us what the issue is, improve triaging and reduce the need to ring. Test these changes with users and iterate based on feedback. BCC might should explore implementing a simple decision tree, diagnostic tool for customers to use.</p> <p>Status Update 29-Nov : <i>new functionality available enabling customers to report, diagnose and track a repair, end2end view of the repair request and timelines. Target go-live Mar23 for online capability and automation. Link to Rows 20 & 22</i></p>	Medium	Programme
20	Customers believe that BCC aren't proactively maintaining housing stock due to a lack of funding, which causes things to become worse over time, resulting in more expensive repairs. Sometimes the wrong people are sent to do the repairs work. Customers experience varying standards of quality of repair, some of which is poor. This results in the need for repeated contact about the same issue.	<p>Improved triaging will help ensuring the right tradesperson is sent to a job. Service level agreements detail the agreed standards of quality and timeframes expected. These are known, documented and publicly available in an accessible format. Customers are served information about the SLA and expectations appropriately, through the service, and don't have to hunt through the website for them. BCC and its partners consistently meet agreed standards. BCC are already exploring how they could make use of smart technology to track and maintain its infrastructure and assets e.g. in housing and highways. This will enable the council to proactively address issues as they arise, often before they become a major problem that is expensive to fix.</p> <p>Status Update 29-Nov : <i>Housing stock maintenance will reduce demand by modernising Housing stock and Housing Revenue Review also in progress. Increase of capital spend by £ 50m by Apr23 (inc. retrofit, reprocurement will facilitate adoption of new KPI 'right first time' to ensure cases are reviewed accordingly; currently at 40% decency level of housing stock which is not acceptable and service is increasing the level of stock surveys completed, as a result. Link to Rows 19 & 22</i></p>	Medium	Service: work started/ongoing
21	Some tenants don't look after their properties to an appropriate standard, resulting in the need for additional repair work, putting added pressure on the department.	<p>Review existing tenancy agreements and communication materials detailing expectations of both BCC and the tenant, as well as the escalation process if a either party is found not to be meeting the agreement. Ensure clear documentation is readily available on line in a range of accessible formats and languages.</p> <p>Status Update 29-Nov: <i>Tenancy conditions require lengthy process and is currently under review with consultants Campbell & Tickell as part of the Housing TOM - review outcome target: Dec22, implementation kick-off Jan23 - recommendation in scope so will be picked up and output communicated to tenants. Tenancy conditions are robust however visibility of diagnostic trees and customer journey could be better, e.g. tenancies currently end on a Friday and begin on a Monday (other LAs adopt a more flexible approach) setting customer expectations would be key to improving customer satisfaction. Voids end2end review also in progress. Strongly supported by O&S as current process results in lost tenancy days/revenue loss and this opportunity presents potential financial gain for BCC.</i></p>	High	Service/Programme: work started/ongoing

22 For some customers it is a lengthy process scheduling in an appointment via the contact centre. Some customers wish to be able to self serve and book/manage their own appointments.	BCC is already developing an online booking system showing available appointments that customers can self book in Housing. Use the user stories developed as part of this work to ensure this system is user need led and fit for purpose. <i>Status Update 29-Nov : In scope for Housing Online - communication module is an element within the configuration capability of the portal enabling self-service and customer appointment scheduling. Link to Rows 19 & 20</i>	High	Inform new solution spec
23 Customers are asked for feedback twice, by both BCC and contractor partners. BCC's request typically comes via SMS and a contractor's request comes via PDAs (personal digital assistants). Feedback is crucial for both BCC and contractors to understand how they can improve service delivery. Contractors want to work more closely with the council, to increase shared understanding of ways of working and processes, for example Northgate systems only track repair activity to measure workload, and cannot track conversations. Some customers receive a request for feedback from BCC for a repair that hasn't yet been carried out.	More joined up/partnership working between the council and contractors, so customers don't feel the organisational boundaries. Make use of a single point of feedback that can be shared with our repair partners. Ensure contractors do not ask customers for feedback whilst still in their home. <i>Status Update 29-Nov : Housing Satisfaction Measures end2end process asking for feedback based on the service being delivered (enquiry type); New regulations require specific questions to be asked of tenants via a survey and an associated action plan put in place for resolution. Wider tenant satisfaction measures - Apr23 and target publication Jun/Jul23. *(Joint delivery by Service and Programme) Feedback via contractors - Steve Wilson leading on service improvement work for City Housing programme and has shared the recommendations and our customer charter principles to aid the partnership relationship.</i>	Medium	Service/Programme: work started/ongoing
24 Sometimes customers are not informed if a contractor will not be attending as planned, meaning they may stay at home all day waiting for someone to come who never arrives. Conversely, sometimes contractors arrive without an appointment being booked in, and the customer is not aware of the visit.	Keeping customers informed about changes to their case, particularly when it directly affects them is fundamental. The appointment notification system will help with this if it has the functionality to provide live updates - for example notifying a tenant that a contractor is running late and they will now arrive at 4pm instead of 2pm. <i>Status Update 29-Nov : 'As-is' functionality customers receive and SMS text appointment confirmation from contractors and an 24-hr reminder from the contractor. Functionality to track engineer to the doorstep and notify customers of any delays is not yet implemented. This needs to be 2-way functionality for customer and contractor and although may already have the capability; implementation approach will be key. To be noted: Demonstrates the benefits of the programme, as this user need was not part of the original procurement detail but as a result of the user research conducted by the Customer Service Programme, this functional requirement will now be incorporated in the new tender process. Strongly supported by O&S - if we get this right, it will revolutionise the service; timeline for activity required. Link to Row 25</i>	Medium	Inform new solution spec
25 Customers sometimes miss repair appointments, which is costly to the service.	The service are currently in the process of trying to implement an automated reminder system that will remind the customer 48 hours and 2 hours before the scheduled appointment. Ensure this process is fit for purpose through user testing. Track the impact on rates of missed appointments. <i>Status Update 29-Nov: due to 'cost per property' model, costs would remain the same (i.e. no reduction in contractor costs) but increased contractor efficiency would improve the customer experience and satisfaction. Service exploring the use of the communications module within the Northgate solution to support 'getting this right first time' and improving the customer journey (review of volume of missed appointments will be key). Link to Row 24</i>	Medium	Service: work started/ongoing

26 Customers are able to place multiple requests for a repair, which can result in duplication within BCC. In one case 22 jobs were booked for the same property, on different dates. Reference numbers are provided over the phone, but customers don't necessarily take a record of these. Customers are given a separate reference number for each issue in a house.	<p>Explore how BCC can manage cases without using reference numbers, for example assigning a case to a household or customer - this could reduce the possibility for duplication and would improve the customer experience of the service.</p> <p>Status Update 29-Nov: <i>scope of user need, tenants with multiple repairs to be assigned a property-based rather than job-based unique reference number enabling a customer and contractor view of multiple/outstanding jobs under one reference.</i></p> <p><i>Housing Management review as part of potential failure demand and repeat jobs; need to properly analyse the Northgate data on all outstanding jobs and top 50 reporters. If stock decency can be increased then the volume of repairs will reduce.</i></p> <p><i>O&S: long term repairs data may highlight fundamental issues and enable a more proactive approach using the insights to requirements and a long term view for planned maintenance.</i></p>	High	Programme
27 Contractor colleagues are unable to manage information on the housing repairs system. For example, to update details such as phone numbers, or to include a warning about a tenant they must contact BCC directly to get this changed.	<p>More effective working closely with partners, sharing data and systems, to improve efficiencies and the experience customers have of the service.</p> <p>Status Update 29-Nov: <i>Data sharing dependency and how we capture contractor data and feed this back into the single customer record; potential use of the comms module to push our reminders across City Housing. Link to Tenant Satisfaction Measures</i></p> <p><i>O&S: Proactive approach required to address this recommendation and plug the tenant data gaps.</i></p>	High	Programme
28 Customers are sometimes promised that a manager will be in touch to discuss their case, but this never happens. For some customers, conversations feel scripted and unnatural.	<p>Customer centricity training for the contact centre will help to ensure staff have the training and skills to effectively manage cases and support customers, delivering a high quality of customer experience.</p> <p>Status Update 29-Nov: <i>Customer Standards Workshops to embed principles of our customer charter 'putting customers first all the time, every time'.</i></p> <p><i>O&S: require an update on the issues coming out of the workshops as part of the next phase of Task and Finish Group work.</i></p>	Medium	Programme
29 Data shows that there were over 70,000 calls related to housing applications	<p>The website states there's high demand for housing within Birmingham but doesn't give any example or average waiting times based on typical applications. This would help set customers expectations in believing they will get accommodation relatively quickly. It also doesn't let the customer know how many applications are currently on the council housing waiting list. Providing this information may be useful to customers or creating a quick assessment questionnaire asking basic information to provide an estimate of the time it may take to get accommodation would be useful.</p> <p>Status Update 29-Nov: <i>administration of the process if the issue due to capacity/vacancies, was reduced to 4,000 applications; new allocations policy and new functionality development within the system will assist but need to get backlog figures reduced (average 6-week waiting period) - service to provide figures and report back.</i></p> <p><i>Automation being led by Jamie Harrison - greater visibility will negate the 70,000 calls received for application updates; as well as managing expectations on timelines.</i></p> <p><i>Choice-based lettings requires a content review - is the guidance meaningful for the customer and aligns to the customer journey, the 'as is' not providing the information customers require at the time they need. Proactive engagement with tenants to downsize is in progress.</i></p> <p><i>Regular update notes to Cllrs on current status - Average Waiting Calculator available https://www.birminghamchoice.co.uk/ but how this is communicated needs addressing e.g. cascade link on the Members' page.</i></p> <p><i>O&S: historical levels are far too high; escalation to Housing O&S for visibility</i></p>	High	Programme

30 Data shows over 20,000 calls were made by customers checking their rent/council tax balance

Ensure customers are made aware how they can view their balance online via the BRUM account

Status Update 29-Nov: *Online rent account account, payments calculator, payment history and notifications all live in the Brum Account. Need shift to self serve to irradiate calls for simplier enquiries. Service provide 12-week support at the beginning of the tenancy journey, communicating the expectations of tenants.*

Some contractors have a FLAG initiaive in place as well as sending out leaflets to tenants on how to deal with damp for example, they are happy to share this information with the council

