

Report authors: Lorraine Wright,

Dave Levitt
Tel: x 74743

Report of Chief Officer Statutory Housing and Chief Officer Welfare and Benefits

Report to Scrutiny Board (Resources and Council Services)

Date: 22 July 2014

Subject: Recommendation Tracking – Scrutiny Inquiry on Welfare Reform

Are specific electoral Wards affected?	☐ Yes	⊠ No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	⊠ Yes	☐ No
Is the decision eligible for Call-In?	☐ Yes	⊠ No
Does the report contain confidential or exempt information?	☐ Yes	⊠ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1. This report sets out the progress made in relation to the recommendations arising from the Scrutiny Board Inquiry on Welfare Reform Benefit Changes.
- 2. This follows the report of the Chief Officer Statutory Housing and the Chief Officer Welfare and Benefits to the Scrutiny Board in May 2013 outlining Environment and Housing and Resources responses to the recommendations and the subsequent Recommendation Tracking Report of 29 July 2013 summarising progress against the recommendations.
- 3. This report will enable Scrutiny Board to monitor progress and identify completed recommendations.

Recommendations

- 1. Members are asked to:
 - Agree those recommendations which no longer require monitoring; and
 - Comment on the progress of all other recommendations.

1 Purpose of this report

1.1 This report sets out progress made in relation to the recommendations arising from the Scrutiny Board Inquiry on Welfare Reform Benefit Changes.

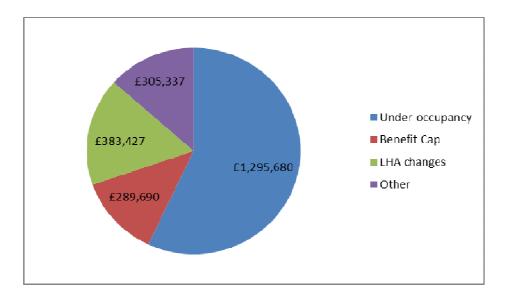
2 Background information

- **2.1** Following its review of the Welfare Reform Benefit Changes, the Resources and Council Services Scrutiny Board published its final report and recommendations on 18 February 2013.
- 2.2 The Chief Officer Statutory Housing and the Chief Officer Welfare and Benefits provided reports in May 2013 and July 2013 responding to the Board's recommendations and providing an update on progress in implementing the recommendations.
- 2.3 On 1 October 2013, the management of council homes was transferred to Leeds City Council from the three ALMOs; Belle Isle TMO was not affected by this change.
- 2.4 The management of council homes is now delivered by Housing Leeds, within Environment and Neighbourhoods Department. The Housing Management Service is undergoing a full re structure and review of all services.
- 2.5 A Neighbourhood Services Team has been established in April 2014 with Service Managers for key areas in Income and Welfare Reform, Lettings and Tenancy Management, Tenant and Community Involvement and Older Peoples Housing.
- 2.6 The Service Managers are undertaking full Service Reviews in these key areas in order to harmonise policies and procedures to ensure that tenants receive a consistent, customer focused service regardless of which area of the city they live in. Each of the Managers is looking to deliver improvements in all aspects of the service areas.
- 2.7 Eight Area Offices have been established and Area Housing Managers have been appointed to the areas. The majority of the Area Offices have a new manager in place. The Area and Service Managers have also been given clear remit in developing new and improving relationships with Local Ward Members, M.Ps and tenants groups.
- 2.8 A key aim of the Housing Service re-structure is to put more resources in front line customer facing roles. Housing Officer patches will be reduced and the Housing Officer will deliver a generic, comprehensive and customer focused housing management service. They will develop a sound knowledge of the estate and build good customer relationships.

3 Main issues

3.1 New rules came into effect from April 2013 that saw Housing Benefit reduced for tenants who were deemed to be living in properties that were too big for them and saw Council Tax Support reduce for most working age residents.

