

# Scrutiny Challenge Session - Scoping Document

<b>Councillor submitting proposal</b>	Councillor Dipa Das Chair of Housing & Regeneration Scrutiny Sub-committee
<b>Working title</b>	<b>Implementation of the Homelessness Reduction Act – one year on</b>
<b>Reasons for enquiry</b>	<p>This scrutiny challenge session considers the impacts on residents and the Council that have arisen from the implementation of the Homelessness Reduction Act (HRA - 2017), which came into effect from 3<sup>rd</sup> April 2018. The Act was the most significant change in the statutory approach to homelessness since the Housing (Homeless Persons) Act 1977.</p> <p>The HRA (2017) extended existing statutory duties on English Local Housing Authorities and placed a new duty to prevent and relieve homelessness through improved intervention at an earlier stage. Under the HRA, all eligible and homeless people are owed a statutory prevention duty, irrespective of priority need or local connection. This has broadened the resident groups who are owed a duty to help them remain in their current home. It is considered a key lever for reducing homelessness and helping to halve rough sleeping by 2022 and ending it altogether.</p> <p>The Ministry of Housing, Communities and Local Government (MHCLG) issued call for evidence (completed 15 October) on the HRA which focused on impact and outcomes, approach and partnership working, experiences, resourcing, processes that are working well and in need of improvements. The Local Authority's response highlighted the following as issues experienced:</p> <ul style="list-style-type: none"> <li>• Increasing footfall from single people, non-availability of suitable housing options and the need to clarify requirements under the interim duty</li> <li>• More investment needed in social housing and supported accommodation pathways, tackle the negative impact of welfare reforms.</li> <li>• TH has seen an 82% increase in the number of hotel placements for non-family households (singles and couples). TH also an RSI area has seen a 52% reduction in its annual rough sleeping count since 2017.</li> <li>• Staff recruitment, retention and ongoing training and development issues. Inefficient IT systems and issues with H-CLIC.</li> <li>• More bureaucracy since Act introduced and increased administrative burdens. Customer journey longer and difficulties in managing expectations.</li> </ul> <p>A number of calls were placed on the Government to <u>increase funding</u> and bidding opportunities, review housing and welfare policies, support efficiencies.</p> <p>Appendix 1 – summarises further the local position.</p> <p>The Council adopted its new Homelessness and Rough Sleeping Strategy 2018-2023 in early 2019. The Strategy sets out how we will in partnership, over the coming five years, prevent homelessness including rough sleeping and support those who face homelessness or who are at risk of becoming homeless.</p> <p>It is proposed that the Scrutiny Challenge Session will examine, how effectively the Council has met its new duties to tackle homelessness in the borough, identify where shortfalls and challenges (including budgetary) are prevalent and propose smart recommendations. The challenge session will also consolidate the Council's response to the Government's Call for Evidence and will assist the Council in the strengthening its housing advice and homelessness service.</p>
<b>Background and brief overview of the</b>	The HRA (2017) became law in 2017 and was implemented by the Government and English Local Housing Authorities in 2018.

## Homelessness Reduction Act (2017)

The aim of the new legislation was to reduce the number of households owed a homelessness duty, by ensuring that all who presented as homeless, were provided with advice, support and guidance to prevent homelessness or help to find suitable accommodation, hence reducing the need for temporary accommodation and main duty acceptances. The duty requires Officers to work with applicants to arrive at a Personalised Housing Plan, and broker solutions with landlords, family and friends, (to name but a few) prior to considering any form of temporary accommodation, or Part 6 offers in the form of main duty.

The key measures of the Act include:

- A duty to all who are eligible for assistance, and threatened with homelessness within 56 days, which is an extension **from 28 days**.
- A person is also homeless if they are provided with a valid Section 21 notice under the Housing Act 1988 and qualify for duties under Prevention.
- A duty to prevent and relieve homelessness for all eligible applicants threatened with homelessness, **regardless of priority need**.
- Where a Prevention Duty or Relief Duty applies, the Local Housing Authority are under a statutory duty to provide a Needs assessment and a Personalised Housing Plan which must be updated and kept under Review.
- **A duty to refer** – from 1st October 2018, Government introduced a new ‘duty to refer’ households who may be threatened with homelessness on specified public bodies, including social services, prisons, health services and Job Centres. There is also discretion for other agencies to refer. Public services will need to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.
- A duty for councils to provide advisory services on all aspects of homelessness, preventing homelessness and people’s rights free of charge and in many different ways which is accessible to people.