Status Update 29-Nov : *Contractor comms/leaflets can add value to tenant guidance and could be distributed via .gov.uk, tenant comms and newsletters. City Housing DMT to define approach and response*

Medium	Programme
Medium	Service

WASTE MANAGEMENT

RECOMMENDATIONS PRESENTED TO SERVICE LEADS

Insight	Recommendation	Initial Rating	Delivery Accountability
Slab in the cab is currently used at the driver's/team leader's discretion n.b. Note correction - it is a planned/structured pilot to ensure any issues are fully addressed before going live, taking into account lessons learned from earlier less successful roll-outs.	With the early success of the current soft pilot of slab in the cab, the service should ensure more drivers to adopt this system to ensure consistency in quality and reporting across the service. Status update 05-Dec: A new Transformation Director has been employed to drive this forward and ensure all technology (Kit -Krew In-cab Technology) is in place and fully operational by end of Dec22, which includes a robust staff training programme which is fully supported by all Trade Unions. The Business Support Team have worked closely with Assistant Service Managers and crews to ensure all round data is up to date and accurately reflects day-to-day collection routes; and the kit will also flag Assisted Collections to avoid them being missed. All crews will be mandated to use the in-cab technology to report anomalies such as broken bins, contamination or bins that have not been presented which will feed back real time to the Managers of the service who will be monitoring daily collections; and taking proactive action to address any missed collections in the event of vehicle breakdowns, road blocks, etc. The technology will free up manager time to better support the crews; and the real time data visibility will be available for the Contact Centre to better equip Agents to respond factually and accurately to customer enquiries, which in turn should reduce customer complaints.	High	Service: work started/ongoing
At some depots, the rate of missed bins can be high. Customers do not always get their missed bins resolved in a timely manner, with some getting their bin emptied at the next scheduled collection. This means that in some areas public trust can be low in the service.	Make use of slab in the cab across the service to reduce the rate of missed bins across the service, reducing complaints and additional work for back office staff. Review the current policy in place for collecting missed bins within 48 hours to ensure it is achievable for the service and change this target if not, to better manage customer expectations. Status update 05-Dec: Currently the process of crews reporting missed collections happens at the end of each shift, the new in-cab technology will enable real time reporting of bins that have been missed for a variety of reasons such as road blocks, parked cars, bin not presented. This data will be captured and held in a single system so the Contact Centre will have visibility of missed bins so in the event of a customer contact, accurate data can be relayed. As well as this, managers will proactively follow up any multi-service issues causing regular repeat missed collections such as parking enforcements, illegal skips on highways, etc. that may prevent collection. Also because managers will be able to see crew performance in real time if a vehicle breaks down and can not complete a round, the work can be allocated to other crews who may have capacity on the same day to pick this up, however this will require proper engagement and agreed processes with Trade Unions for managers to follow. As part of the customer programme activity, in the Brum Account, citizens are able to report a missed bin at another property by entering the property address in the location field of the form. Whole road reporting was removed as the service found this was being inappropriately used as it was thought it would expedite a missed bin collection. Accuracy of reporting missed collections should be improved as a result. O&S - The ability for concerned residents to report HMO missed bins needs to be explored, as currently this can only be reported if the property location of the missed bin is known.	High	Service: work started/ongoing
The waste service is currently using the 'task and finish' approach, which means crews often go home earlier than their official finish time. This means managers are unable to reallocate dropped work, so that it can be done on the same day.	Use slab in the cab to reallocate dropped work before crews return to the depot. Status update 05-Dec: see row 32	High	Service: work started/ongoing
Team leaders want to have a consistent and reliable team. However, they are not always informed of who will be in their team ahead of time, creating confusion and frustration. In addition, team leaders are not always told if their truck is going to be out of action due to an MOT or repairs ahead of time.	Consider how to improve the line of communication between team leaders and management. Ensure there is a feedback loop in place for waste crews to feedback on their issues day to day Status update 05-Dec: Large recruitment process underway to fill all permanent vacancies. However the service will retain 23% of agency cover for sickness, annual leave, etc. to enable permanency of each round to improve consistency of collections. In the event of planned vehicle maintenance alternative vehicles should be sourced in advance and if not possible the work reallocated between other crews with capacity.	High	Service: work started/ongoing

The way complaints are dealt with is inconsistent across the service. The waste service still receive iCasework, rather than these complaints going directly to the complaints team.	Review the complaints process and ensure alignment across all teams, agreeing who should deal with complaints. Consider having an overflow route, should volume become too high. Status Update 05-Dec : <i>The new Complaints process was launched April 2021 and City Operations which includes Waste Services now have a dedicated complaints handling team which is embedded and sits alongside the operational teams at each depot. This improves the turnaround time for complaints and although this is a high volume area the SLA of 90% is now consistently achieved. The in-cab technology will further enhance complaints responses and will enable the team to provide more personalised responses. If volumes reduce, efficiencies in administrative activities will be made.</i>	High	Service: work started/ongoing
Customers don't always following guidance around disposing of their waste correctly as well as the kerbside policy. This leads to missed bin collections and therefore additional customer traffic to BCC and sometimes complaints. BCC don't often communicate why a bin hasn't been collected, which leads to confusion and frustration with customers.	Review current guidance for how the public should correctly recycle and what should not be put into refuse bins. Ensure all guidance and policies are easy to read and accessible in a range of languages and formats. Establish a live update system that is connected to slab in the cab, so customers know when and why their bins have not been collected. Status Update 05-Dec: <i>Review current guidance for how the public should correctly recycle and what should be put into refuse bins working with 'Keep Britain Tidy' to try and define and find a way of telling residents they've done something wrong. Options being explored are: Tag & Flag new guidance - you've received a tag; tag and flag to resident what they did wrong; what they can and can not put into bins; tagged bins will automatically re-routed to residual waste - don't want to move into a removal of bin situation but we do want to review the communications and consider video clips of residents putting the right rubbish in the right bin instead of leaflets. Education and bin stickers to clearly show what can be placed in bins. HMO team are reassessing the Landlord responsibilities and ensure there is enough literature and information contained and landlords are suitably educated on their duties and responsibility to inform tenants of requirements - reinforcement at a regular basis. The current bin specification, which is 25-pages long needs to be reviewed, improved and simplified.</i>	High	Service: work started/ongoing with support from the programme
Sometimes crews need to take a broken bin away. There is nothing for them to provide to the customer telling them what has happened and when the new bin will arrive.	Develop some simple comms in a range of languages and formats for crews to have in the trucks, to post through a customer's front door in this instance. Status Update : <i>In-cab technology allows driver to report broken bin and locations in real time to organise a repair or replacement bin. The service are reviewing the current bin procurement approach, and are exploring an Amazon -type procurement approach to enable the despatch of bins directly to residents homes as opposed to bulk order and storing of bins in depots. This will enable a much more proactive and faster response time to replacement bin requests.</i>	High	Service: work started/ongoing with support from the programme
Sometimes rubbish is accidentally dropped during rounds. The public can at times become aggressive and there are road rage incidents towards the crews.	Review the training crews get to better equip them to deal with difficult members of the public and to ensure they clear up any rubbish that is dropped during the process of collecting bins. Status update 05-Dec: <i>It is mandatory for all crews to pick up any dropped refuse or spillage that fall from the bins at the point of collection when being lifted into the truck. Any reports of non-compliance will be monitored and performance managed by depot managers. The street cleaning rounds now follow the black bag collection crews. Any residual waste that has been fly-tipped or black bags that have been opened by pests can now be reported by crews with a pinned location using the In-cab technology; requests will be automatically assigned to the appropriate service to resolve to avoid multiple reports of the same issue and customer complaints.</i>	High	Service: work started/ongoing
Staff highlighted that due to traffic issues on their rounds they miss around 15 streets a day resulting in many missed bins.	Consider how to leverage slab in the cab to reallocate dropped work as efficiently as possible and how this information is relayed back to the customer both digitally and non-digitally. Status update 05-Dec: <i>The in-cab technology will be able to record if there is vehicle or access issues or the crew is stuck in traffic; using the technology so that we can communicate to residents and Members access issues have resulted in collection not being able to take place. Being made aware in real time will allow depot managers to reschedule asap</i>	High	Service: work started/ongoing
Not all streets are included on the digital form when reporting a missed bin collection, making this a painful process for some customers.	Review the current maps in use. Consider moving to a live version of maps in the missed bin/recycling form to ensure that all roads are current. Enable a customer feedback loop when maps are not up to date. Status update 05-Dec: <i>Dependency on LLPG data between the mapping solution and the line of business application which needs to in sync in order for the report to be submitted and actioned by the service. Taking this approach could lead to an increase in failure rate and we will need to understand how much of an issue this is considering we are using local and national LLPG data.</i>	High	Service: work started/ongoing

Customers have expressed that paying for garden waste is not value for money especially when this type of waste is missed or not collected.

Note: We understand legislation around garden waste has recently changed and local authorities may no longer be able to charge for garden waste.

Status update 05-Dec: *We are looking to introduce reoccurring payments (direct debits) for residents to pay for their garden waste collections, this will mean that they will be automatically subscribed to the service each year without the need to renew annually which is resource intensive. When we move to automatic subscription this will enable the service to effectively plan the routes for the year ahead as opposed to being reactive every month and making manual adjustments which increases the potential for dropped work. We are aware that there are pending changes to the Environment Act which may impact on the type of service offered to residents however no decisions have yet been made/communicated.*

O&S - *recommends a move to an automatic renewal system; once residents sign up we tend to retain them (very few cancel)*

For some customers waste collections have been missed multiple weeks in a row with no explanation or update about when their waste will be taken away.

Consider reviewing the current mechanism for informing a customer their collection will not be done on a single occasion or for multiple occasions.

Status update 05-Dec: *See Row 32 - Covered by KIT implementation - pulls all the repeats together to be provided with a hotspot of issues.*

Customers are unsure how to use bins correctly. For example the pod should host cardboard, but is often too small for the cardboard customers need to recycle. Some people swap their recycling round so the cardboard goes into the main bin. In addition, customers aren't always clear what to do to manage a missed bin (especially if it's a bag) without creating additional issues such as rodent infestation.

Review current guidance and comms in place informing customers how their bins can be used, including what to do whilst waiting for missed bins to be collected.