- In April 2013 there were just over 7000 council tenants affected by the Housing Benefit changes. By the end of the year this number had reduced to 5,384 tenants and has remained steady at around this number since. There are a number of reasons for the reduction in the number of tenants affected: some tenants reported additional family members that we were unaware of and meant that they were no longer under-occupying; some moved to smaller accommodation through mutual exchanges; and some were taken out of under-occupancy when a number of properties were reclassified as having fewer bedrooms following a standard review exercise.
- 3.3 Around 34,000 households were originally affected by the changes to Council Tax Benefit. This number had reduced to around 31,000 by the end of the year, of which 26k used to have their Council Tax rebated in full. The main reason for the reduction was because more households were placed in protected categories and received full Council Tax Support.
- 3.4 The welfare reforms meant that additional rent and additional Council Tax had to be collected and this has led to a reduction in in-year collection rates for both rent and Council Tax.
 - The overall in-year collection rate for Council Tax in 13/14 was 95.7%, down from 96.6% the previous year;
 - the collection rate for the 26k households who had previously received full Council Tax Benefit was 65%;
 - of these, 12,800 households had paid in full and 13,300 households finished the year with an outstanding balance to take into 14/15.
 - The in-year collection rate for Housing Leeds' rents in 13/14 was 97.85%, down from 98.06% the previous year;
 - the % of households affected by under-occupancy in arrears in March 2013 before the under-occupancy changes started was 27%; the % of 'under-occupancy' households in arrears at the end of the 1st year was 49%
- In October 2012, the Executive Board agreed a policy for Discretionary Housing Payments (DHP) that prioritised help to the most vulnerable. Leeds received an initial allocation of £1.9m to spend on DHPs which was overspent by nearly £300k. This overspend was offset by an additional allocation of £300k DHP funding from the DWP following a bid for more funding by the Council. The majority of the DHPs made were spent on supporting people affected by the under-occupancy rules. The graph below shows how the DHP money was spent.



This report provides a further update on the progress made in respect of each recommendation. The updates provided at Appendix 1 will enable Scrutiny Board to monitor progress and identify completed recommendations.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Where consultation processes have been undertaken, details are referenced against the relevant recommendation within the table at Appendix 1.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Where consideration has been given to the impact on Equality, Diversity, Cohesion and Integration, this will be referenced against the relevant recommendation within the table at Appendix 1.

4.3 Council policies and City Priorities

4.3.1 There are no implications within this report for existing Council policies or City Priorities.

4.4 Resources and value for money

4.4.1 Details of any significant resource and financial implications linked to the Scrutiny Board Inquiry recommendations will be referenced against the relevant recommendation within the table at Appendix 1.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report does not contain any exempt or confidential information.

4.6 Risk Management

4.6.1 There are no implications within this report for risk management.

5 Conclusions

5.1 Appendix 1 sets out progress made in responding to the recommendations arising from the Scrutiny Board Inquiry on Welfare Reform Benefit Changes.

6 Recommendations

- 6.1 Members are asked to:
 - Agree those recommendations which no longer require monitoring; and
 - Comment on the progress of all other recommendations.

7 Background documents¹

- 7.1 Scrutiny Inquiry Final Report Welfare Reform 18 February 2013.
- 7.2 Response to the Recommendations arising from Scrutiny Inquiry on Welfare Reform 10 May 2013.
- 7.3 Recommendation Tracking Scrutiny Inquiry on Welfare Reform 29 July 2013.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix 1 – Environment and Housing and Resources responses to the recommendations arising from the Scrutiny Board Enquiry on Welfare Reform Benefit Changes.

No	Recommendation of Scrutiny Board	Update from Environment and Housing and Resources
1	ALMOs/BITMO to ensure that the current debt of customers is at the lowest possible position as from April 2013	COMPLETED: The citywide target for rent collection for the financial year 2012-2013 was 97.88%. During quarter 4 of 2012-13, the ALMOs/BITMO had a high profile year end campaign to maximise rent collection to ensure the debt for rent arrears was at its lowest possible position and exceeded the target by achieving a collection rate of 98.06%.
		The intensive support provided to customers by the Welfare Reform Officers prior to the introduction of Under Occupation in April 2013 has continued. Welfare Reform Officers have been visiting customers and proving assistance with the following; DHP applications, completing Housing Application forms, mutual exchanges, and bidding advice. They have also referred customers for additional support via independent Living Teams, Leeds Credit Union and third sector partners such as Stepchange, CAB, and Ebor Gardens Advice Centre etc.
2	That Revenues and Benefits and Environment and Neighbourhoods (Environment and Housing) review the impact of the current policy on recovering HB overpayments by deductions from ongoing Housing Benefit and make further recommendations	with the Executive Member for Benefits, it was agreed to continue to recover overpayments from ongoing Housing Benefit entitlement. Officers have
3	That the council completes the review	COMPLETED: In April 2013, the Executive Board approved changes to the rent

