

Thursday, 8 July 2021

**Report of the Portfolio Holder for Social Housing and Homeless Prevention
Homelessness and Allocations Policy Update**

Exempt Information

None

Purpose

- To set out arrangements for the Rough Sleeping Initiative (RSI 4) funding received from Ministry of Housing, Communities and Local Government (MHCLG), to the sum of £100,000 for homeless prevention activities
- To update and set out amendments to the Council's allocations policy as the Government has refreshed the guidance.

Recommendations

It is recommended that:

1. Cabinet acknowledge and support the action/spend plan for the RSI 4 initiative (Annex 1)
2. Delegate authority to the Portfolio Holder for Social Housing and Homeless Prevention & Executive Director of Communities to approve phase two of the RSI project involving the second phase of the government funding in the autumn when the Council receives it.
3. Approve policy amendments to the allocations policy as per Government updates. (Annex 2)
4. Endorse the impact assessment of the allocations policy and review since implementation 10 June 2020. (Annex 3)

Executive Summary

The Government has maintained a focus on homelessness prevention throughout the pandemic and this has involved a range of funding opportunities together with guidance on supporting vulnerable clients.

This report sets out the Councils successful allocation of rough sleeping funding as well as takes the opportunity to update its strategic approach to its allocations policy following a range of government guidance.

Homeless Update - Rough Sleeping Initiative 4

The [Rough Sleeping Initiative](#) (RSI) initially launched in 2018 following the publication of the [Government's Rough Sleeping Strategy 2018](#) and earlier that year the introduction of the Homeless Reduction Act (HRA), which made significant amendments to the legislation and Housing Act 1996 Part VII. It was the biggest change to the Act in decades and changed how local authorities support those homeless or threatened with homelessness. The Government has made addressing rough sleeping a priority and committed to halving national figures by the end of this parliament and for it to be eradicated by 2027. The RSI 4 funding is a key part of this mission and delivery plan.

For the last ten years, Tamworth as required by MHCLG and in partnership with the charity Homeless Link as the Government approved verifier complete an annual rough sleeper count/estimate each autumn which is a snap shot taken of the given number of rough sleepers on the night chosen usually in November-

Our annual rough sleeper count for the past six years has been recorded as follows:

Year	Estimate of Rough sleepers
2015	5
2016	8
2017	4
2018	3
2019	5
2020	5

These have all used local intelligence based estimates with our partners/local agencies. Observations from the data show that whilst numbers are not particularly high, it is proportionate for the size of the borough. We have a transient problem rather than an entrenched one. Whilst following the individuals over the years at each estimate meeting it is also apparent that this cohort are often repeat cases, where they are not rough sleeping for long periods of time and have been given accommodation, however, they have then gone on to lose this due to their own actions.

Further data, specific to the rough sleepers are that in Tamworth they are usually male, between 25- 59 years old, UK nationals and have drug/alcohol, mental health issues. Institutional history mainly relates to prison leavers as care leavers and armed forces are recognised through our allocations policy and banded favourably.

Tamworth Borough Council strives to halve our numbers in line with our ¹Rough Sleeping and Homelessness Prevention Strategy 2020 – 2025; therefore, the Council submitted a bid for the 4th year of this RSI funding and was successful in doing so. MHCLG advised it was a robust, cost-effective bid and were happy to award such monies.

¹ [Housing policies | Tamworth Borough Council](#)

Our current winter relief project, in partnership with Heart of Tamworth / Starfish charities, has run from December until February with an extension agreed until 31st June 2021. This has been a success and has shown us a clear focus on this cohort and what is necessary to prevent the revolving door of rough sleeping. In previous years, this has taken the form of a night shelter, however, due to Covid 19 no operational night shelter opened. Instead, an outreach service was provided to those identified as rough sleeping in Tamworth, as well as supporting those placed in temporary accommodation by Housing Solutions to engage with the service through providing documents, completing required forms and moving on to longer-term accommodation. The service has worked with the third sector to provide a demand-lead focus, empowering service users for them to work with housing solutions and collectively create a pathway out of rough sleeping.