Status update 05-Dec: *See Row 36 - Keep Britain Tidy and HMO engagement*

Low	Programme but pending legislation
High	Service: work started/ongoing
Medium	Service: work started/ongoing with support from the programme

Birmingham City Council

Coordinating Overview and Scrutiny Committee

Date 9th December 2022



Subject: Early Intervention and Prevention Programme Update

Report of: Prof. Graeme Betts, Director of Adult Services,
graeme.betts@birmingham.gov.uk

Report author: Prof. Graeme Betts, Director of Adult Services,
graeme.betts@birmingham.gov.uk

1 Purpose

- 1.1 To update the committee on the work of the Early Intervention and Prevention (EI&P) Programme.

2 Recommendations

- 2.1 Members to note the EI&P programme update as set out in Appendix 1.
- 2.2 Members consider the recommendation of developing an Early Intervention and Prevention Directorate to deliver capabilities relating to EI&P in the future.

3 Any Finance Implications

- 3.1 The financial implications will be considered in the report to Cabinet in February 2023.

4 Any Legal Implications

- 4.1 The legal implications will be considered in the report to Cabinet in February 2023.

5 Any Equalities Implications

- 5.1 The equalities implications will be considered in the report to Cabinet in February 2023, however the intended outcome of the programme moving forward is a positive, supporting vulnerable citizens much earlier, to build resilience and enable independence within communities.

6 Appendices

- 6.1 Early Intervention and Prevention Scrutiny Update – Appendix 1

Early Intervention & Prevention Programme – Scrutiny

9 December 2022



Contents

1. What is EI&P and why are we taking this approach?
2. What have we learned so far?
3. What is the EI&P Programme's journey to date?
4. How are we delivering this?
5. What are the next steps?

WHAT IS EI&P AND WHY ARE WE TAKING THIS APPROACH?



Early Intervention & Prevention (EI&P) Overview

Appendix 1

Problem statement:

Many Birmingham citizens are not consistently empowered to or equipped with the necessary tools to live healthy, fulfilling lives independently. This is leading to more citizens reaching crisis before they are supported, which is expensive for BCC, and leads to worse outcomes for individuals and families.

Our vision:

Enable everyone in Birmingham to become, and to be, **independent**, socially and **economically active** and **resilient citizens**, starting from when they are children and continuing **throughout their lives**

How we will do this:



Taking a **citizen-centric approach** that supports individuals to build **independence** and **resilience**



Empowering officers to help citizens the **first time** by focusing on a **strengths-based** approach underpinned by **data**



Adopting a **digital-first** approach where possible, with **options** to support a diverse range of needs



Develop a **multi-disciplinary, integrated offer** that leverages the strengths of the Council and its partners (e.g. ComVol sector, health, police)



Using **data** in a secure, ethical and compliant way to drive **improved decision-making**



Driving improved **efficiency & effectiveness** (quality) by transforming the way we deliver our services

Value this will deliver:

Our citizens:

- ✓ I have built supportive local networks
- ✓ I am independent & resilient
- ✓ I have a positive first experience when engaging with services I need

Our staff:

- ✓ I am able to work collaboratively internally and with partners
- ✓ I feel engaged with my organisation
- ✓ I am satisfied with my job

Our council:

- ✓ We have a reduction in re-referrals
- ✓ We have reduced statutory demand
- ✓ We have positive interactions with citizens and partners

Why are we taking an EI&P approach?

Birmingham is facing unique challenges that have been exacerbated by the pandemic and the cost of living crisis:

Over 40%
children in relative
poverty

Life expectancy is
4 – 5 years
lower than the
England average

Unemployment rate is
11.4%
compared to the UK
average of 4.6%

Citizens and staff have told us there is a growing normalisation of crisis and significant issues in current provision, for example:

1. The **experience for citizens is complex** and services are not joined up

2. Current **services are reactive** and there is limited use of data and insight to enable a proactive approach to meeting citizens needs

3. There is a **desire from staff to deliver holistic support, however limited capacity** and a lack of training restricts what support can be provided to citizens

"I needed to know what to do next, it shouldn't be up to me to pick up the pieces...I would have expected proactiveness "



"The council is a big scary thing...there is a lot of confusion about which council service is called what."

What are we trying to achieve with EI&P?

We will:

Tackle the root cause of issues

Facilitate independence and resilience

Create easily accessible and local community assets and networks

Citizens



Staff



Council



So that:

Citizens receive a holistic service which enables them to thrive

Citizens can receive the help they need early and continue to support themselves

Citizens get the support they need easily and before they escalate into greater issues

We provide a good quality service in a timely and efficient manner

Our staff feel empowered to continue to support our citizens

We have a skilled and well-resourced work force which has robustness and longevity

We support citizens to be independent, socially and economically active and resilient citizens

We are efficient and contribute to a better corporate financial position

We take a place based approach to offer holistic support

WHAT HAVE WE LEARNED SO FAR?



To ensure our programme puts resident needs at its core we undertook a five week research project, engaging with residents, staff and partners

Appendix 1
Appendix 1



Criteria used to select citizens for research participation – a mix of:

- Demographics representative of Birmingham – gender, age, ethnicity, socioeconomic status
- Families with young children and singles
- Stable and unstable financials and housing situations
- Physical and mental health conditions
- Passive and active service users

Criteria used to select staff for research participation – a mix of:

- BCC services and partner organisations
- Money and homes specialisms plus wider (general advice, benefits and rents)
- Strategic and frontline

What have we learnt so far from citizens and staff?

Appendix 1

1

The growing normalisation of crisis post COVID and during the rising cost of living means people do not realise they are in crisis

“People get a letter from the council now and tear it up straightaway... then suddenly they are in huge arrears and trouble”

– Partner staff

2

There is a reluctance to ask for help due to a range of reasons including fear of judgement and distrust

“I needed to bring a friend to advocate on my behalf for my disability adjustments as the council didn’t believe me”

– Citizen

3

Given the complex current provision, citizens do not know where to start even when they realise they need help

“ I was new to the country from Germany and had no idea where to start at all”

– Citizen

4

The complexity of the system is leaving citizens with no choice but to come into physical locations to solve their problems

“You need a degree to fill out the forms...one wrong tick and you won’t get the right help needed”

– Volunteer

WHAT IS THE EI&P PROGRAMME'S JOURNEY TO DATE?



What is the EI&P Programme's journey to date?



In November 2020, Cabinet agreed an outline business case relating to EI&P, focussed on establishing an empowering and enabling model of early intervention and prevention that 'helps people to help themselves'



In March 2022, the first phase of the EI&P Programme – high-level design – resulted in a report being submitted to Cabinet. A long list of capabilities was identified for consideration within the remit of EI&P, which are currently delivered by teams across BCC.

In addition, four options were considered:

1. **'Do nothing'**
2. **Limited change**
3. **New service**
4. **New Directorate**

NOW

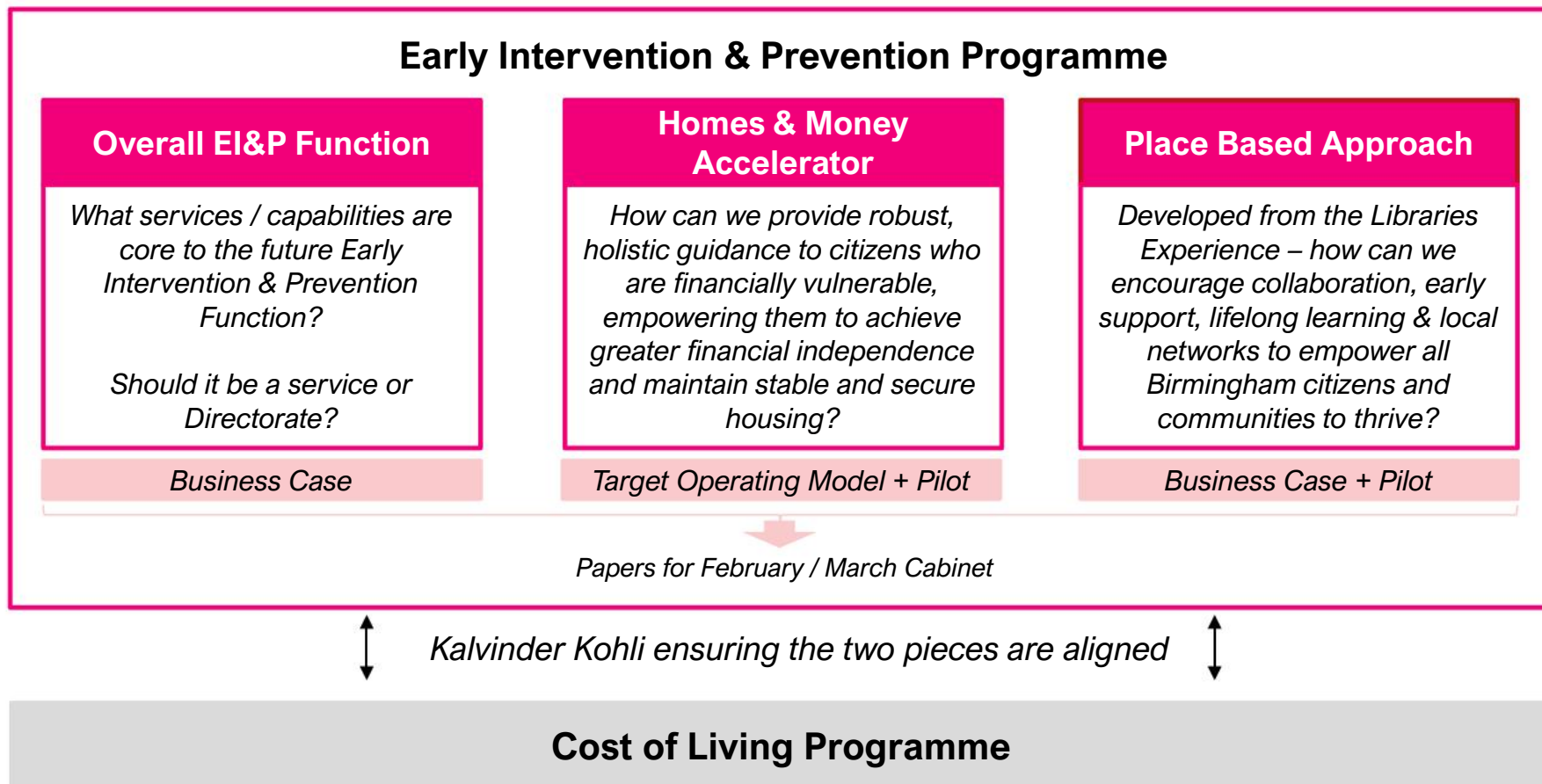
Since March 2022, the programme has undertaken detailed design in preparation for Cabinet in Feb/March 2023, which will establish:

- The recommended list of capabilities to be 'in scope' for an EI&P Function
- The recommended structure of the EI&P Function – as per the four options above

HOW ARE WE DELIVERING THIS?



