



AGENDA ITEM: 12

SUMMARY

Report for:	Housing and Communities Overview and Scrutiny Committee
Date of meeting:	13 November 2013
PART:	1
If Part II, reason:	

Title of report:	HOMELESSNESS STRATEGY 2013 – 2018 (SECOND STAGE SERVICE REVIEW AND POST-CONSULTATION REPORT) AND HOMELESS REVIEW PROCESS
Contact:	<p>Cllr Margaret Griffiths – Portfolio Holder for Housing</p> <p>Julia Hedger – Strategic Housing Group Manager</p> <p>Isabel Connolly – Strategy, Policy and Private Sector Housing Team Leader</p>
Purpose of report:	<ul style="list-style-type: none"> • To update Members on the new Homelessness Strategy 2013 - 2018 (Appendix 1). • To provide detail of the second stage of the homelessness service review and its outcomes. • To provide a summary of the consultation on the Homelessness Strategy and the Council's response to this. • To provide detail of a review of the member review panel for homeless decisions, in the context of increasing homeless applications, and in line with the Council's new strategic objectives for taking forward its homeless service.
Recommendations	<p>That Members note the new Homelessness Strategy 2013 - 2018 and give their feedback.</p> <p>That Members note the recommendation to be made to Cabinet: That Cabinet recommend to Council that the constitution be amended to adopt a homeless review process carried out by a senior officer not involved in the original decision, and that the current member review panel process is discontinued.</p>

Corporate objectives:	Affordable Housing
Implications:	<p data-bbox="539 300 1359 331"><u>New proposed staff structure to commence from January 2014</u></p> <p data-bbox="539 367 1359 564">The second stage of the homelessness service review provided the Council with the opportunity to carefully scrutinise its service delivery, informed by the key areas for investment and improvement already identified from the first stage of the review, which used a broad range of existing evidence about the service and its performance.</p> <p data-bbox="539 600 1359 797">The result of this service review was a proposal for a restructure of staff within the Strategic Housing service (the new structure is now within the main strategy document, 5.2, p.22). The Council is confident that the proposed changes will assist the Council to achieve its strategic objectives set out in the Homelessness Strategy 2013 – 2018.</p> <p data-bbox="539 833 1359 967">Budgets for this structure to commence in January 2014 have been agreed through usual internal processes, and the budget for the financial year 2014/15 has been drafted to be agreed through the usual annual budget review process.</p> <p data-bbox="539 1003 705 1034"><u>Partnerships</u></p> <p data-bbox="539 1070 1359 1205">In response to the consultation the strategy has now further highlighted some of the plans and aspirations of partners. The Council welcomes the recognition from partners of the strong role that can be played by successful partnerships.</p> <p data-bbox="539 1240 1359 1397">In addition to this, the strategy now also reflects the Council's recent commitment to the 'joint front door' model for 16 and 17 year olds, in partnership with Hertfordshire County Council's Targeted Youth Support and the charity Herts Young Homeless.</p> <p data-bbox="539 1433 1270 1505"><u>Constitution change to adopt new process for homeless reviews</u></p> <p data-bbox="539 1541 1359 1711">A report will go to Cabinet with the recommendation: That Cabinet recommend to Council that the constitution be amended to adopt a homeless review process carried out by a senior officer not involved in the original decision, and that the current member review panel process is discontinued.</p> <p data-bbox="539 1747 1359 1908">This change is in line with the Council's new strategic objectives for taking forward its homeless service, and will have benefits for the Council in terms of providing good customer service, and a process that is transparent and value-for-money.</p>

