

Exempt Accommodation in Birmingham

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What is Exempt accommodation - may appear to be a normal HMO but

- ▶ “Exempt Accommodation” is
 - Where the Landlord is a Non-Metropolitan County Council, charity, voluntary organisation or housing association
 - And has a legal interest (ownership or lease) of accommodation
 - And that accommodation houses people who require and receive “care, support & supervision”
 - Any provider wishing to set up as Exempt has to claim through Benefit system for the enhanced payment and obtain supported exempt status. The two criteria that the landlord must meet relate to:
 - 1. ‘not-for-profit’ status:
 - 2. evidence of the provision of care, support or supervision - The nature or level of ‘care, support or supervision’ required is not detailed in Regulations but case law has qualified it as ‘more than minimal’ or, ‘more than trifling’.

The current picture

- ▶ Up until about 18 months ago the growth of the Exempt sector remained static - this has increased at a greater rate over the last 18 months - 2 years drastically since then and we are now at nearly 18700.

Year	PT	RP	Total
2016-2017	1,124	10,331	11,455
2017-2018	1,248	10,080	11,328
2018-2019	1,180	10,560	11,740
2019-2020	1,183	14,915	16,098

Overview

- ▶ Vast majority Housing Association accommodation (90%), with private landlords building up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations.
- ▶ Seeing Increased density in some neighbourhoods.
- ▶ Such accommodation can only be regulated through the Housing Benefit regs and the regulatory standards for Registered providers which is overseen by the Regulator of Social Housing (RSH) not the Local Authority.
- ▶ The RSH tends to only regulate large providers (1000 units plus) and focuses mainly on financial and governance standards.
- ▶ RSH now agreed to work with us on investigating and tackling issues relating to Consumer standards compliance and providers responsibilities in regard to provider management of ASB and neighbourhoods.