of the arrears process to ensure arrears recovery procedures for tenants affected by under-occupation. The customers are offered support when changes are summarised below: needed but will allow decisive swift • Debt Information Pack - this will include additional information including action to be taken where customers copies of the Council's 'Welfare Reform Under Occupation FAQs' and who won't pay their rent. 'Overcoming financial difficulty' booklet. It will also include an information leaflet on mutual exchange and alternatives to loan sharks. Referral to Specialist Welfare Reform Officer – If, at the outset of any arrears recovery action a tenant is identified as being affected by underoccupation, a referral will be made to the specialist welfare reform officers within Housing Leeds. Recovery action will be suspended to allow officers to provide the tenant with advice and support based on their individual circumstances. This will include: Ensuring all eligible benefits are being claimed: Ascertaining income details and prioritising expenditure; Identifying eligibility for DHP and supporting referral: Supporting tenants to register a housing application; Promoting mutual exchange; Supporting tenants to set up a bank account or direct debit; Budgeting and debt advice; and Referring vulnerable tenants for specialist support through the Independent Living Teams, Adult Social Care or Children's Services. Guidance on serving Notice of Intent to Seek Possession (NISP): -Officers have developed guidance on when it would not be appropriate to serve a NISP. The rent arrears recovery procedures are scheduled to be reviewed again in February 2015 to enable any lessons learned to be incorporated into any revised procedures. That the Council promotes ONGOING: Mutual exchanges offer a quick and simple way to resolve and overcrowding and under-occupation and allow for moves to take place between Mutual Exchanges facilitates tenants including those with arrears if Council and housing association tenants. Leeds Homes has promoted mutual this is the most suitable outcome. exchange with all tenants affected by under-occupation as well as households

known to be overcrowded and 'swap shop' events took place to provide a forum for tenants to meet up and find accommodation that meets their needs. In January 2014, Executive Board earmarked £200,000 from the Housing Revenue Account for 2014/15 to fund a new incentive scheme to promote tenant mobility, primarily by supporting moves through the mutual exchange scheme. The scheme will offer tenants an incentive package worth up to a maximum amount of £1,000 per move which will be used to assist with the costs of a move. The council will also advertise a selection of properties experiencing low demand with an incentive package, including some 2 and 3 bedroom high rise flats. Based on an indicative amount of £500 - £1,000 for each move, the scheme will support between 200 and 400 moves, which equates to between 17 – 34 moves per month across the city. Leeds Homes has developed a Mutual Exchange Strategy involving review of existing practices to create a single procedure and guidance for all Housing Leeds staff to achieve consistency across the city. Rent arrears resulting from removal of the spare bedroom subsidy have been taken into account. The main aims are to promote mutual exchange as an alternative housing option to a transfer and to increase the number of mutual exchanges across the city in line with other council priorities. This has resulted in a record number of exchanges in 2013/14 of 587 compared with 440 in 2011/12. Tenants continue to be encouraged to join our national exchange provider, House Exchange, and a record high of 3562 registrations has been achieved in June 2014 That the council completes the review COMPLETED: See comments under recommendation 3 for details of the review 5 of the arrears process including of the rent arrears recovery procedures. enforcement action and evictions and whether additional Court action is a last resort where tenants will not engage and fail to make any considers measures/safeguards are warranted payments towards the arrears. Prior to applying for a warrant, a senior officer

prior to executing a warrant. within Environments and Housing reviews the case and carries out a risk assessment. This review could result in an intervention from Leeds Housing Options prior to processing the warrant. Officers in Housing Leeds have been developing important links and relationships with colleagues in Adult Social Care and Children's Services - if other directorates or agencies are involved with the household, the review might include a case conference with all relevant parties to discuss the way forward. This approach might result in signposting for additional support or a planned move to alternative accommodation. In addition, the Paralegal Team has developed a checklist to be completed by Housing Leeds for all possession cases and warrants where the household is affected by under-occupancy. This outlines when the household was first contacted, what options they were considering at the initial visits and what additional support and advice they have been given. This has been designed to ensure officers can give as much information as possible to the court to illustrate the level of advice and support given to families before pursuing possession proceedings. Housing Options interventions are having some positive outcomes and evictions have been avoided as a result of their involvement. A meeting has taken place in June 2014 to further develop the working relationship between Housing Options and Paralegal. Housing Options are looking to make some further improvements to the process prior to eviction to make the intervention process more timely. We are also looking at improving communication between Housing Options and the Area Offices. Income Managers and Housing Options staff are being offered the opportunity to shadow each other's teams to build an understanding of the respective roles and further develop working relationships. COMPLETED: The process of issuing a further discretionary reminder continued 6 additional non-statutory That an reminder is added to the recovery throughout 2013/14. The key objective from this was to provide a further opportunity for the customer to make contact and avoid the need to proceed to process to allow customers a further opportunity to make contact to make a summons stage. The approach has had limited success. From the 16,000