To ensure the interventions are deliverable, future proposals in the bid were based on the current model we are operating and to further build on the work we have done over the last year of providing safe accommodation for those brought in during the pandemic and to drive down the numbers rough sleeping. We have strong collaborative working with the third sector who support the service each winter. Housing Solutions work closely with statutory colleagues in the Police, Social and Health Services to support rough sleepers (R/S) through the year, through engagement and creating a joined-up pathway.

Local partners, residents, colleagues and MHCLG have asked why do people end up sleeping rough in Tamworth and what do we currently have in place to prevent these people from sleeping rough? Relationship breakdowns and loss of accommodation through rent arrears, behavioural issues & hidden homelessness are main causations. Engagement levels previously were low and this winter's new project with the third sector and employing a mental health worker through an agency has shown this is what is required to prevent people further rough sleeping. We award R/S band 2 through our allocations policy, however, accommodation is not just the issue it is engagement and tenancy sustainment that is. Pre Covid we had a night shelter, which would accommodate them for 3 months, which would end in March, and clients sometimes then went back out.

Priority one; is the Housing Solutions Outreach officer post, ensuring that eligible single people at risk of homelessness access services. It is to provide targeted rough sleeper support and have a visible presence in the town. To attend to those sitting out whether they are begging or bedding down, to carry a caseload and to engage them in the service to change the lifestyle that has become of them on the streets. Since March 2020 over 25 individuals have been supported through the "Everyone In" initiative, and it is anticipated numbers will rise in the next year. The intensive work will follow a housing-first model to get people off and keep them off the streets in Tamworth whilst equipping them with the skills to sustain a tenancy through this support. The step-up, step-down support proposed will prevent those currently in Temporary Accommodation (TA) returning to rough sleeping through tailored support plans and target any rough sleepers be guided through the pathway from homelessness to housing.

Priority two; to continue with the mental health support worker. The service has provided such a role for the last two winters funded through MHCLG prevention streams, supporting the service with those who have complex needs. Of the cohort this winter, 90% of those supported through “Everyone In” identified as having a mental health issue with two being undiagnosed but extremely vulnerable as a result. This post is required to continue providing mental health support in the borough working alongside the outreach officer to provide targeted mental health and wellbeing advice. It will prevent and/or reduce rough sleeping by providing housing solutions an opportunity to look at cases with a holistic & health view, guiding them through the r/s pathway into accommodation, ending repeat homelessness. The m/h worker can advise the team on considerations to be made outside of the housing function, such as lifestyle support, medication requirements and liaise directly with the outreach officer to deliver a wraparound support function. This focus will act as a way to prevent those in accommodation returning to rough sleeping by providing a gateway out of that lifestyle with an agreed tailored support package. The service envisages they will support 65+ clients per annum.

Phase 1 of the project commenced on 1st July 2021 and MHCLG have paid the Council £50,000. The first of two payments, this has ensured that we have filled the two posts as detailed above. The second part of the initiative includes a Neighbourhood Coach, which extends further on housing-first principles, sustainability of accommodation and a begging initiative proposed to start in the autumn when the Council receives its next instalment of £ 50K. We have stalled the second phase until the autumn, as it is not unusual for Government to sometimes change funding parameters.

We continue to face considerable challenges and endeavour to protect those most vulnerable, preventing homelessness and continuing to find new safe ways of delivering services.

Resource Implications/ Spend Plan

Funding is sourced by MHCLG.