What are our current focus areas?



What will the delivery structure for EI&P be?

In the report submitted to Cabinet in March 2022, four options were considered for the preferred way forwards for EI&P:

1. **'Do nothing'** – maintain siloed services
2. **Limited change** – transform current services
3. **New service** – bring our universal and targeted work together into a new service focused on EI&P
4. **New Directorate** – bring our universal and targeted work together into a new Directorate focused on EI&P

Through our engagement and development of the EI&P function, it has been identified that **delivering this as a Directorate in the future will enable the greatest benefits**

Through delivering EI&P as a Directorate, it will enable:

**A platform to
drive the
EI&P agenda**



**Long-term buy
in across the
council**



**A proactive,
preventative
culture**



**An integrated
partnership
approach**



Overall EI&P Function

Appendix 1

1

- The EI&P function will be delivered as a new Directorate
- The capabilities and teams that were identified as undertaking EI&P activity as part of the initial TOM work in March 2022

2

- A series of Migration Assessments took place to assess whether the capabilities should be in scope for EI&P through meetings with the teams delivering the capabilities
- This led to a summary of in scope capabilities to take forward into the Directorate

3

- The programme attended CLT on 6 Dec to confirm the scope of EI&P with Senior Leadership
- This established clarification of which teams would move across to the new EI&P Directorate from existing council services

Employability	Health & Wellbeing	Citizen Support
<ul style="list-style-type: none"> Careers advice Employment & skills support Adult education Apprenticeships In Work Support 	<ul style="list-style-type: none"> Early years (0-5) education & all age children Sexual health services Leisure & sport Social prescribing Mental health advice and tools Health literacy School health Children's centres & health visiting 	<ul style="list-style-type: none"> Special Educational Needs and Disability (SEND) support Pre-Education, Health and Care Plan (EHCP) Preparation for Adulthood (PRA) Staying Independent At Home Early Help Family Hubs
Community Inclusion	Housing & Money Advice	Citizen Safety
<ul style="list-style-type: none"> Youth services Library services Activities & support for citizens Digital inclusion Community resilience support Relationship advice 	<ul style="list-style-type: none"> Housing and homelessness advice Domestic abuse support Financial help (incl. income maximisation) Financial help (incl. budgeting) Fuel and utility advice System-wide homelessness prevention Food security Housing options Revenues & benefits 	<ul style="list-style-type: none"> Drug & alcohol support Domestic abuse support Fuel poverty support Community safety & anti-social behaviour Youth violence and knife crime
	Housing Support	
	<ul style="list-style-type: none"> Access to private rental sector (PRS) Access to social housing Access to / sustaining tenancy Supported accommodation / exempt 	

No	Criteria	Description	NAIS Score
1	Impact on Citizens Experience	<ul style="list-style-type: none"> Did consultation responses reflect the sustainability, a significant EI&P function? Those services that were not in scope for the new EI&P Directorate were those that were not in scope for the new EI&P Directorate They will remain in the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support 	<ul style="list-style-type: none"> The current experience will improve significantly There will be no change to the current experience The current experience will be negatively affected
2	Impact on Staff Experience	<ul style="list-style-type: none"> Will the migration of the current service to the new EI&P Directorate improve staff experience and increase job satisfaction? Those services that were not in scope for the new EI&P Directorate were those that were not in scope for the new EI&P Directorate They will remain in the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support 	<ul style="list-style-type: none"> The staff experience will improve significantly There will be no change to the staff experience The staff experience will be negatively affected
3	Feasibility (Impact on the Council)	<ul style="list-style-type: none"> Will the migration of the current service to the new EI&P Directorate be a positive experience for the council? Those services that were not in scope for the new EI&P Directorate were those that were not in scope for the new EI&P Directorate They will remain in the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support They will be supported by the current service, with staff using a whole system approach to provide the most appropriate support, with staff using a whole system approach to provide the most appropriate support 	<ul style="list-style-type: none"> The migration is feasible with minimal complexity The migration is feasible with moderate complexity The migration is not feasible due to significant blockers

Children's Trust	Digital and Customer Services	Adult Social Care
<ul style="list-style-type: none"> Domestic Abuse Lead 	<ul style="list-style-type: none"> Revenues and Benefits 	<ul style="list-style-type: none"> AGC Commissioning with strategy and integration (Domestic Abuse) PURE Project Team Prevention & Communities Preparing for Adulthood Mental Health Services (AMHP) Occupational Therapists Disabled Facilities Grant team Home From Hospital ATH Home Improvements team Community Equipment Telecare managed service Community Support Network
Children and Families	Public Health	Place, Prosperity and Sustainability
<ul style="list-style-type: none"> Adult Education Service (incl. Employability, Vocational Skills Digital Inclusion team) Careers Service Early Years, Children and Children's Centres Employment & Skills team Employment Access Team Youth Service Resilience to Resolve Team, Youth Service Operation Encompass, Education Safeguarding Library Services 	<ul style="list-style-type: none"> Public Mental Health Team Older Adults Children & Young People Service Drug & Alcohol Health Literacy Sexual Health Services 	<ul style="list-style-type: none"> Skills Programme team (with Business Enterprise & Innovation) Private Finance Unit Team Housing, Inclusion & Support Resource team
City Operations	City Operations	City Operations
<ul style="list-style-type: none"> NAIS Community Safety 	<ul style="list-style-type: none"> NAIS Community Safety 	<ul style="list-style-type: none"> NAIS Community Safety

Key
In scope for EI&P Directorate
Out of scope for EI&P Directorate
Requires further consideration
Considered in - however requires engagement with service

- A Target Operating Model for Homes and Money Advice is being developed, which sets out the ideal future state for the service and how it will be achieved.
- Alongside this we soft launched the new service in Northfield in Dec 22 to start supporting citizens as quickly as possible and so we can iterate the offer based on real life experience.

Pilot in Northfields

1. Working with Northfield NAIS managers and staff to define what the service in their location might look like

2. Identifying what they need to be able to deliver the new service (space, technology [software and hardware], process requirements)

3. Launch in December

Ideal State Service Blueprint

1. Service blueprint validation workshops with: Data team, ICT team, Contact Centre, HR, BCC Website / Digital services team, Property team and Citizens / service users (to be scheduled)

2. Identified how feasible the new service proposition is to deliver within 12–18 months from the pilot

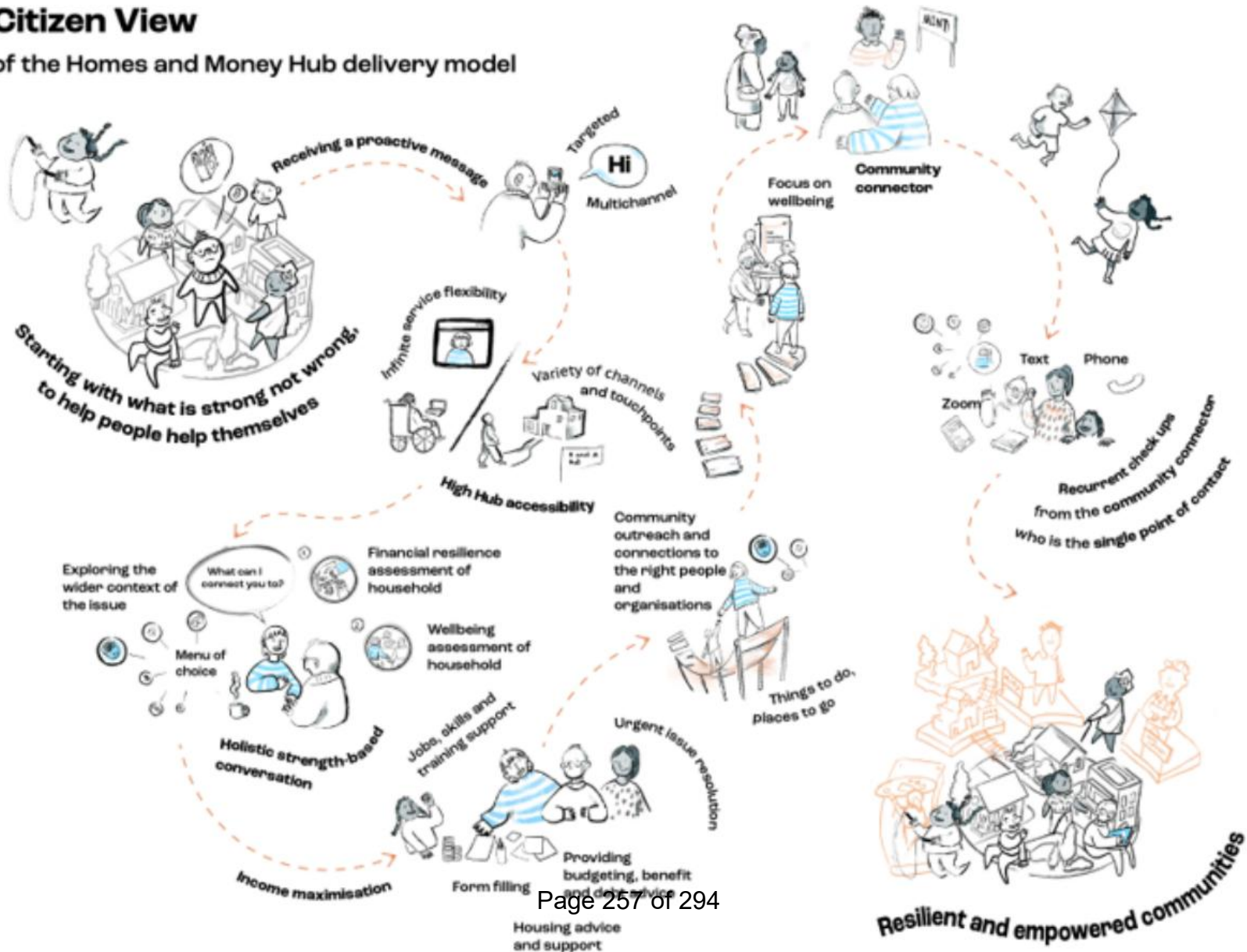
3. Developing the implementation plan requirements to get to the ideal state

How will EI&P feel for citizens?