There is a requirement on applicants to co-operate with the Council’s attempt to comply with their prevention and/or relief duties. In the instance where an applicant fails to co-operate, the Council does have the power to end the prevention or the relief duty if the applicant deliberately, and unreasonably, refuses to take an agreed or imposed step set out in his/her plan for help in securing and/or maintaining accommodation. This is however not an aspect which Local Housing Authorities, including Tower Hamlets are utilising very much, due to the fact that even after this is applied, ongoing duties may still be required to the individual or family as defined by the Act. There is a need to have these decisions signed off by a Senior Member of the Management Team to ensure that the correct process has been applied. In addition to this, an agreed signed off protocol needs to exist in order to issue these decisions.

Applicants also have statutory rights of review of the decisions made by councils at numerous stages during the prevention and relief processes, i.e. start of Prevention Duty, end of Prevention Duty.

Consequently the duties brought in by the new legislation have necessitated new ways of working, upstreaming prevention and early intervention, and increased partnership working with other bodies and the community and voluntary sector. The new duties have increased the amount of paperwork on Housing Options staff. The time taken to carry out the assessment and the Personalised Housing Plan process can vary depending on the complexity of the case as well methods which are being considered to prevent or relieve the homelessness.

Recent Local Government Association research into the implementation of new

	<p>homelessness duties reported that Councils found increased administration duties detracted from the ability to meet the needs of people at risk of homelessness. IT based solutions have also increased caseload administration over longer time periods. This is as Local Authorities are expected to report case led data via H-CLIC, and also the elements of reviewing Personalised Housing Plans and the numerous letters which need to be submitted at various stages of the Act. In addition to this, there is added pressure upon front line staff to duplicate information onto other IT systems which currently do not have a built in interface to transfer information automatically.</p> <p>As a result of the act, the Local Government Association found that the percentage of homelessness presentations has increased considerably in England (by more than 75%). Meanwhile, the number of people placed in temporary and emergency accommodation has increased, as has the length of stays in temporary and emergency accommodation.</p> <p>Links to key documents:  <a href="#">Shelter, briefing: Homelessness Reduction Act 2017</a>  <a href="#">Crisis, summary of Act</a>  <a href="#">LGA, Homelessness Reduction Act Survey 2018, survey report</a>  <a href="#">Homeless Link: implementation of the HRA, learning from regional events</a>  <a href="#">London Councils: The cost of homelessness services in London</a></p>
<b>Proposed completion date</b>	<p>Evidence Session: January 2020  Recommendations agreed by Housing and Regeneration Scrutiny Committee: March 2019  Challenge Session Report to Cabinet: August 2019</p>
<b>Core Questions</b>	<ul style="list-style-type: none"> <li>• What impact has the HRA (2017) had in Tower Hamlets and what outcomes have been achieved in the Borough as a result of the HRA, including by protected groups?</li> <li>• Is the Council meeting its duties under the HRA? What are the barriers and challenges?</li> <li>• How do we compare with other Boroughs within ELHP or across London, with a similar makeup to TH?</li> <li>• What more can the following do to tackle homelessness and prevent rough sleeping: <ul style="list-style-type: none"> <li>- The Council (Local Housing Authority)</li> <li>- Commissioned partners</li> <li>- Statutory partners</li> <li>- Non statutory partners</li> <li>- Residents affected by homelessness</li> <li>- Government</li> </ul> </li> <li>• What has been the experience of people approaching the Council and its commissioned partners for help?</li> <li>• What elements of the Act and processes are working well / not working well in Tower Hamlets and how can this be improved (including customer journey, homelessness /housing pathways/accommodation provisions, upstreaming preventions and innovative practice)</li> </ul>
<b>Desired outcome</b>	<ul style="list-style-type: none"> <li>• Establish the Council's strengths and areas requiring improvement in delivering its priorities and statutory duties under the Homelessness Reduction Act.</li> <li>• Identify opportunities in partnership working and developing a framework to work together to end homelessness and strengthen collaborative working.</li> <li>• Progress towards a fully resourced HRA identifying efficiencies and funding opportunities to assist.</li> <li>• Explore opportunities to improve the customer journey and service satisfaction levels.</li> </ul>