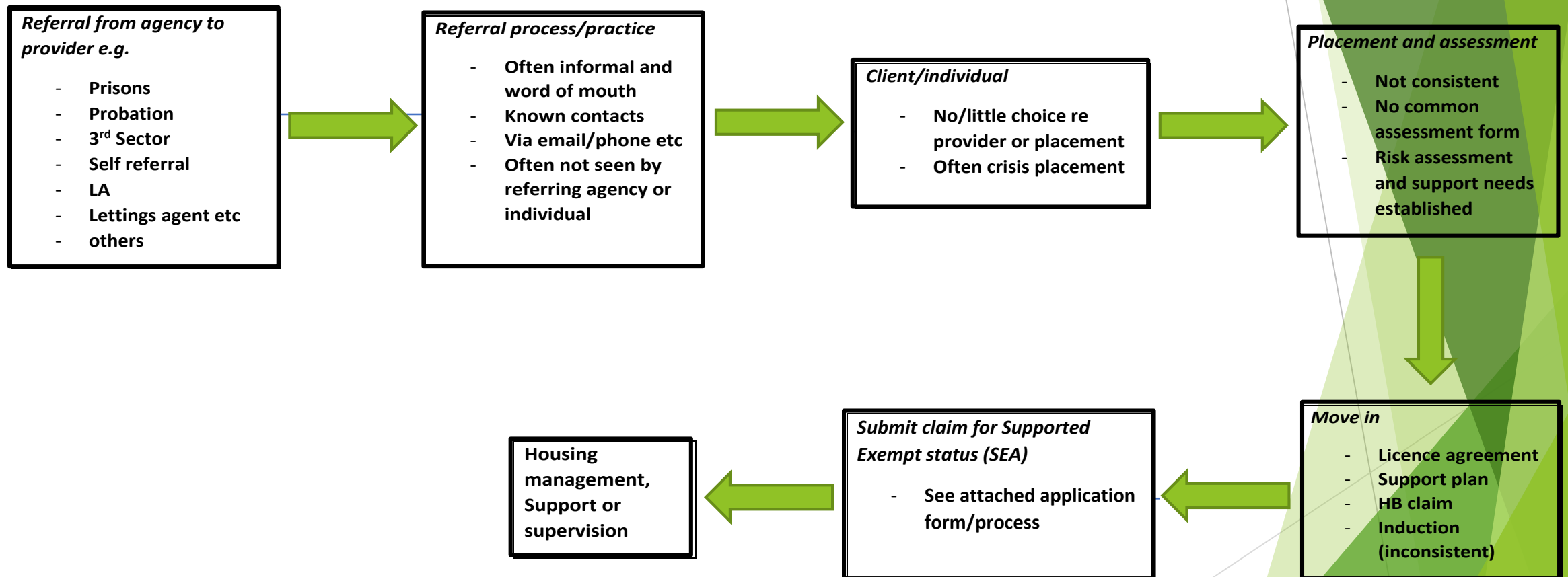
The Regulatory picture

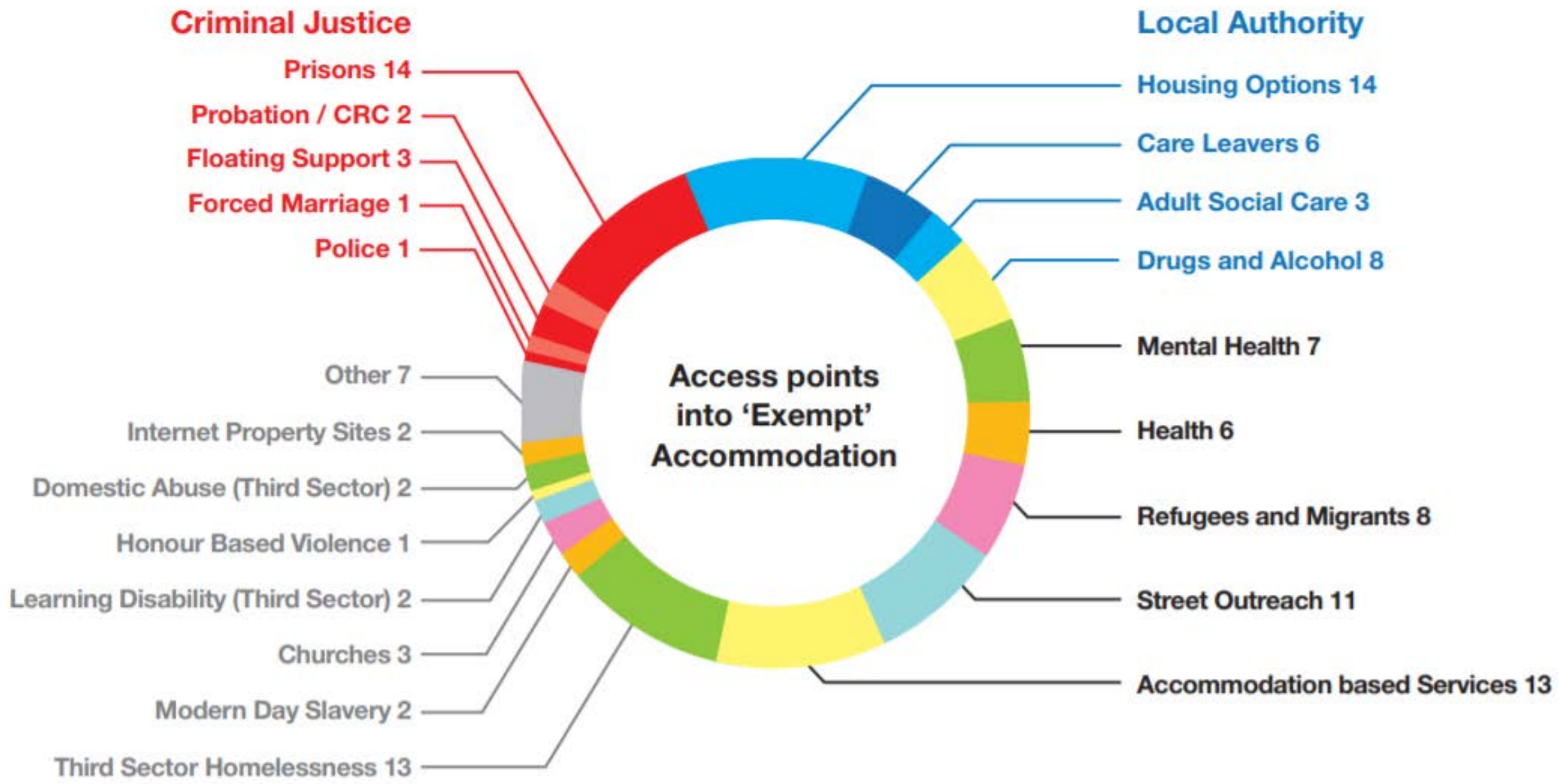
- Registered Providers providing supported 'Exempt' are exempt from mandatory, selective or additional licensing and HMO management regulations.
- Support provision -- there is little/no regulation of care, support or supervision only a requirement to provide 'more than minimal'.
- No LA regulation powers/resource beyond Benefit regulations, or where statutory nuisances exist - our current approach is strategic rather than operational
- This type of accommodation is also exempt from Article 4 planning restrictions.
- The issues associated with this type of accommodation cross a number of service areas – its not solely a housing issue.