<p>Risk Implications</p>	<p><u>Implementing new ways of working</u></p> <p>The service changes that have been proposed as a result of the two stage service review will require staff across the Council's Strategic Housing service to embrace new ways of working in order to implement a team structure that can:</p> <ul style="list-style-type: none"> • successfully prevent homelessness, • improve outcomes for households who become homeless, and • provide suitable housing options and advice. <p>Officers across the service have been fully involved in developing the plans for the new service. From 1 May until 16 September 2013 a number of whole team and individual team strategy meetings and other events were held (for the full timescale and event details, please see Appendix 2).</p> <p>Embedding these new ways of working will now need the full commitment of all officers. A communications programme to officers in other frontline teams (Customer Service Unit, Tenants and Leaseholders, Property and Place, and Housing Benefit) and external partners has been underway over October 2013. In addition, press releases and articles for Dacorum Digest and News and Views have been prepared for the public.</p> <p>The Council is confident that the proposed structure will assist the Council to achieve its strategic objectives set out in the Homelessness Strategy 2013 – 2018, and that staff are committed to and understand the reasons behind these changes.</p> <p><u>Implementing the new homeless review process</u></p> <p>Risks presented to the Council from this change are very low.</p> <p>The proposed senior officer review:</p> <ul style="list-style-type: none"> • Would work to a published checklist; • Is consistent with the Council's ethos of customer service and care; • Will prevent delays from waiting for an available day to hold hearings, and therefore reduce risks of falling outside the 56 days to hold reviews and inform applicants of the outcome; and • Will prevent the applicant having to go through any unnecessary questioning that includes irrelevancies to the case, and which could therefore potentially get challenged through the judicial review process.
<p>Equalities Implications</p>	<p><u>Homelessness Strategy</u></p> <p>An Equality Impact Assessment for the Homelessness Strategy was completed and provided with to Cabinet with the report in July 2013.</p>

	<p>No reasons to expect discrimination have been identified that the Council does not have processes in place to mitigate.</p> <p><u>Proposed change to homeless review process</u></p> <p>Council policy requires that all steps are taken to ensure that all homeless applicants are given access to the information they require and in a format that they can use. No negative equality issues have been identified resulting from the proposed change.</p>
Health And Safety Implications	There are no direct Health and Safety implications from the strategy or proposed process change.
Consultees:	<p>Cllr Margaret Griffiths – Portfolio Holder for Housing</p> <p>Dacorum Borough Council Housing and Communities Overview and Scrutiny Committee</p> <p>Tenants and Leaseholders’ Committee</p> <p>Mark Gaynor – Corporate Director Housing and Regeneration</p> <p>Elliott Brooks – Assistant Director Housing</p> <p>Andy Vincent – Group Manager for Tenants and Leaseholders</p> <p>Natasha Brathwaite – Housing Advice and Homelessness Team Leader</p> <p>Teresa Wood – Housing Options Team Leader</p> <p>Jack Burnham – Development Manager</p>
Background papers:	<p>The Housing Allocations Policy</p> <p>Housing Strategy 2013 - 2018</p> <p>Localism Act 2011</p> <p>The Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011)</p> <p>The Homelessness (Suitability of Accommodation) (England) Order 2012</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>H&C OSC – Housing and Communities Overview and Scrutiny Committee</p> <p>TLC – Tenants and Leaseholder Committee</p>

1. Background

- 1.1 The Homelessness Strategy 2013 – 2018 replaces the expired Homelessness Strategy 2008 – 2013. In this new strategy the Council commits to meeting the Ten Local Challenges set by the Coalition Government, and to attaining the Gold Standard for homeless services.
- 1.2 The draft Homelessness Strategy 2013 – 2018 was presented to H&C OSC and Cabinet in July 2013 and was followed by a three month consultation period which has now closed.
- 1.3 As part of the strategy development the Council carried out a homelessness service review, using evidence from a number of sources including a peer review and internal audit. The key areas for improvement and investment, identified from this review, informed the development of the four key strategic objectives set out in the Homelessness Strategy 2013 - 18:
 - To make every contact count in the primary prevention of homelessness
 - To secure suitable and affordable accommodation for people who are homeless or threatened with homelessness
 - To provide support to prevent repeat homelessness and improve outcomes for people who are homeless or threatened with homelessness
 - To tackle the root causes of homelessness through much earlier intervention and prevention through education.