Appendix 1

Citizen View

of the Homes and Money Hub delivery model

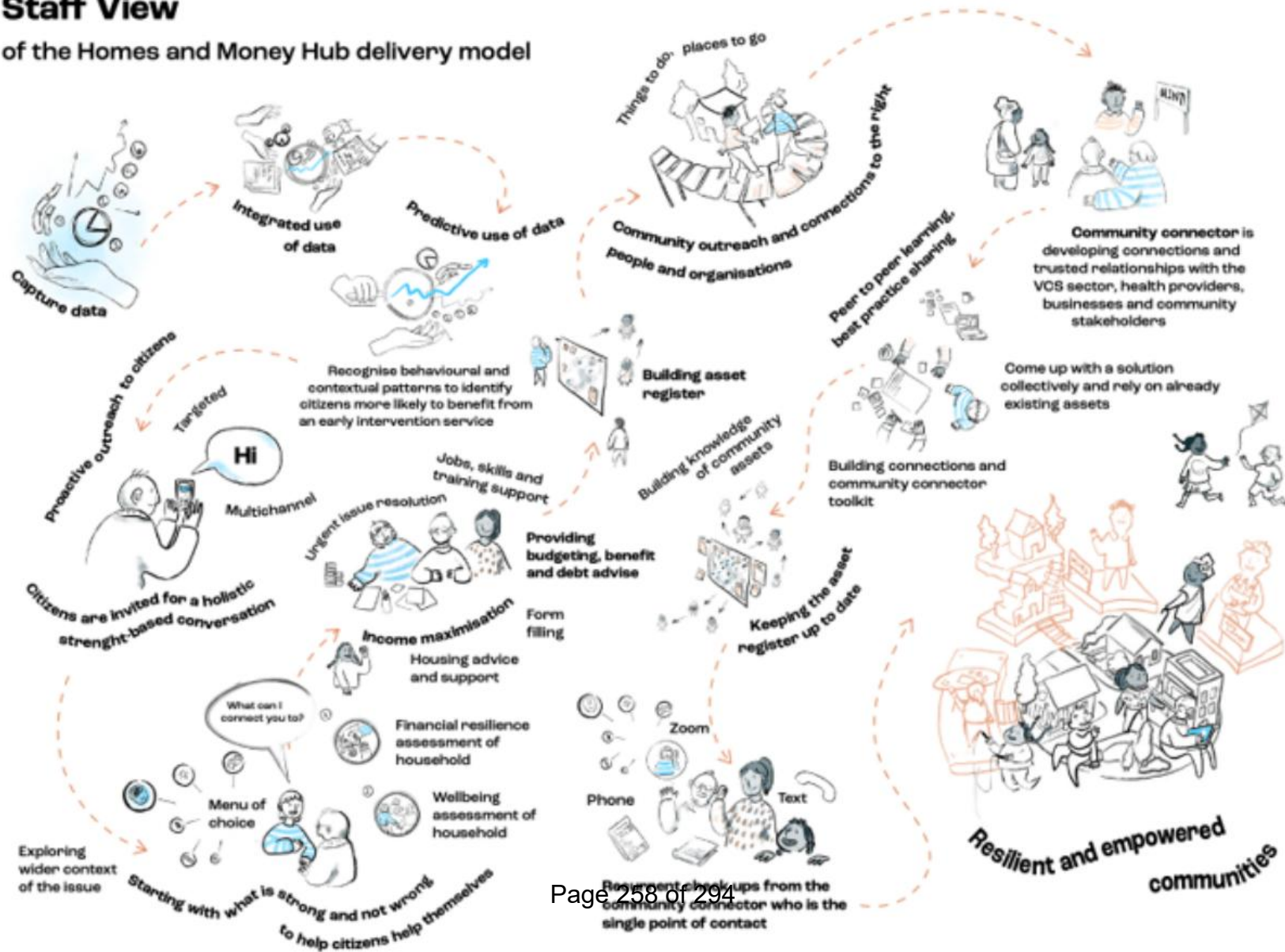


How will EI&P feel for staff?

Appendix 1

Staff View

of the Homes and Money Hub delivery model



How will EI&P feel for citizens and staff?

Citizens

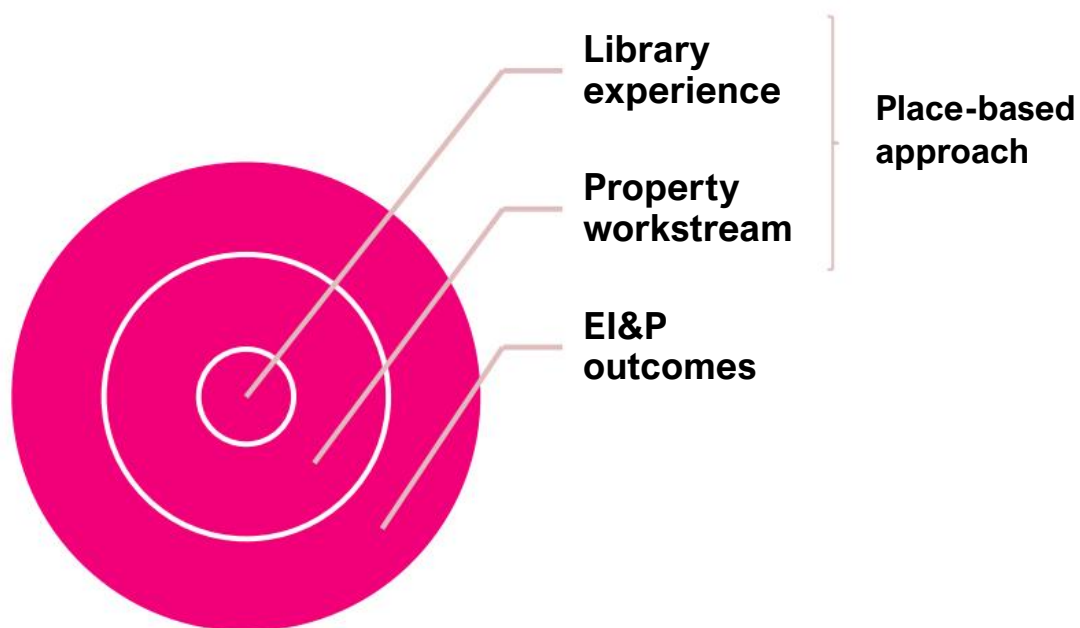


Have a **Strengths based conversation** Hold a
 Receive **Proactive messages** Provide
 Access a **Highly accessible hub** Create a
 Have a **Single point of contact** Provide a
 Receive **Recurrent check-ups** Provide
 Be part of
Resilient and empowered community

Staff



Place based approach - overview



Developing the approach in three areas across the city: **Erdington, Shard End and Northfield** with the first pilot in the **Shard (Shard End library)**

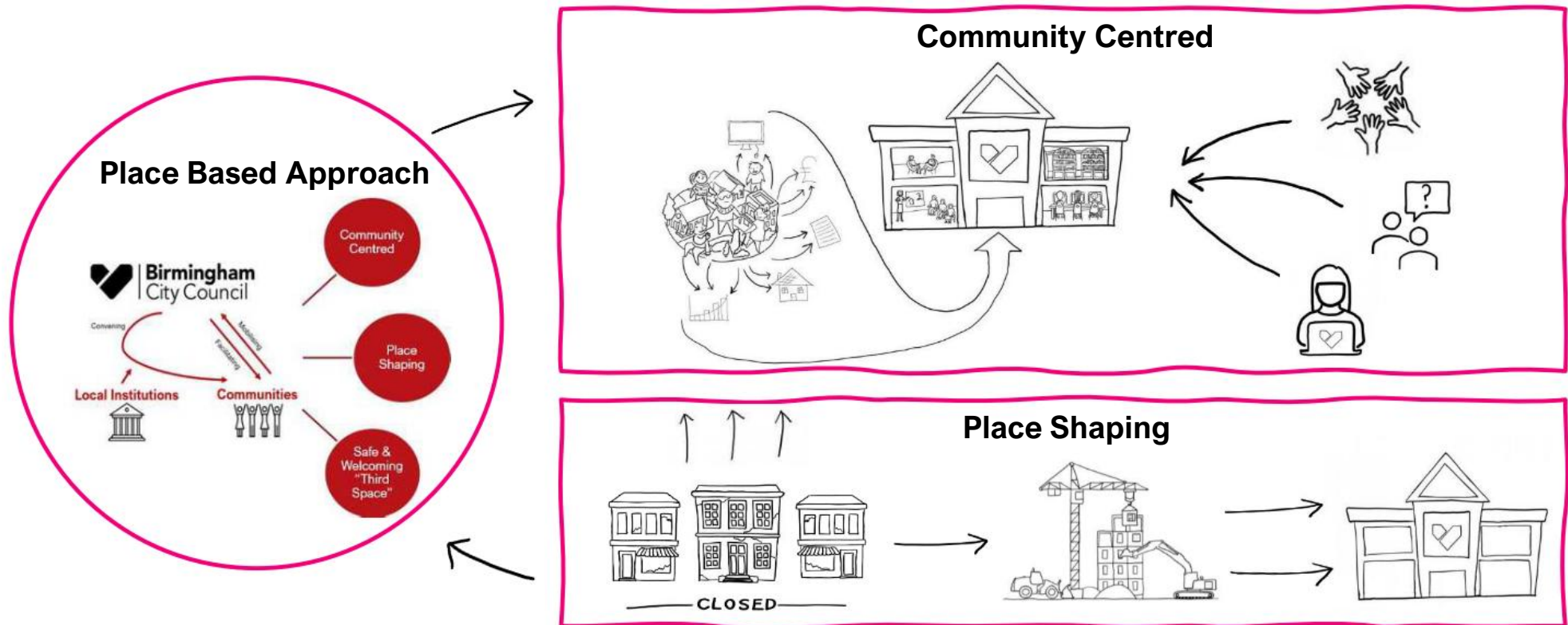


‘Community Hub’ Vision

*Providing a **safe space** to encourage collaboration, early support, lifelong learning & local networks to empower all Birmingham citizens and communities to thrive.*

Place based approach – what will be different?