Housing Benefit Service.

- ▶ The enhanced element of the HB claim does not pay for the support.
- ▶ Benefit service have a dedicated exempt team in place and undertake desktop reviews of providers where there are concerns.
- ▶ We are working closely across Benefits to identify provider issues and inform their programme of Exempt provider reviews.
- ▶ There are close links in place to share information on specific address accommodation and support providers.
- ▶ There have been successes in terms of fraud identification through this review work reclaiming large sums of HB.

A simple illustration of pathway - non commissioned





Key challenges and strategic aims of our current work

- ▶ Reduce/stop the growth rate whilst the oversight work can get delivered and embedded, this is difficult in the current regulatory framework.
- ▶ Inform Regulatory reform and current inadequacy of existing regulation - Benefits, Regulator of Social Housing (RSH) etc.
- ▶ Work with the RSH in their role in monitoring providers adherence to regulatory Consumer standards including management of ASB.
- ▶ Improve Quality of provision, providers and specifically support provision through roll out of quality standards and charter of rights.
- ▶ Birmingham Pilot status achieved - to roll out quality standards and inspection of providers.
- ▶ Identify Resources and mechanisms for greater 'on the ground' oversight and inspection.

Birmingham Pilot

- ▶ £1.04m MHCLG funding for the remainder of this year
- ▶ Supported Housing Oversight Pilot looking at
 - ▶ - Improving property standards through inspection/intervention
 - ▶ - Improving support standards through increased scrutiny of claims, role out of Quality standards and Charter of Rights
 - ▶ - Intel gathering re criminal activity
 - ▶ - Strategic Needs assessment for future supported housing

Informing Regulatory change - through the Pilot

- ▶ Clearer definition of standards in legislation relating to quality and scope of 'support and supervision'.
- ▶ Change in Benefit and supported housing regulations to allow us to stop agreeing new units especially in areas of extreme high density.
- ▶ Increased funding/resources to inspect and regulate these improved standards - Pilot funding confirmed
- ▶ National commitment to No - out of city - placements through duty to refer
- ▶ Have more ability to stop growth in saturated neighbourhoods

Quality Assurance Framework and Charter of Rights.

- ▶ Developing a Quality Standard and the Charter of rights
- ▶ Create enhanced standards to ensure consistency and accountability.
- ▶ Provide citizens with information on what they should expect from providers and escalation routes.
- ▶ Both have been co designed with people who live or have lived in exempt accommodation.
- ▶ Focused on people and property. Providers will sign up get accredited and be main point of referrals for stat agencies
- ▶ BCC, Refugee and Migrant Centre, Women's Aid, St Basils, Spring, Sifa, Probation, Prisons signed up to only referring to providers that adopt both kite marks.
- ▶ However there is a need to have a good inspection regime wrapped around this and we have recently been successful for pilot status and funding from government to achieve this.
- ▶ We have asked RSH to get their endorsement and there has been recent positive feedback from them on this.

Current governance

- ▶ MHCLG Pilot operational delivery group focusing on delivery of pilot objectives
- ▶ Cross council and partner Exempt Accommodation working group brings together relevant council directorates, providers, WMP, etc.
- ▶ Cabinet Member and Director level Sponsor Board - to provide high level oversight of activity.