Phase 1		Phase 2	
Interventions	Cost	Interventions	Cost
1X FT Outreach worker	£32,880	1X FT Neighbourhood Coach	£30,000
1X FTE Mental health support worker	£19,440	Personalised budget (move on support for rough sleepers)	£10,000
Winter Relief 21/22 off street accommodation	£6,400	Alternative begging initiatives	£1280.00

Table of Legal/ Risks and Mitigation

Risk Category	Description	Mitigation	Risk Owner	Date mitigation will be completed by
Delivery	Being unable to recruit to the 9/12 month outreach worker	Possible internal recruitment and secondment opportunity. Possible extension of post for 12 months	TM/SF	Aug-21
Funding	MHCLG may not pay the remainder for phase 2	Consider existing budgets to support proposed intervention	TM/SF	Aug-21
Support/ Accommodation	R/S may be asked to leave temp accom units due to behavioural issues	Use of TBC self-contained units	TM/SF	Aug-21

Allocations Policy Update

Tamworth Borough Council's allocation policy was approved by Cabinet in 2019 and implemented in June 2020. At the end of December 2020, MHCLG updated and republished (i) [Homelessness Code of Guidance](#) and (ii) [Social Housing Allocations Guidance](#). This was primarily to deal with issues following the UK's exit from the European Union (EU). This has been updated again in April 2021; It is worth noting that in addition to these changes on eligibility, there are two national policy developments that will also impact on the allocation policies. These are (i) the [Social Housing White Paper](#) and (ii) the [Domestic Abuse Bill](#). The Council has decided to make some amendments to our overall policy with more due next year to cover these two policy developments and the post-Brexit rules. This report is proposing three changes to the current allocations policy to cover the below points.

- The Government issued an updated version of the Social Housing Allocation Guidance on 31 December 2020 that covers eligibility of European Economic Area migrants and their families
- The principles of eligibility remain unchanged but there are detailed alterations covering the periods from 1 January 2021 to 30 June 2021, and post-30 June 2021
- Awareness and acknowledgment the Social Housing White Paper

- Changes have been made to acknowledge the Domestic Abuse Bill 2021 due to become an Act on 5th July 2021 and guidance to social housing for armed forces require amendments to our policy.
- Advice given to us by an external consultant advised, Tamworth Borough Council's allocation policy statement on eligibility is adequate, but it could be enhanced by briefly and explicitly highlighting the changes covering the two time periods listed above.

In summary, the government changes being recommended are shown in the table below and explained in detail in the report.

	Government change	Existing policy	Proposed change recommended
1	Eligibility arrangements arising from BREXIT	Does not cover settled status following the UKs exit from European union	To update the policy to reflect the new rules and do not automatically allow European nationals to join register unless have scheme ID
2	Provision for armed forces personal/ veterans	Already exists with policy but will be giving additional provision	Local connection criteria extends to family of and amends to band 1+ and band 2
3	Domestic Abuse Bill	Has good due regard for cases of DA	To update changing definition of domestic violence to domestic abuse and further provision in Band 1 being made for higher social welfare for those fleeing abuse.
4	Social Housing White Paper	The paper is not mentioned currently, however some of the guidance from the paper the Council is already compliant with	Council acknowledges the paper in the policy and remains committed to issues highlighted such as improving joint working with housing associations, ensure allocations are fair and equitable as we currently do

Change 1: Eligibility Amendments

Following the UK leaving the EU on 31 January 2020 and the end of the transition period that was in place until 31 December 2020, new eligibility rules were introduced governing applicants from EU countries entitlement to public funds and assistance with housing. The Government issued an updated version of the Social Housing Allocation Guidance on 31 December 2020 that covers eligibility of European Economic Area migrants and their families. The policy is being updated to reflect the

changes in the guidance on who will be eligible to join the housing register. In summary the policy is providing provision in line with legislation to cover

- New eligibility rules for European Economic Areas (EEA) persons and their families apply during the grace period between 1 January 2021 and 30 June 2021
- Further changes in the rules apply after the 30 June 2021

Further confirming the need for EEA persons to have registered for settled or pre-settled status. EEA persons who have not been awarded their status after the end of the grace period may not be eligible unless they have been granted certain residency status like other foreign nationals by the home office.