Appendix 1



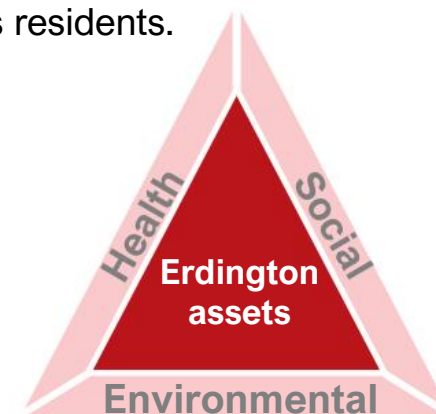
Place based approach - Erdington: Local Assets

Appendix 1

Erdington – Local Assets



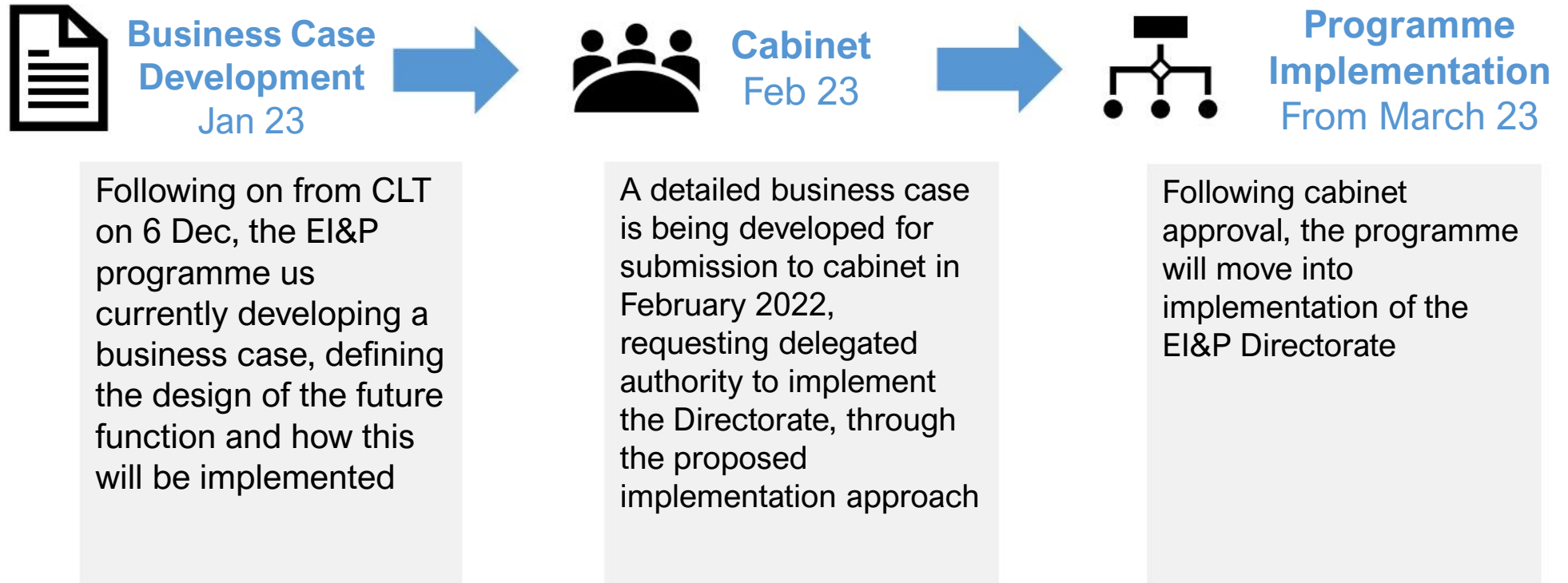
The Council will need to determine what the priorities are in Erdington (health, social, environmental) and what types of repurposed assets would be most beneficial to its residents.



WHAT ARE THE NEXT STEPS?



What are the next steps?





Scrutiny Work Programme 2022/23

Chair:	Cllr Sir Albert Bore
Deputy Chair:	Cllr. Kerry Jenkins
Committee Members:	Cllrs: Akhlaq Ahmed, Deidre Alden, Mick Brown, Jack Deakin, Roger Harmer, Mohammed Idrees, Kerry Jenkins, Chaman Lal, Ewan Mackey, Saima Suleman, Alex Yip
Officer Support:	Head of Scrutiny and Committee Services: Christian Scade, (07517 550013) Senior Overview & Scrutiny Manager: Fiona Bottrill, (07395884487) Scrutiny Manager: Amelia Murray (07825979253)

1 Terms of Reference

- 1.1 As per City Council on 24th May 2022 the Committee's Terms of Reference is to "plan and co-ordinate the work of all the Overview & Scrutiny Committees. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning governance (including transparency, regional working and partnerships); citizens (including communications and public engagement); performance; customer services; social cohesion; equalities and emergency planning." These functions include:
- giving such guidance to the Overview and Scrutiny Committees in any cases of uncertainty, as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of "call-in" to the appropriate Committee;
 - determining, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;
 - ensuring (by means, for example, of issuing appropriate guidance and/or instructions) that the Overview & Scrutiny Committees pay proper attention in their work to the consideration of key cross cutting issues, in particular equalities, transparency and improvement;
 - publishing each year an Annual Programme of major scrutiny inquiries as suggested by individual Overview and Scrutiny Committees following consideration of the Council Plan and priorities;
 - agreeing the establishment of any task & finish groups; and



- considering overview and scrutiny development, working practices and constitutional arrangements.

2 Purpose of the Report

- 2.1 To enable the Committee to:
- 2.2 Review the work programme for the Co-ordinating Overview and Scrutiny Committee and update members on the work programmes of the other Scrutiny Committees and the Scrutiny Inquiries that will be carried out during 2022/23.

3 Recommendations

- 3.1 The Committee:
- 3.2 Reviews and agree any amendments at set out in Section 5.2 to the work programme for the Co-ordinating Overview and Scrutiny Committee as set out in Appendix 1.
- 3.3 Reviews the work programmes December 2022 – February 2023 for the Commonwealth Games, Culture and Physical Activity, Education and Children’s Social Care, Economy and Skills, Health and Adult Care, Housing and Neighbourhoods, Resources, Transport and Sustainability Overview and Scrutiny Committees as set out in Appendix 2
- 3.4 Notes the update on the Scrutiny Inquiries in section 7 of the report.

4 Background

- 4.1 Each Scrutiny Committee has developed a work programme and any cross cutting issues have been considered by Co-ordinating OSC to decide how these will be managed. The Inquiries for 2022/23 have been agreed and the Task and Finish Groups established to undertake this work.

5 Co-ordinating Scrutiny Committee Work Programme

- 5.1 Appendix 1 sets out the work programme for January – March 2023. Members are asked to review the work programme and the items to be scheduled and agree any amendments.

6 Scrutiny Committee Work Programmes

- 6.1 The Co-ordinating Overview and Scrutiny Committee terms of reference include the duty to plan and co-ordinate the work of all the Overview & Scrutiny Committees. The work programmes from January – March 2023 for the other Overview and Scrutiny Committees are attached as Appendix 2 to enable Members to consider the range and scope of issues



that will be scrutinised and identify any gaps or duplication to be raised with Committee¹. The cross-cutting issues relating to future work are set out below:

Lead Committee	Meeting and Agenda Item	Members to be invited and reason
Co-ordinating OSC	Customer Services T&F Group Meetings	The Chair or Deputy Chair of the Scrutiny Committee that includes the service under consideration with the Committee's Terms of Reference to be invited.
Education and Children's Social Care O&SC	22 February 2023: Report from Birmingham Safeguarding Children's Partnership (BSCP)	Members of the CYP Mental Health Inquiry from the Health and Adult Care O&SC Information from the BSCP will inform the CYP mental health inquiry.
Commonwealth Games, Culture and Physical Activity O&SC	Meeting: TBC Report on employment and skills Legacy of the Commonwealth Games	Members of the Economy and Skills OSC At the meeting on the 8 th July Co-ordinating O&SC decided that this issue falls within the remit of the CWG, Culture and Physical Activity OSC, and as it has been identified during the work planning for the Economy and Skills O&SC as an issue of interest Members of this Committee would be invited to the relevant meeting.
Co-ordinating O&SC	17 February 2023: Domestic Abuse To enable O&SC to inform the development of the Domestic Abuse Strategy	Housing and Neighbourhoods O&SC This O&SC is the appointed Crime and Disorder Committee for the Council. Cllr Yip has been appointed by Co-ordinating O&SC to undertake work with partners in advance of this meeting.

7 Scrutiny Inquiries 2022/23

- 7.1 Work is progressing for the Scrutiny Inquiries and this will be reported to City Council on the 6 December 2022.

¹ Scrutiny Work Programme are live documents and may be updated prior to future Overview and Scrutiny Committee meetings in December.



- 7.2 The public call for evidence and invitation to members to contribute to the Inquiries will be sent during November 2022 – January 2023.

8 Request(s) for Call In / Councillor Call for Action / Petitions Received (if any)

- 8.1 There are no other meetings scheduled at this time.

Call in Meetings:

None scheduled

Petitions

None scheduled

Councillor Call for Action requests

None scheduled

It is suggested that the Committee approves Friday at 10.00am as a suitable day and time each week for any additional meetings required to consider 'requests for call in' which may be lodged in respect of Executive decisions

9 Forward Plan for Cabinet Decisions

- 9.1 Since the implementation of the Local Government Act and the introduction of the Forward Plan, scrutiny members have found the Plan to be a useful tool in identifying potential agenda items.
- 9.2 The Committee may wish to consider whether issues currently listed on the Forward Plan require further investigation or monitoring via scrutiny. This can be viewed in full via Forward Plans (cmis.uk.com).

10 Legal Implications

- 10.1 There are no immediate legal implications arising from this report.

11 Financial Implications

- 11.1 There are no financial implications arising from the recommendations set out in this report.