<b>What will not be included</b>	Due to limited capacity; and this being challenge session lasting a total of two hours, the session will focus on the meeting statutory duties, delivering strategic priorities, exploring and responding to issues identified in the HRA call for evidence.
<b>Risks</b>	<p><b>Risks include:</b></p> <ul style="list-style-type: none"> <li>• Lack of Member(s) and Service engagement</li> <li>• Lack of time to hear submissions and to be able to probe and ask questions.</li> <li>• Recommendations go against Best Value, Corporate guidelines and or are not in line with statutory duties.</li> </ul> <p><b>Mitigations</b></p> <ul style="list-style-type: none"> <li>• Consult and fully brief the Lead Member, Senior Management Team and Scrutiny members during the challenge session planning.</li> <li>• Publicise the Challenge Session in the Members Bulletin</li> <li>• Ensure Challenge Session agenda is focussed and adequate time is allocated for submissions and question &amp; answers.</li> <li>• Ensure the members of the scrutiny subcommittee are fully briefed on the Homelessness Reduction Act, duties and outcomes achieved, existing challenges as identified in the HRA call for evidence.</li> </ul>
<b>Equality &amp; Diversity considerations</b>	<p>The purpose of the scrutiny challenge session is to tackle inequalities through meeting our duties and supporting an increase in the number of homelessness preventions achieved. The Challenge Session will consider the specific impact that the introduction of the HRA (2017) has had on all the protected equalities groups. Existing evidence suggests that Act has not had a negative impact upon individuals. However vulnerable applicants, people with language barriers and families have been more affected than others</p> <p>The Challenge Session will explore ways to increase access and engagement with vulnerable residents as well as consider appropriate and specific support that could be offered to minority and protected equalities groups.</p>
<b>Possible co-options</b>	<ul style="list-style-type: none"> <li>• Local residents / resident group reps</li> <li>• Homelessness charities</li> <li>• Equalities Groups</li> </ul>
<b>Key stakeholders</b>	<ul style="list-style-type: none"> <li>• Residents</li> <li>• Members of the Housing and Regeneration Scrutiny Sub Committee</li> <li>• Mayor / Local Councillors</li> <li>• Divisional Director for Housing and Regeneration</li> <li>• Housing Options Senior Management Team</li> <li>• Statutory and non-statutory partners</li> <li>• Commissioned organisations / services</li> <li>• Local Community and Voluntary Sector Organisations / Equalities Groups</li> </ul>
<b>Cabinet member(s)</b>	CLr Sirajul Islam, Lead Members for Housing and Statutory deputy Mayor
<b>Potential witnesses</b>	<ul style="list-style-type: none"> <li>• Divisional Director of Housing and Regeneration</li> <li>• Housing Options Senior Management Team</li> <li>• Commissioned Services</li> <li>• Homelessness charities</li> <li>• Community and Voluntary Sector organisations / Equalities Groups</li> <li>• Residents</li> </ul>
<b>Research/Evidence required</b>	<ul style="list-style-type: none"> <li>• Literature review</li> <li>• Budgetary information</li> <li>• Case studies and witness statements</li> </ul>

	<ul style="list-style-type: none"> <li>• LBTH Annual Residents' Survey</li> <li>• Information from MHCLG (H-click)</li> <li>• Data and trend analysis derived from Housing Options IT systems</li> <li>• Witness statements from Housing Options Service</li> <li>• Witness statements from statutory / non statutory partners</li> </ul>	
<b>Timescales</b>	Challenge Session - HRA	
	Agree the scope and approach for the sessions/Terms of Reference with Chair Housing and Regeneration Scrutiny Committee, Head of Housing Options and Divisional Director for Housing and Regeneration	October – November 2019
	Agree draft scope with members of the Housing and Regeneration Scrutiny Committee	26 November 2019
	<b>Challenge Session</b> : (written and oral evidence from those identified above)	January 2020
	<b>Conclusion:</b> Draft Recommendations agreed by scrutiny committee, service and Lead Member for Housing	February 2020
	First draft of report sent to service	March 2020
	First draft of the report to be sent to Scrutiny Chair	April 2020
	Final draft agreed by Scrutiny Committee	May 2020
	Final report sent for agreement – DLT, CLT, MAB, OSC, Cabinet	August 2020
	Action Plan developed by service(s)	October 2020
	Response and action plan to, DLT, CLT, OSC, MAB and Cabinet.	January 2020
<b>Publicity</b>	Consult Communications / democratic services as appropriate (notice in Members Bulletin etc / external website)	
<b>Links to Strategic Priorities</b>	<p>The Challenge Session links to the following areas of:</p> <p><b>The Strategic Plan 2019-22:</b></p> <ul style="list-style-type: none"> <li>• Priority one: People are aspirational, independent and have equal access to opportunities Inequality is reduced and people feel that they fairly share the benefits from growth.</li> <li>• Priority two: A Borough that our residents are proud of and love to live in. People live in good quality affordable homes and well-designed neighbourhoods</li> <li>• Priority three: A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough  People say we work together across boundaries in strong and effective partnership to achieve the best outcomes for residents</li> </ul> <p><b>Housing Strategy 2016 – 2021:</b></p> <ul style="list-style-type: none"> <li>• There are housing choices for all sections of our diverse community</li> <li>• The homes people live in are in a decent condition, warm, and weather tight</li> <li>• The most vulnerable people's housing needs are met in a fair and inclusive way</li> <li>• All homes are in safe, prosperous and thriving areas</li> <li>• Our response to housing issues is measured and achieves value for money.</li> </ul> <p><b>Homelessness and Rough sleeping Strategy 2018-2023:</b> Theme 1 - Prevention of homelessness:</p>	