Finally, newly arriving EEA citizens and their families after 1 January 2021 come under the points-based immigration control system. They may then be considered eligible to apply for social housing, usually after five years of continuous residence.

Post-30 June 2021, the situation is:

- Late applicants to the European Union Settlement Scheme (EUSS), who have reasonable grounds for missing the 30 June 2021 deadline, should be checked that they were exercising their treaty rights on 31st December 2020
- EEA citizens and their families who miss the end of June deadline, and do not have reasonable grounds for failing to complete an EUSS application, do not have the right to remain in the UK (and therefore are not eligible to apply for social housing)
- For newly arriving EEA citizens and their families, local authorities should consider them and their families after 1 January 2021 under the points-based immigration control system. They may then be considered eligible to apply for social housing, usually after five years of continuous residence.

Change 2: Amendments to provision for armed forces personnel or veterans

In June 2020 the government issued Statutory Guidance to local authorities in respect of provision which should be provided to members of the ²armed forces and veterans regarding access to social housing. Whilst the existing policy does already provide provision for armed forces personnel, the published statutory guidance: Improving access to social housing for members of the Armed Forces 2020 (MHCLG) has highlighted additional provision which needs to be made.

The changes to the policy to ensure compliance to relevant legislation and guidance include:

- Changes to the local connection criteria to ensure it exempts from any local connection requirements divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence
- Provision in Band 1+ to include those who have an urgent housing need to move and are a former member of the regular armed forces subject to the

² [Improving access to social housing for members of the Armed Forces - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/improving-access-to-social-housing-for-members-of-the-armed-forces)

provision under the statutory instrument to ensure they have been given additional preference within the allocations scheme

- Provision within Band 2 to include those who have recently left armed forces accommodation as well as those in the process of leaving armed forces in line with the guidance.

Change 3: Domestic Abuse Act

The Domestic Abuse Act 2020 attained Royal Assent in April 2021. In light of the Act that will be implemented within the coming weeks, the Council wants to make further provision within the Allocations Scheme. Whilst the policy has already good provision currently, the changes will include slight tweaks to ensure compliance with the legislation and that suitable provision is made for domestic abuse victims within the policy.

The changes include:

- Changing the definition from domestic violence to domestic abuse, in recognition of other forms of abuse which aren't violent.
- Confirming in Section 6- the details of who can apply to join the housing register, applications due to Domestic Abuse will be handled as per any requirements provided in the Domestic Abuse Act 2021.
- Provision within Band 1 is made under high social welfare banding for those who need to leave their accommodation because of domestic abuse or to recover from the effects of domestic abuse.

Change 4: Social Housing White paper

Provision is also being made within the policy to confirm the Council is reviewing The Social Housing White Paper: ³The Charter for Social Housing Residents was published by MHCLG in November 2020. The White paper provides the following to be taken into account by the allocation scheme

- Improve joint working between local authorities and housing associations to ensure that social housing is being allocated efficiently
- Remove barriers to accessing social housing for homeless households
- Ensure that vulnerable households are able to navigate allocations systems
- Improve access to suitable homes for people with disabilities

As part of the change to the policy the Council confirms it remains committed in light of this paper, to ensuring the allocation of accommodation is done in the fairest way possible, and access to suitable homes for disabled people can be improved. Further confirming the policy helps to ensure priority is balanced and confirms the priority given to ensure accommodation is allocated fairly and equitably.

There are already existing provisions within the policy to ensure disabled households are prioritised for adapted properties over those which do not. This ensures those considered to be homeless are exempt from local connection and other qualification barriers. There are good working relationships with housing associations and

³ [The charter for social housing residents: social housing white paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524242/charter-social-housing-residents-social-housing-white-paper.pdf)

nomination agreements covering the allocation of social housing. Provision is also provided by the policy to assist vulnerable households in accessing the service where they have difficulty.