The review has now been followed by a second stage review of the Council's Strategic Housing service, informed by the key areas for improvement and investment already identified.

- 1.4 This report presents the final strategy with the details of the second stage homelessness service review and amendments made to the strategy in response to the consultation.
- 1.5 This report also presents details of the review into the Council's homeless review process. This review has taken place in the context of increasing homeless applications, and in line with the Council's new strategic objectives for taking forward its homeless service.

2. Second stage homelessness service review

- 2.1 In the draft Homelessness Strategy presented to Cabinet in July 2013, Section 4 provided detail of the homelessness service review that had been carried out using a broad range of existing evidence about the service and its performance.
- 2.2 A second stage homelessness service review commenced on 1 May 2013 (see Section 5 of the final strategy "Homelessness service review part two"). This second stage of the homelessness service review has provided the Council with the opportunity to carefully scrutinise its service delivery, informed by the key areas for investment and improvement already identified.

- 2.3 From 1 May until 16 September 2013 a number of whole team and individual team strategy meetings and other events were held (for the full timescale and event details, please see Appendix 2). The team took part in a number of job swaps in order to understand the roles across the service and open discussions about how the service could be improved in line with the strategic objectives set within this strategy. These job swaps were very successful and resulted in good feedback from officers across the service (for examples of feedback from the job swaps, please see Appendix 3).
- 2.4 The result of this service review was a proposal for a restructure of staff within the Strategic Housing service (the new structure is now within the main strategy document, 5.2, p.22).
- 2.5 The Council is confident that the proposed changes will assist the Council to achieve its strategic objectives set out in the Homelessness Strategy 2013 - 2018:
- The changes introduce a dedicated team to manage all incoming housing need (whether this because someone approaches the customer service unit, completes a housing register application, or presents to the Council as homeless or threatened with homelessness). This dedicated team will focus resources on the prevention of primary homelessness and early intervention in those situations where the Council may be able to assist someone to continue living in their current home.
 - The changes introduce a team that brings together the private sector and temporary accommodation services. This team will manage the Council's property options in terms of access into the private rented sector, as well as the temporary accommodation, welfare and support available to homeless applicants.
 - The changes introduce a team dedicated to managing the allocation of council and housing association homes. This team will focus on the allocation of property and pro-active verification of information within application forms prior to offers for those applicants bidding with high points. This will assist the delivery of a number of the changes that have been introduced in the new Housing Allocations Policy, as well as responding to the need to reduce void times. The team will work closely with the private sector team when considering offers of re-housing for homeless applicants with the full homelessness duty, who require one suitable offer, which may be in the private rented sector.
 - The changes make permanent the development team within Strategic Housing so that the Council can continue to successfully progress with its new-build programme, which will increase the supply of council homes available in the borough.

3. Consultation

3.1 The consultation included:

- Consultation through the Council's online consultation portal;
- Hardcopies of the consultation sent out on request;
- A press release to the Gazette signposting people to the consultation;
- A multi-forum housing event with partners held at the civic centre; and
- A homeless forum with local partners.

3.2 A formal written response was received from DENS, a local charity running a number of services to support homeless people locally. The consultation response from DENS is summarised below (points 1 – 4). Four written consultation responses were received through the public consultation online portal and are also summarised below (points 5 – 8).