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|  | <ul style="list-style-type: none"><li>• Homeless prevention, tackling the causes of homelessness and implementing the homeless Reduction Act.</li><li>• Preventing homelessness by access to affordable and sustainable housing options.</li></ul> <p>Theme 2 - Response of services to homeless households and vulnerable people:</p> <ul style="list-style-type: none"><li>• Preventing and responding to rough sleeping.</li><li>• Supporting children, families and young people and vulnerable adults</li></ul> |
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## Appendix 1 - Tower Hamlets – analysis of data since implementation of HRA:

- Residents' concern over homelessness has gone up 3 percentage points since HRA (from 16 in 2018 to 19 in 2019).
- Benefit cap - the average weekly shortfall across the 163 households is £108 and the total weekly shortfall is £17,600.
- A 25% cut locally to supported accommodation (resulting in c.100 less hostel units), impacting on prevention solutions for singles which means further decrease in supply of accommodation.
- Households in TA (as of end of September 2019) has climbed up to 2615.
- TH has seen an 82% increase in the number of hotel placements for non-family households (singles and couples). Many remain in accommodation for long periods whilst alternative accommodation is secured. c. 600 cases are affected by a backlog of outstanding decisions.
- The gross TA expenditure in 18/19 was £31 million, after housing benefits subsidy, the cost to the Council remained at £5.2 million.
- A total of £25,500 in costs was incurred in transferring legacy cases into H-CLIC.
- Additional staffing costs from HRA is 437k
- No Legal costs associated to HRA.
- Tower Hamlets funding for homelessness:
  - New burdens fund for implementing HRA 2019/20: £483,970
  - Flexible Homelessness Support Grant (ring-fenced) 2019/20: £3,884,968
  - Rough Sleeping Initiative Fund: 2019/20: £352,392
  - Homelessness Prevention funding 2019/20: £1,717,081
  - Discretionary Housing Payment £1,598,822
  - PRS Access Fund: £227,924
- The recently published report by St. Mungo's shows that cuts to local authority funding have resulted in a reduction of spending on homelessness services in the region of £1 Billion. Longer-term certainty around funding is essential in supporting us to take a longer-term, strategic approach to homelessness provision. It is unclear how much of the homelessness funding available in 2020/21 will be allocated to local authority services which do not help in preparing or forecasting for service provisions.
- A recent visit to the by the MHCLG's homelessness and advice team reviewed the LHA's progress with implantation of the HRA, exploring a wide range of areas for improvements including to further achieve outcomes on implementing HRA, improving staff morale, and reducing temporary accommodation. The LA is looking into implementing many of the recommendations made.
- The most challenging of these are driving positive cultures, service re designs as well as reducing temporary accommodation by opting to utilise offers for relieving homelessness and the backlog of HRA cases where there is currently no decision. Approximately 800 of these cases are in TA.
- H-CLIC data 18/19 when comparing to THE 6 East London growth borough's ( shows that:
  - Tower Hamlets delivered the largest numbers of household assessments, 2,615 vs an average of 1,979
  - 90% of all households assessed were owed a duty – 56% were owed a prevention duty and 38% were owed a relief duty.
  - Where relief duty was ended in TH over 40% secured accommodation for 6 months +. The percentage figure is high due to the low number of case closures at relief stage.