Current Numbers on the Housing Register:

Year ending 31 st March	Households on the Housing Register
2012	2104
2013	1783
2014	1727
2015	1625
2016	1598
2017	1500
2018	1337
2019	1553
2020	1458
2021	479

Resource Implications

There are no direct financial implications arising from implementing changes to the allocations policy. There are associated costs arising from external consultancy feedback, options and research on the existing policy of which cost £500.00 and have already been met and paid for from existing budgets with the housing solutions based funding streams.

Legal/ Risk Implications

	Options	Risk factors / Mitigation
Option 1	Do nothing	Low to Medium -Current policy independently reviewed and advised fit for purpose and adequate and would need to make officers aware of practical changes Some Local authorities commented that the post-Brexit changes are likely to have only a marginal impact on allocations numbers, processes and procedure
Option 2	Only make changes to Eligibility, EU transition information from Govt	Medium Risk after 30 th June if not updated, this would leave other keep

	Guidance	topics out and create risks in the future if not updated. Some local authorities are in the process of reviewing their allocations policies and the post-Brexit changes will be included in the revised documentation in 2021
Option 3 – <i>Chosen Option</i>	Update the allocations policy with additional forthcoming national policy changes on allocations	Low Risk – Best Option and limits risk to the authority and less likely of ombudsmen and JR's A number of councils are going to incorporate post-Brexit requirements along with other changes by summer 2021 – these other changes include the Social Housing White Paper and the Domestic Abuse Bill, as well as locally specific issues.

Equalities Implications

All activities to give due consideration to the Councils Equality and Diversity Policy-Making Equality Real in Tamworth (MERIT). The policy and activities give due regard to the protecting vulnerable persons and domestic abuse priorities identified under the Tamworth Community Safety Partnership plan 2020-2023

Homelessness

The implementation of the Homelessness Reduction Act 2017 means that the Council now has additional duties to prevent homelessness and it must help to secure accommodation for all eligible households, regardless of whether they are in a 'priority-need' category. This has increased the help given to single people and those without dependent children, especially single men, who were previously not in a 'priority-need' category. They are still not necessarily in a 'priority-need' category, it is just that 'priority-need' is not a consideration when we are trying to prevent or relieve homelessness, except in determining eligibility for temporary accommodation. However, it is noted that the immigration status of some households may restrict the assistance that they can be offered under the homelessness legislation, this will continue to be managed in line with legislation.

Allocations

The proposed changes have been assessed with regard to the Council’s duties around the Equality Act 2010.

Background Papers

As well as the MHCLG guidance, there are a number of sources of information on the post-Brexit regulations. It is, however, important to appreciate that these are in the process of being updated to take account of the changes at the end of 2020.

The House of Commons Library briefing paper on allocations is in the process of being updated and is scheduled for publication in spring 2021, as are the more detailed briefings on (i) EEA migrants and access to social housing and (ii) eligibility to apply for social housing by persons from abroad non-EEA).

The most detailed legal guide on allocations and homelessness is Luba, J. et al (2018) *Housing Allocation and Homelessness*, Bristol, Jordan Publishing, 5th edition. Part one, chapters one to six cover social housing allocations. A new edition is due to be published in July 2021 - [Housing Allocation and Homelessness Law & Practice Sixth edition \(with CD-ROM\) | LexisNexis UK](#)

Chartered Institute of Housing: Housing Rights Information website - [Brexit News - Housing Rights Information \(housing-rights.info\)](#) and [Housing Rights Information for Migrants and Housing Advisors \(England and Wales\) \(housing-rights.info\)](#)

The flowchart is especially useful - [EEA-Flow-Chart-Eligibility-for-Housing-and-Homelessness-Assistance.pdf \(housing-rights.info\)](#)

Document Annex	Purpose
1. Letter from MHCLG and spend plan	Confirmation of RSI funding to date
2. Draft updated Allocations policy June 2021	Full draft policy setting out the Council’s approach to the management of its housing register
3. Impact assessment from introduction of new allocations policy June 2020 and examples of good practice	Examples of good practice, positive changes and updates to community impact and impact on the register.

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