

Report of:	Cabinet Member for Homes & Neighbourhoods
To:	Coordinating Overview and Scrutiny Committee
Date:	11th March 2022

Progress Report on Implementation:

Exempt Accommodation

Review Information

Date approved at City Council:	07/12/2021
Member who led the original review:	Councillor Hussain
Lead Officer for the review:	Christian Scade, Interim Head of Scrutiny & Committee Services
Date progress last tracked:	1 st tracking report

1. In approving this Review the City Council asked me, as the appropriate Cabinet Member for Homes & Neighbourhoods to report on progress towards these recommendations to this Overview and Scrutiny Committee.
2. Details of progress with the remaining recommendations are shown in Appendix 2.
3. Members are therefore asked to consider progress against the recommendations and give their view as to how progress is categorized for each.

Appendices

1	Scrutiny Office guidance on the tracking process
2	Recommendations you are tracking today
3	Recommendations tracked previously and concluded

For more information about this report, please contact

Contact Officer:	Guy Chaundy
Title:	Housing Modernisation and Partnerships Senior Manager
Telephone:	tbc
E-Mail:	Guy.Chaundy@birmingham.gov.uk

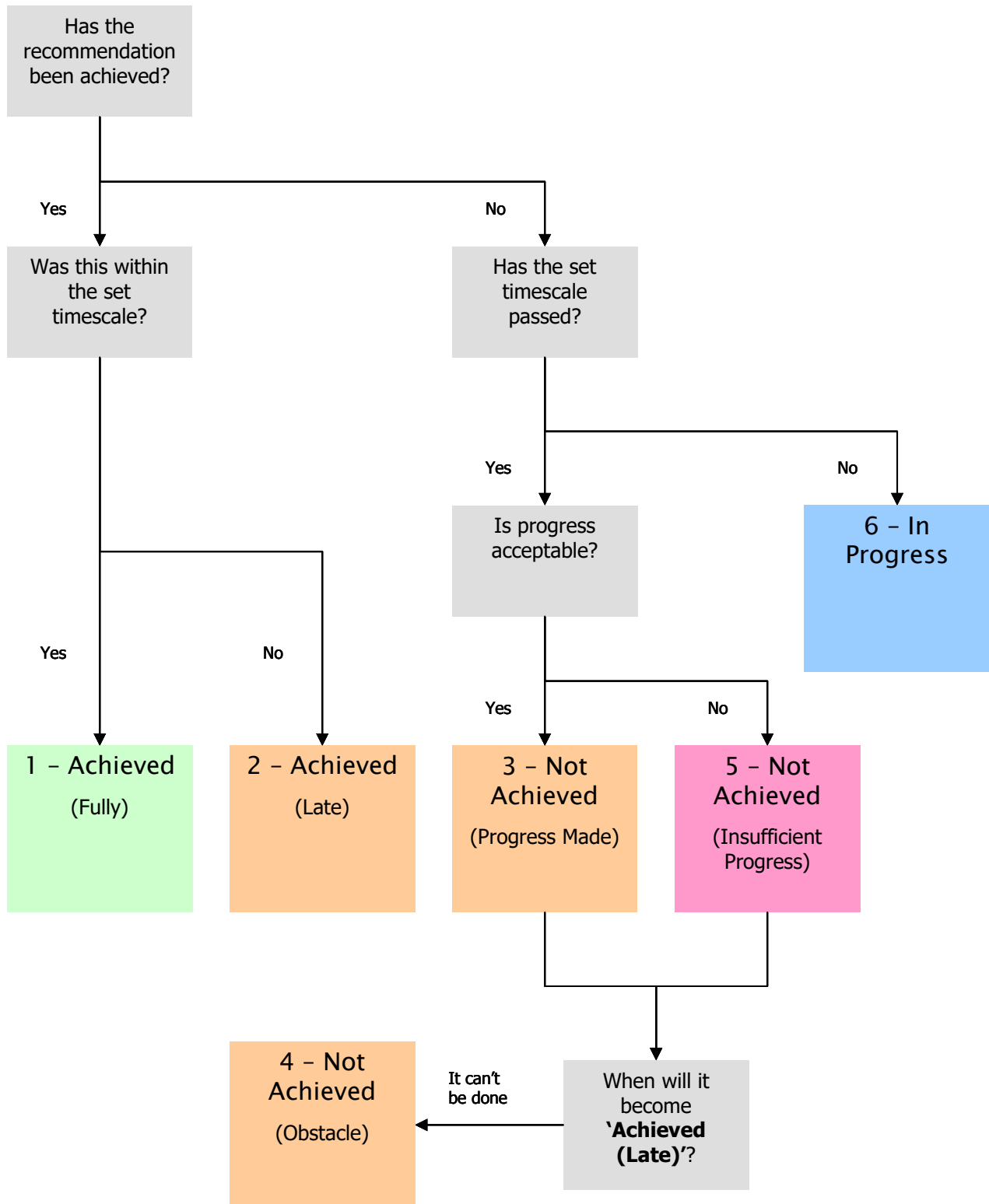
Appendix 1: The Tracking Process

In making its assessment, the Committee may wish to consider:

- What progress/ key actions have been made against each recommendation?
- Are these actions pertinent to the measures required in the recommendation?
- Have the actions been undertaken within the time scale allocated?
- Are there any matters in the recommendation where progress is outstanding?
- Is the Committee satisfied that sufficient progress has been made and that the recommendation has been achieved?

Category	Criteria
1: Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2: Achieved (Late)	The evidence provided shows that the recommendation has been fully implemented but not within the timescale specified.
3: Not Achieved (Progress Made)	The evidence provided shows that the recommendation has not been fully achieved, but there has been significant progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
4: Not Achieved (Obstacle)	The evidence provided shows that the recommendation has not been fully achieved, but all possible action has been taken. Outstanding actions are prevented by obstacles beyond the control of the Council (such as passage of enabling legislation).
5: Not Achieved (Insufficient Progress)	The evidence provided shows that the recommendation has not been fully achieved and there has been insufficient progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
6: In Progress	It is not appropriate to monitor achievement of the recommendation at this time because the timescale specified has not yet expired.

The Tracking Process



Appendix 2: Progress with Recommendations

