

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:

Contributing Factors:

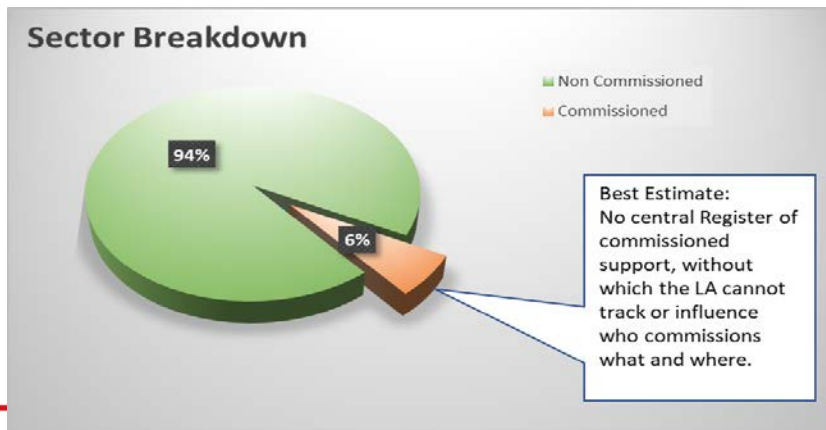
- The roots of the growth can be tracked back to disinvestment and deregulation.
- Reduction in budgets for key vulnerable groups such as substance misuse, mental health, offenders and removal of the ring fence for Supporting People (SP)
- Coupled with a reduction in regulatory powers, resources and 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.

Methodology and preliminary findings to date

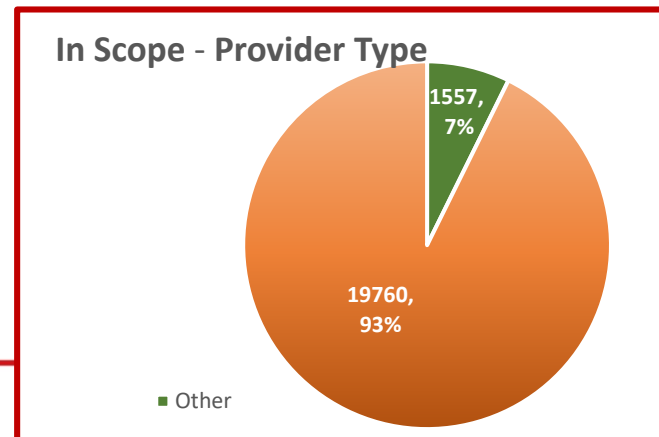
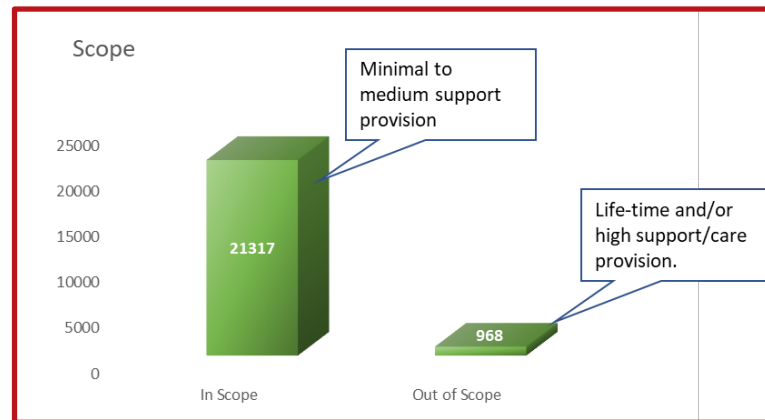
- Primary Research through quantitative multi-source data analysis
- Secondary research through stakeholder sub group
- Methodology Findings
 - The the current model of exempt accommodation provision has significant impacts for both the Local Authority and vulnerable citizens
 - Population projections 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

- 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



Making a positive difference everyday to people's lives



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

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
<ul style="list-style-type: none">• 20 providers• 1400 units of accom.

In Progress Adoptees
<ul style="list-style-type: none">• 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