12 Public Sector Equality Duty

12.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering: How policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; Whether the impact on particular groups is fair and proportionate; Whether there is equality of access to services and fair representation of all groups within Birmingham; Whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

12.3 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

13 Use of Appendices

13.1 Appendix 1 – Co-ordinating Overview and Scrutiny Committee Work Programme January – March 2023

13.2 Appendix 2 – Scrutiny Committee Work Programmes January – March 2023

Appendix 1

CO-ORDINATING OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME JANUARY – MARCH 2023

Meeting Date: 27 January 2023

10.00am Committee Rooms 3 and 4, Council House

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
Cabinet Member Portfolio Overview	Cabinet Member Priorities	Cabinet member to set out priorities for the administration and key deliverables for 2022/23 and identify issues for further scrutiny <ul style="list-style-type: none"> • Social Cohesion and Inclusion • Tackling Inequality • Equalities within the Community • Third Sector Partnership and Engagement • External Challenge 	Marcia Wynter, Cabinet Support Officer	Cabinet Member for Social Justice, Community Safety and Equalities, Cllr. John Cotton		
Customer Services	Report from Scrutiny Task and Finish Group	Report on Scrutiny of the Implementation of recommendations from	Wendy Griffiths	N/A	N/A	

Programme Task and Finish Group		the Customer Service Reviews of Highways					Final
Scrutiny Work Programme	Decision	To review the work programme and agree the items to be considered at future meetings, to receive an update on the Work Programmes of the Overview and Scrutiny Committees and Scrutiny Inquiries	Christian Scade	N/A	N/A		

Deadline: 18 January 2023

Publication: 19 January 2023

Meeting Date: 17 February 2023 10.00am Committee Rooms 3 and 4, Council House

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
Domestic Abuse	Strategy / Policy Review and Development	To enable Co-ordinating OSC to inform the development of the Domestic Abuse Strategy	Christian Scade	TBC	TBC	Cllr. Yip has been working with officers to arrange a Round table meeting in December 2022. This will provide an opportunity for evidence gathering to inform the February meeting.
Scrutiny Work Programme	Decision	To review the work programme and agree the items to be	Christian Scade	N/A	N/A	

		considered at future meetings, to receive an update on the Work Programmes of the Overview and Scrutiny Committees and Scrutiny Inquiries				
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Final

Deadline: 8 February 2023

Publication: 9 February 2023

Meeting Date: 17 March 2023

10.00am Committee Rooms 3 and 4, Council House

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
Scrutiny Work Programme	Decision	To review the work programme and agree the items to be considered at future meetings, to receive an update on the Work Programmes of the Overview and Scrutiny Committees and Scrutiny Inquiries	Christian Scade	N/A	N/A	

Final

Deadline: 8 March 2023

Publication: 9 March 2023

To be scheduled:

Leader's priorities

Leader to set out priorities for the administration and key deliverables for 2022/23 and identify issues for further scrutiny within the remit of the Committee:

- Structure and Governance of the Council
- Communications
- Council Wide Efficiency and Improvement
- Policy and Partnerships
- West Midlands Combined Authority

To consider the data available from the City Observatory that is relevant to the terms of reference for the Co-ordinating OSC

Council Procedures and Arrangements

Overview and Scrutiny Arrangements

Update on Election Act to Committee before new year following report to Committee in December 2021

Update on Trailblazer Devolution Deal

Report on how the recommendations from the Overview and Scrutiny Committees are tracked and monitored and relate to the wider Council including Cabinet Members and Senior Officers. Email and digital security within the Council

Consider developing a Scrutiny Communications Strategy during 2023/24

COMMONWEALTH GAMES OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

JANUARY – MARCH 2023

Date of Meeting: Wednesday 11th January 2023 at 2pm in Committee Rooms 3 & 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Inquiry Evidence Gathering – Sport Birmingham	Evidence Gathering	Provide evidence in response to the key lines of enquiry outlined in the Inquiry Terms of Reference	Mike Chamberlain, Chief Executive Sport Birmingham	Mike Chamberlain, Chief Executive, Sport Birmingham Nikki English, Development Manager – Inclusion, Sport Birmingham		
Inquiry Evidence Gathering – Birmingham City Council, Adult Social Care (tbc)	Evidence Gathering	Provide evidence in response to the key lines of enquiry outlined in the Inquiry Terms of Reference	Maria Gavin, AD, Quality and Improvement, Adult Social Care (tbc)	Maria Gavin, AD, Quality and Improvement, Adult Social Care		Adult Social Care previously attended 15 September 2021 committee meeting. This may provide useful background to this item.

Final Deadline: Friday 23rd December 2022Publication: Tuesday 3rd January 2023

Date of Meeting: Wednesday 1st February 2023 at 2pm in Committee Rooms 3 & 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Inquiry – Evidence Gathering (organisation/department tbc)	Evidence Gathering	Provide evidence in response to the key lines of enquiry outlined in the Inquiry Terms of Reference	To be confirmed	To be confirmed	None Required	This session has been scheduled in the event it is required

Final Deadline: Monday 23rd January 2023

Publication: Tuesday 24th January 2023

Date of Meeting: Wednesday 1st March 2023 at 2pm in Committee Rooms 3 & 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Inquiry – Evidence Gathering (organisation/department tbc)	Evidence Gathering	Provide evidence in response to the key lines of enquiry outlined in the Inquiry Terms of Reference	To be confirmed	To be confirmed	To be confirmed	This session has been scheduled in the event it is required
Arts and Culture: Impact of Financial Pressures	Follow up report	Report outlining the financial challenges affecting the sector, and how the Council is working with arts and culture organisations to mitigate these challenges and build on the success of	Symon Easton Head of Cultural Development & Tourism Cultural Development,	To be confirmed	None	Requested by Members at their November OSC meeting. This item will be based on a briefing on BMT to be provided to Cabinet and Group Company Governance

		Commonwealth Games. This will particularly refer to the BMT.	BID's & Tourism Service			
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Final Deadline: Monday 20th February 2023

Publication: Tuesday 21st February 2023

ECONOMY & SKILLS OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

JANUARY – MARCH 2023

Meeting Date: 11th January 2023

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
Employment & Skills Inquiry – Evidence Gathering session	Inquiry	To receive evidence from the Birmingham Education Partnership and Birmingham Children's Trust to inform the Scrutiny Inquiry on Employment and Skills for Young People.	Fiona Bottrill, Scrutiny Manager	Tim Boyes, CEO, Birmingham Education Partnership (BEP) Jenny Turnross, Director of Practice, B'ham Childrens Trust	N/A	

Final Deadline: Monday 2nd January 2023Publication: Tuesday 3rd January 2023

Appendix 2

Meeting Date: 8th February 2023

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
East Birmingham Inclusive Growth Strategy (TBC)	Agenda Item	To keep up to date with the ongoing work in the area and identify further issues for scrutiny	Mark Gamble	Mark Gamble	None Required	The committee has regularly received 6 monthly updates since the approval for implementation.
Our Future City Plan: Shaping Our City Together	Agenda Item	To be appraised on ongoing plan and take part in future consultation and engagement and identify further issues for scrutiny	Simon Delahunty-Forrest	TBC	None Required	A further update was requested following the original item presented to committee in July. This work also complements the EBICGS. Members also have the opportunity to keep up to date on proposed consultation and engagement.

Final Deadline: Monday 30th January 2023

Publication: Tuesday 31st January 202

Meeting Date: 8th March 2023

Item/ Topic	Type of Scrutiny	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information (Including joint working / links with other O&S Committees)
TBC						

Final Deadline: Monday 27th February 2023

Publication: Tuesday 28th February 2023

EDUCATION AND CHILDREN'S SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME JANUARY – MARCH 2023

Date of Meeting: Wednesday 4th January 2023 at 10am in Committee Rooms 3 & 4, Council House

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Improving Services for Children and Families: Progress Report	Update	Update on the improvement journey so far in Children and Families, including headline improvements and a summary of the Improvement Plan	Sue Harrison, Director, Children and Families	Sue Harrison, Director, Children and Families Kerry Madden, Programme Manager		
Children and Young People Plan	Consultation	Part of the consultation		Colin Michel, Strategy & Partnership Lead		

Final Deadline: Thursday 22nd December 2022 and Publication: Friday 23rd December 2022

Date of Meeting: Wednesday 22nd February 2023 at 10am in Committee Rooms 3 & 4, Council House

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Birmingham Safeguarding Children's Partnership (BSCP)	Update Report	To receive the BSCP Two-Year Report and the Independent Chair's Accountability Report	Simon Cross Business Manager, BSCP	Penny Thompson, Independent Chair, BSCP Simon Cross Business Manager, BSCP	None	BSCP last attended a formal committee meeting on 16 th February 2022 Members of the Children and Young People Mental Health Inquiry from the Health and Social Care OSC have been invited (Cllrs: Mick Brown (Chair), Kath Hartley, Gareth Moore, Julian Pritchard, and Paul Tilsley (Deputy Chair))
School Attainment	Update Report		Lisa Fraser, AD, Education and Early Years	Lisa Fraser, AD, Education and Early Years Tim Boyes, Chief Executive, BEP		

Final Deadline: Monday 12th February 2023

Publication: Tuesday 13th February 2023

HEALTH & SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME JANUARY – MARCH 2022-23

Date of Meeting: Tuesday 24 January 2023, Committee Rooms 3 and 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
<i>Day Opportunities Co-Production Review</i>	<i>Agenda item</i>	<i>Findings of the independent co-produced review of day opportunity services.</i>	<i>John Williams / Saba Rai / John Freeman</i>	<i>N/A</i>	<i>None identified</i>	
<i>Adult Social Care Reforms</i>	<i>Agenda item</i>	<i>To inform the committee on reforms to Adult Social Care.</i>	<i>Graeme Betts / John Williams</i>	<i>N/A</i>	<i>None identified</i>	

Final Deadline: Thursday 12th January 2023

Publication: Monday 16th January 2023

Appendix 2

Date of Meeting: Tuesday 21st February 2023, Committee Rooms 3 and 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
<i>Birmingham Sexual Health Services – Umbrella (UHB)</i>	<i>Agenda item</i>	<i>Annual report on performance against public health contract.</i>	<i>Karl Beese</i>	<i>N/A</i>	<i>None identified</i>	
<i>Immunisation</i>	<i>Agenda item</i>	<i>Report to set out the challenges with the take up of immunisations.</i>	<i>Mary Orhewere / Kate Woolley, Director of Immunisation and Vaccinations</i>	<i>N/A</i>	<i>None identified</i>	<i>Report to be presented as a scoping paper for a possible future inquiry based on previous scoping paper for Infant Mortality.</i>