- 1) Compliment to the strategy and its focused approach.
- 2) Suggestion that there could be greater emphasis given to the plans and aspirations of local partners and consideration of areas where partnership working between the Council and partners could be value-for-money or expand potential for receiving grant funding.
- 3) Caution was expressed that the strategy's commitment to early intervention through work with schools and community groups could be threatened by pressure on budgets, given that even though the preventative value of this work is very great, this is hard to demonstrate.
- 4) Concern was expressed about the significant increase in 18-35 year olds experiencing homelessness locally. Confirmed that DENS have experienced high numbers of this age bracket presenting to the day centre and night shelter, which mirrors the high numbers who have presented to the Council from this age bracket who have been owed the full homeless duty. Those presenting to DENS are more likely to be single people, without dependents, who are only eligible for housing benefit at the shared room rate, and the borough does not have large numbers of properties offering rooms with shared facilities.
- 5) Concern was expressed over the private rented sector and the local rents being charged
- 6) Support was expressed for a dedicated funding commitment to on-going education, training and employment initiatives, backed by one-to-one key workers, coaches or mentors working with homeless people for at least six months after move-on housing.
- 7) The idea of a crash pad was welcomed as innovative, but with the caution that this would need to be coupled with appropriate move-on options, rather than becoming an extension of the main hostel. Support was expressed for schemes that assist access into private rented accommodation, to be combined with DENS Rent Aid services.
- 8) Concern was expressed about the local picture of increasing homelessness, and in particular the position of fathers who are separated from their children after relationship breakdown and who are not in

priority need for re-housing. Again, concern was expressed about the local rents being charged in the private rented sector.

3.3 The Council is grateful to DENS and those who took the time to respond to the consultation and has considered this feedback with other informal feedback in producing the final strategy document for approval by its Cabinet.

3.4 In response to the consultation:

- 1) The Council welcomes a compliment of its strategy and its proposals for a focused approach to taking forward the homeless service over the next five years.
- 2) The Council recognises that for some of the objectives further emphasis could be given to partner plans and aspirations. These have been added where appropriate into the key objectives, for example, the commitment by DENS frontline staff to complete the Engage to Change qualification, a six month course that focuses on developing approaches to gaining successful outcomes for clients.
- 3) The strategy makes a very specific commitment to maintaining investment in education and early intervention over the five-year lifespan of the strategy. There is support from the Council's elected members to this commitment, recognising the long-term reductions in homelessness that the Council needs to work to and the need to increase awareness of housing options to improve early planning for housing in adulthood. Recognition has been added into the strategy that the Council's partners will play an important role in accessing and approaching educational and community settings.
- 4) The Council recognises concerns about the recent increases in the numbers of people aged 18-35 presenting as homeless. Young single people and young families have become very vulnerable in terms of their housing, and are finding it increasingly difficult to meet the financial demands of the private rented sector. This strategy commits to more mediation work with private landlords at the earliest opportunity from when the Council becomes aware that a notice has been served. More housing options advice will be delivered through this strategy with an emphasis on providing people with realistic housing advice and setting expectations on chances of being housed through an offer of a council or housing association home.
- 5) The Council recognises the difficulties presented by the private rented sector and the very high rents that are charged locally. These rents are determined by the market and therefore fall outside the Council's influence. Where possible the Council will work with landlords of properties for rent through its deposit guarantee scheme 'Help to Rent' in order to support families to access the private rented sector. The Council is committed to improving this partnership by investing in the service and the offer it can make to landlords. The Council has a partnership with DENS Rent Aid and Druglink, who are providing similar deposit guarantee schemes for landlords of properties for single homeless people in the borough.

6) The Council recognises the very important role that support for homeless people moving into settled accommodation plays. The strategy sets out an objective (Key Objective 3) with commitments to:

- Increase tenancy sustainment
- Develop the training and back-to-work pathway

These commitments include a review of the Welfare and Support service that is provided for people once a homeless application has been made, and then continues (for all but very low risk households) for at least six months after the household has moved to settled accommodation.

7) The Council agrees that very strict rules and expectations will need to be set regarding the use of the crash pad that will be provided as part of the design of the new 41 bed hostel being built for March 2015. This facility is certainly not intended to become an extension of the main hostel, but rather to provide an option to prevent someone spending a night on the streets. The facility will not form part of the main hostel building where the other bedrooms are provided, and in the morning someone who has spent the night in the crash pad will need to evacuate that space, for use as a training room, and they will need to attend an assessment of their housing needs. From this housing needs assessment someone could be referred into the hostel if appropriate, and if a bed space was available.