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R01	<p>Building on the Success of the Pilot (1)</p> <p>a) The multi-disciplined, cross-departmental, team that is dedicated to Exempt Accommodation should be continued beyond the pilot. Mainstream funding should be identified and included in the 2022/23 budget, to resource the team, including officers from housing, adult social care, community safety, housing benefits, waste management, environmental health and planning.</p> <p>b) The multi-agency pilot team should also work closely with the Regulator of Social Housing.</p> <p>c) There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work.</p> <p>d) Resources to continue work to oversee and inspect over 20,000 units should also be identified.</p>	<p>Cabinet Member for 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	<p>R01a-c 1) achieved (fully)</p> <p>R01d 4) not achieved (Obstacle) due to national change needed</p>
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>a) The Business Case for 2022/23 and funding 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 on 1 year fixed-term basis via BCC internal and external process. 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.</p> <p>b) The team are continuing 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.</p> <p>c) There is clear leadership and accountability for the work through the Exempt Accommodation Board, terms of reference and governance is agreed. A schedule of Exempt Accommodation Sponsor Boards is in place monthly for the next 12 months in line with the business case.</p> <p>d) 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>				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R02	Building on the Success of the Pilot (2) <p>a) There should also be a single, clear route for citizens (residents of both exempt accommodation and the local areas) to raise concerns and have them resolved and work on remedies for change.</p> <p>b) The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored.</p> <p>c) There should be a clear route for local councillors to deal with casework relating to exempt accommodation.</p> <p>d) The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report.</p>	Cabinet Member for Homes and Neighbourhoods	February 2022	3) Not achieved - Progress made (due March 2022)

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

- a) 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 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. Process and web content is due to be finalised in March.
- b) 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 ahead of going out to advert in March. This role will further support the local resident groups and roll out of the Charter of Rights. Key areas such as Stockland green are being targeted for development of a local charter.
- c) Connected to a) above, the process for complaints will also include local councillors to ensure any case work is also linked into this
- d) Connected to a) above, all residents groups who contributed to the Exempt Accommodation Scrutiny Report are part of the city-wide group meeting monthly.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R03	<p>Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy</p> <p>a) Adopt a council wide approach to commissioning, placing conditions on use of exempt accommodation based on their adherence to the quality standard and Charter.</p> <p>b) A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies.</p>	<p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Homes and Neighbourhoods</p>	June 2022	6) In progress