Final Deadline: Thursday 9th February 2023

Publication: Monday 13th February 2023

Date of Meeting: Tuesday 14th March 2023, Committee Rooms 3 and 4

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
<i>Cabinet Member Update Report</i>	<i>Agenda item</i>	<i>Cabinet Member to report progress against portfolio priorities</i>	<i>Ceri Saunders</i>	<i>N/A</i>	<i>None identified</i>	<i>Councillor Mariam Khan, Cabinet Member for Health and Social Care.</i>

Appendix 2

<i>Q3 Adult Social Care Performance Monitoring</i>	<i>Agenda item</i>	<i>Report on red rated performance indicators; 5 performance indicators chosen by HOSC for in-depth examination and the complete set of Adult Social Care performance indicators.</i>	<i>Maria Gavin</i>	<i>N/A</i>	<i>None identified</i>	
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Final Deadline: Thursday 2nd March 2023

Publication: Monday 6th March 2023

BIRMINGHAM/SOLIHULL JOINT HEALTH SCRUTINY COMMITTEE

Date of Meeting: 19th January 2023 at 2.00pm, Committee Room 6, Council House

Venue: Birmingham

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
<i>Committee Terms of Reference</i>	<i>Agenda item</i>	<i>To update the committee terms of reference</i>	<i>Fiona Bottrill</i>	<i>N/A</i>	<i>None identified</i>	
<i>Birmingham and Solihull ICS Update on Performance against Finance and Recovery Plans</i>	<i>Agenda item</i>	<i>To report on the financial and recovery plan for the ICS.</i>	<i>Paul Athey, ICS Finance Lead</i>	<i>N/A</i>	<i>None identified</i>	

Appendix 2

<i>Integrated Care System and the Role of Scrutiny</i>	<i>Agenda item</i>	<i>To determine future arrangements and reporting</i>	<i>TBC</i>	<i>N/A</i>	<i>None identified</i>	
<i>Primary Care Enabling Strategy</i>	<i>Agenda item</i>		<i>Paul Sherriff</i>	<i>N/A</i>	<i>None identified</i>	
<i>Dementia Strategy</i>	<i>Agenda item</i>	<i>Following consultation seeking approval for the strategy</i>	<i>Revinder Johal, Commissioning Manager – Strategy and Integration, ASC</i>	<i>N/A</i>	<i>None identified</i>	

Final Deadline: 6th January 2023

Publication: 11th January 2023

HOUSING AND NEIGHBOURHOODS OVERVIEW & SCRUTINY COMMITTEE

WORK PROGRAMME JANUARY - MARCH 2023

Date of Meeting: Thursday 12th January 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Inquiry: Reducing Fly-tipping	Tracking	Provide further clarification on Recommendations R01 and R03. Review and agree if the Inquiry is concluded.	Darren Share, Assistant Director, Street Scene	Councillor Majid Mahmood, Cabinet Member for Environment Darren Share, Assistant Director, Street Scene	None Required	Further information has been requested in relation to the progress of these recommendations at the meeting in November 2022. For background, this Inquiry was approved at Full Council on 2 nd February 2021.

Informal Session

Cleaner Streets	Evidence-gathering	Understand what best practice looks like in other Local Authorities and how this is achieved. Explore how Cleaner Streets services are delivered, in particular in relation to localisation.	Amelia Murray, Overview and Scrutiny Manager	Local Authority presentation (Birmingham City Council) Cllr Majid Mahmood, Cabinet Member for Environment	None Required	This is part of a series of informal sessions to be held immediately after the Overview and Scrutiny Committee
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		Consider how this could inform future service delivery in Birmingham		Darren Share, Assistant Director, Street Scene		
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Final Deadline: Friday 23rd December 2022

Publication: Wednesday 4th January 2023

Date of Meeting: Thursday 16th February 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Performance	Quarterly Report	Report outlining performance for Housing, and provide more detailed commentary on areas of improvement or for concern	Mira Gola, Head of Business Improvement and Support	TBC	None Required	This will pick up the action from Item 5 (Customer Services and Complaints) at Co-ordinating OSC (23 September 22)
Performance	Quarterly Report	Report outlining performance for City Operations, and provide more detailed commentary on areas of improvement or for concern	Jonathan Antill, Head of Business Improvement and Support	Sajeela Naseer, Assistant Director, Regulation and Enforcement Darren Share, Assistant Director, Street Scene	None Required	
Tenant Engagement Strategy	Policy Development	Provide an outline of the new engagement strategy to inform its future development and delivery	TBC	TBC	None Required	

Appendix 2

Affordable Housing Plan	Update Report	Provide an outline of progress	Kerry Scott, Housing Delivery Programme Lead	Guy Chaundy, Housing Modernisation and Partnership Manager	None Required	
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Final Deadline: Tuesday 7th February 2023

Publication: Wednesday 8th February 2023

Date of Meeting: Thursday 16th March 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Localisation	Update Report	Provide progress on delivery of the Working Together in Neighbourhoods White Paper, to include case studies from the Neighbourhood Action Co-ordinator Programme pilot in the 22 wards.	Chris Jordan, Assistant Director, Neighbourhoods	<p>CLlr Ian Ward, Leader of the Council</p> <p>Chris Jordan, Assistant Director, Neighbourhoods</p> <p>Karen Cheney, Head of Service, Neighbourhood Development and Support Unit</p>	None Required	<p>Working Together in Neighbourhoods White Paper: <u>Working Together in Birmingham's Neighbourhoods (White Paper) Birmingham City Council</u></p> <p>Progress Report presented in October: <u>Localisation Update 13 October 2022</u></p>

Voids – Improving Standards	Evidence-gathering	To undertake a deep-dive into Voids with a focus on improving the standard of properties.	TBC	TBC	TBC	
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Final Deadline: Tuesday 7th March 2023

Publication: Wednesday 8th March 2023

RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME JANUARY – MARCH 2023

Date of Meeting: Thursday 19th January 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Financial Monitoring 2022/23	Monitoring report	Scrutiny of current financial position	Rebecca Hellard, Director of Council Management	Rebecca Hellard, Director of Council Management Sara Pitt, Director of Finance	None Required	
Budget Scrutiny	Consultation	Scrutiny to respond to Budget Consultation	Rebecca Hellard, Director of Council Management	Rebecca Hellard, Director of Council Management Sara Pitt, Director of Finance	None Required	
Planned Procurement Activities Report	Standing Item	To note the latest Cabinet report on planned procurement activity.	Steve Sandercock, Assistant Director, Procurement	Steve Sandercock, Assistant Director, Procurement	None Required	
Work Programme Development	Decision	Approve work programme for 2022-23	Fiona Bottrill, Senior Overview and Scrutiny Manager	None	None Required	

Final Deadline: Tuesday 10th January 2022Publication: Wednesday 11th January 2022

Date of Meeting: Thursday 2nd March 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Financial Monitoring 2022/23	Monitoring report	Scrutiny of current financial position	Rebecca Hellard, Director of Council Management	Rebecca Hellard, Director of Council Management Sara Pitt, Director of Finance	None Required	
S106 and Community Infrastructure Levy (CIL)	Briefing	To understand the S106 and CIL Policy and Procedure	Hayley Claybrook, Planning Contributions Team	Hayley Claybrook, Planning Contributions Team	None Required	
Planned Procurement Activities Report	Standing Item	To note the latest Cabinet report on planned procurement activity.	Steve Sandercock, Assistant Director, Procurement	Steve Sandercock, Assistant Director, Procurement	None Required	
Work Programme Development	Decision	Approve work programme for 2022-23	Fiona Bottrill, Senior Overview and Scrutiny Manager	None	None Required	

Final Deadline: Tuesday 21st February 2022

Publication: Wednesday 22nd February 2022

Date of Meeting: Thursday 30th March 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Financial Monitoring 2022/23	Monitoring Report	Scrutiny of current financial position	Rebecca Hellard, Director of Council Management	Rebecca Hellard, Director of Council Management Sara Pitt, Director of Finance	None Required	
Planned Procurement Activities Report	Standing Item	To note the latest Cabinet report on planned procurement activity.	Steve Sandercock, Assistant Director, Procurement	Steve Sandercock, Assistant Director, Procurement	None Required	
Work Programme Development	Decision	Approve work programme for 2022-23	Fiona Bottrill, Senior Overview and Scrutiny Manager	None	None Required	

Final Deadline: Tuesday 21st March 2022

Publication: Wednesday 22nd March 2022

SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME JANUARY – MARCH 2023

Date of Meeting: Wednesday 18th January 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Parking Civil Enforcement Procurement	Briefing	Provide an overview of the current position and next steps	Kevin Hicks, Assistant Director Highways and Infrastructure	To be confirmed	None	
Footways Crossing Policy	Briefing	Provide an overview of the policy due to be presented to Cabinet in December	Kevin Hicks, Assistant Director Highways and Infrastructure	To be confirmed	None	This was requested at the September Committee meeting

Final Deadline: Monday 9th January 2023Publication: Tuesday 10th January 2023Date of Meeting: Wednesday 15th February 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Active Travel	Policy Review	(To be confirmed by the O&S Committee)	Phil Edwards, Assistant Director	To be confirmed	None Required	

Final Deadline: Monday 6th February 2023Publication: Tuesday 7th February 2023

Date of Meeting: Wednesday 15th March 2023

Item/ Topic	Type	Aims and Objectives	Lead Officer	Witnesses	Visits	Additional Information
Cabinet Member Annual Report	Briefing	Provide an overview of progress towards portfolio priorities	Rose Horsfall, Cabinet Support Officer	Cllr Liz Clements, Cabinet Member Transportation	None Required	
Annual Flood Risk Management Report	Briefing	Outline current priorities, delivery towards achieving these priorities and future risks	Hannah Hogan, Flood Risk Manager	To be confirmed	To be confirmed	

Final Deadline: Monday 6th March 2023

Publication: Tuesday 7th March 2023