8) The Council recognises the concern expressed about the local increases in homelessness, and the hardship that some families experience as a result of relationship breakdown. The Council is working with local partners DENS and Druglink to improve the range of housing options in the private rented sector available to single households.

4. Homeless review process

4.1 A local authority has a legal duty to offer housing assistance to help people about to be made homeless. Housing assistance must support people in their efforts to find secure accommodation. The local authority must assess a person's housing needs before providing this assistance. The service must be free. Persons subject to immigration control are not eligible for housing assistance. If a homeless application is taken from an applicant who is homeless or threatened with homelessness within 28 days then the Council will need to consider whether the applicant is in priority need (for example, if the household contains a pregnant woman). If the applicant loses their home and he or she is believed to be eligible for assistance, homeless, and in priority need the Council must provide temporary accommodation while the homeless application is investigated.

4.2 The Council will only have the full duty to re-house an applicant where the result of the investigation is a positive homeless decision that the applicant:

- is eligible;
- is homeless;
- is in priority need;
- is unintentionally homeless; and
- has a local connection.

- 4.3 Homeless decisions are judged on the balance of probabilities and do not have to be beyond all reasonable doubt. Investigating officers are required to demonstrate that they have given reasonable consideration to the evidence in reaching their decision. The English legislation provides the right to applicants not satisfied with the Council's decision on their homeless application, to appeal against the decision by requesting a review.
- 4.4 The applicant has the right to request a review and, even if no further information or evidence is provided, the Council must review the decision. The applicant (or someone acting on their behalf) does, however, have the right to make further written representations to support the request. A review must be requested within 21 days of the date on which the applicant is notified of the decision. When a review is requested, the Council has 56 days to review the decision and inform the applicant of the outcome. This deadline can be extended where agreed in writing by the applicant and the Council.
- 4.5 The review can be conducted by a person who was not involved in the original decision. This could be:
- Another council officer, in which case they must be senior to the person who made the original decision and not directly involved in the initial investigation,
 - A panel of councillors,
 - An independent person - some councils employ a private company to conduct reviews, some other councils have a mutual arrangement so that an officer from another Council will conduct reviews.
- 4.6 The use of a panel of councillors is now not common practice, and most appeals processes being conducted by local authorities use senior officers or independent specialists, and in most cases where appropriate these reviews are based on paper evidence. An oral review is not a statutory part of the process.
- Note:** Applicants are provided with an opportunity to make oral submissions at the pre-decision stage. These are heard by the investigating officer prior to the final decision.
- 4.7 The decision on review may:
- Straightforwardly uphold the original decision,
 - Find fault with the manner in which the original decision was made, but still uphold the original decision, or
 - Overturn the original decision and replace it with one that is in the applicant's interests.
- The Council must inform the applicant of the decision on review in writing. If the decision is against the applicant's interests, the letter should give reasons for the decision.
- 4.8 Dacorum Borough Council is currently operating a member review panel made up of:
- Five elected members (including the panel chair)
 - One legal representative
 - One senior officer
 - The officer who made the original decision
- This panel holds an oral review hearing to which the applicant is invited to attend, and to which a legal representative may accompany them.