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

a) 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 will then also be agreed. A draft Supported Housing Strategy is in development (final sign off expected September 2022). This will include a council wide approach to commissioning of this type of provision, and seek to align the same commissioning standards from all other statutory and regional agencies, and improve collaboration through the development of a commissioning board.

b) 3 providers have completed the Quality Standard assessment and the awards confirmed at Exempt Accommodation Board in February - one Gold, one Silver, one Bronze. A press release is being drafted with BVSC and BCC press office, and information will be posted on the BCC website after the Feb/March pre-election period, so this can be shared with the public and partner agencies. A further cohort of providers are reaching the end of their assessment and it is expected further awards will be confirmed in the coming months.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
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	6) In progress
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>a) The Housing Benefit process is being reviewed with the teams. There isn't capacity within the current funding for the ASC team to undertake all visits but this will be supported with the other multi-disciplinary teams to take the most appropriate action. The likely approach is for any provider who makes a new application for SEA status, who isn't already going through the Quality Standards process – this will trigger a visit from the multi-disciplinary team. Any process agreed will need to adhere to the current Housing Benefit regulations and timescales. Process will be finalised in March.</p> <p>b) The Housing team are already making an assessment of support as part of the Inspection processes, which is aligned with the Quality Standards.</p> <p>c) For the 2-6 month reviews, the risk based approach will focus visits on HB claims where there are concerns about the evidence of Care Support or Supervision. Where a provider is not already signed up to the Quality Standards, this will prompt a visit from one of the multi-disciplinary team. Where providers are signed up to the standards and concerns are raised, this will continue to be shared with the Quality Standards team.</p>				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R05	<p>Strengthening Planning Controls</p> <p>There is a gap between Councillors' and residents' expectations of planning enforcement and the service delivered by the Planning Department.</p> <p>We ask the Leader and the relevant O&S Committee to review existing practices, enforcement policies and procedures.</p>	Leader and relevant O&S Committee	March 2022	1) Achieved (fully)
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>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.</p> <p>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.</p>				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R06	<p>Working with Regional Partners and other Local Authorities</p> <p>The Cabinet Member should work with the regulator and other local authorities to prevent/reduce "lifting and shifting" of vulnerable people from elsewhere in the country.</p> <p>This is a national issue, and the Leader should raise this with WM Leaders and Core City groups.</p>	<p>Leader</p> <p>Cabinet Member for Homes and Neighbourhoods</p> <p>Cabinet Member for Vulnerable Children and Families</p>	March 2022	6) In progress
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>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.</p> <p>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.</p>				

The Cabinet Member for Homes and Neighbourhoods and the Cabinet Member for Vulnerable Children & Families are continuing to work with the regulator and other local authorities, and this will remain an ongoing item for the Exempt Accommodation Sponsor Board, as well as R07 Lobbying for change.

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.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
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	1) Achieved (fully)
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>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.</p> <p>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</p> <p>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.</p> <p>Two parliamentary debates have taken place in the last month –</p> <ol style="list-style-type: none"> 1. 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. 2. A second debate took place 23rd February in the Commons with contributions from several MPs from Birmingham and across the region 				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
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) Achieved (fully)
n/a	Additional recommendations / motions agreed at Full Council (see below)			6) In progress

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

R08 - Reporting is scheduled for 11th March 2022 Committee. Further reporting will be scheduled as needed.

Additional Motions agreed at Full Council December 2021:

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.

- This action is being considered by Legal and Birmingham Property services – further update will be provided in due course

Call on the Council's legal team to draft a statutory instrument (referenced on page 26 of report) to present to Government.

- This has been included in the recommendations which went forward as part of the DLUHC inquiry – BCC is unable to produce the statutory instrument unilaterally, as this needs to be prepared by the government.

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.

- This action is being considered by Housing, Legal teams, and Birmingham Property Services – further update to be provided in due course.

Appendix ③: Concluded Recommendations

These recommendations have been tracked previously and concluded. They are presented here for information only.

concluded

No.	Recommendation	Responsibility	Date Concluded by Overview and Scrutiny Committee	Tracking Assessment