- 4.9 Dates are scheduled once a review request has been received. Dates are scheduled to take place on Mondays and each review takes approximately two hours on the day. The maximum number of reviews that could therefore reasonably be held on one day is three. There are currently seven reviews pending and all available dates up to the end of December have been booked (some dates are unavailable due to employment hearings).
- 4.10 From April 2012 – March 2013 Dacorum Borough Council held 14 review hearings and all decisions were upheld. Nine of those reviews were between January and March 2013, and since April 2013 there have been 11 further reviews. All decisions since April 2013 have been upheld (one adjourned). This demonstrates a trend of increasing numbers of reviews, consistent with local increases in homeless presentations.
- 4.11 The costs for one legal representative for two hours are £240 and there are additional costs for:
- Senior officer time spent at the review hearing
 - Investigating officer time spent at the review hearing
 - Member Support time arranging and proving administrative support for the review hearing
 - Reprographic costs for printing
- This provides an estimated total cost of £300 per review.
- 4.12 Other councils that have at some point operated similar panel hearings have nearly all now amended this process to operate senior officer reviews.
- 4.13 In addition to the costs and time consuming nature of the hearings, and the delays to applicants when a high number have to be booked into the available days, there are several disadvantages of councillor review panels that have been identified:
- The oral hearing creates an environment that is considered (judging by feedback from applicants and their representatives) to place applicants at a disadvantage due its formal, somewhat intimidating, atmosphere at a time when the applicant is in a very stressful situation. This is seems inconsistent with principles of good customer service and care.
 - The process puts applicants through intensive questioning occasionally straying into areas of no material relevance to the application, and it may be unclear to the applicant what information will be used in the decision making process.
 - Applicants are excluded at the point of decision making
 - Minutes of the process are not taken so the Council does not have a record to evidence and justify the information used at the point of decision making
 - If questions have been asked that are not ultimately relevant then the applicant has no knowledge that this information has not been used to bias the decision making process.
 - The hearing takes the form of a 'courtroom' process, which provides the opportunity for legal representatives of applicants to make an adversarial process out of a process that should be inquisitorial.

- Having the Council's legal representatives involved at this stage prevents them being involved in the future were the case to go to county court on a point of law (thus requiring more senior and expensive representation).
- A perceived lack of transparency associated with this process is contradictory to the Council's own ethos to be open and respond to challenge.

4.14 The Council understands that having councillors involved in this process provides an insight into the situations of their constituents, however at a time of rising homelessness any benefits from this are outweighed by the disadvantages, costs and delays from continuing to operate this process.

4.15 The proposal in the report to Cabinet is that the Council should change its constitution to adopt a review process carried out by a senior officer not involved in the original decision, which in most cases where appropriate would be paper-based.

4.16 The full process would then be:

Pre-decision by investigating officer → opportunity for oral submission to investigating officer → final decision letter → review request made within 21 days from the date of the decision → invitation to make further submissions (orally or in writing depending on the case) for review by senior officer → written outcome of the review with reasons for the decision provided within 56 days from the date of request.

4.17 This process is considered to be fairer and more transparent.

- The senior officer would work to a published checklist;
- It does not place the applicant in an intimidating environment;
- It is consistent with the Council's ethos of customer service and care;
- There are no delays from waiting for an available day to hold the hearing, and therefore no risk of falling outside the 56 days unnecessarily;
- The applicant does not have to go through unnecessary questioning that could include irrelevancies to the case;
- Legal representatives of the applicant are not provided with the opportunity to make the process adversarial; and
- It is better value for money due to the time and costs associated with the member review panel.

4.18 The time and cost savings made by changing the process will benefit the service by:

- Freeing up resources and the time of highly trained staff; and
- Producing a cash saving to the Council.

Resources that would otherwise be spent on preparing and attending the reviews could be re-focused to areas of service delivery identified as priority areas.

4.19 As detailed in this report the new Homelessness Strategy 2013 – 2018 has set out four key strategic objectives to drive forward its homeless service. It is considered necessary to now amend the constitution to change the homeless review process to support the Council's other strategic aims.

5. Recommendations

5.1 That Members note the new Homelessness Strategy 2013 - 2018 and give their feedback.

5.2 That Members note the recommendation that will be made to Cabinet: That Cabinet recommend to Council that the constitution be amended to adopt a homeless review process carried out by a senior officer not involved in the original decision, and that the current member review panel process is discontinued.