	payment arrangement and avoid the need for court action and the additional costs that go with this.	additional discretionary reminders issued, 85% moved to summons stage with no contact from the customer. Furthermore as we move into year 2 it is clear many are still paying long term arrangements at low weekly values including those on DWP deductions. Whilst we will endeavour to collect an additional payment for the 2014/15 liability it is accepted that many of the 2014/15 debts will just need to queue behind the existing collection arrangements. Clearly we will need to issue a liability order due to current legislation but taking a flexible approach to cancelling costs (in line with recommendation 8) will be more practical to charge-payers than issuing a further reminder prior to the summons.	
7	Additional flexibility to be given to frontline staff at Westgate and One Stop Centres to allow payment arrangements to be spread over a 12 month period irrespective of when the individual contacts.	One Stop Centres when making payment arrangements and these are now	
8	That Officers exercise discretion when considering pursuing recovery of costs from customers affected by the Council Tax Support changes and that it is accepted that collection rates for costs will reduce as a result.	ONGOING: Currently officers already exercise discretion with regard to the collection of costs and it is expected this discretion will be applied even more frequently in relation to summons costs for 14/15 arrears.	
9	That EDRAs are normally used instead of bailiffs where there are no other realistic recovery options for people reliant on Council Tax Support	ONGOING: Arrangements are in place to refer to EDRAs post-liability order where other options are not available. However current efforts so far have been focused on trying to secure payments without involvement of EDRAs due to the associated costs to the Council.	

10	That sufficient resource is provided to ensure the adequate training of those staff likely to be providing welfare advice in order for consistent and correct information to be given.	all levels are fully briefed and prepared for the range of welfares changes as they are introduced. In addition, briefings have taken place on a regular basis	
11	That a contingency budget is provided to respond to any 'spike' of activity at the Contact Centre.	·	

Similarly, over 12,000 more calls were received for ALMOs in the first quarter of 13/14 compared to 1st quarter of 13/12. Again, despite the increase answer rates remained high at 93.5% in 1st guarter of 13/14 compared to 93.7% in 1st quarter of 12/13 Housing Leeds are a key partner linking in with the services delivered through the new Community Hubs in Armley, the Compton Centre and St Georges Centre. Housing Leeds are committed to supporting service partners to ensure that we get the service right first time and support the key priorities such as access to employment. This is being supported through attendance at local groups focusing on employment, health and tackling financial exclusion. 12 That the Council further investigates COMPLETED: As part of preparation for the welfare changes, the Council visited possibility reclassifying all affected tenants. Through those visits we identified some property types that the properties where appropriate we felt were not correctly designated. In the absence of a legal definition for a bedroom and no specific guidance from the Department for Work and Pensions (DWP), the Council took a number of factors into account when considering property types for re-designation: How families live in those properties; The level of privacy offered by the design and layout; and The need for adequate insulation from noise. Out of a stock of almost 58,000 dwellings, the Council identified 848 properties for re-designation. This represented less than 1.5% of the entire stock. The final decision meant that three specific property types were considered for change: a two bedroom multi storey flat; a five bedroom house and a three bedroom low rise flat. For the two bedroom MSFs it was considered that the second bedroom has been incorrectly designated as a bedroom as it is only accessed through a living room and therefore offers insufficient privacy and insulation from noise. The three bed room flats were all low rise of the "cottage flat" style built around

13	That the Council and ALMOs and	1945. These properties due to specific features in their design, layout and overall size was unsuitable for large families in that they too offered insufficient insulation from noise and reduced privacy. The five bedroom properties had a downstairs sitting room that had been classified as a bedroom. Based on how families live in these properties, the need for adequate privacy and insulation from noise, it was considered that the sitting room has been incorrectly designated as a bedroom. A further seven five bedroom properties were identified during site inspections. They had one room that was designated as a bedroom that was accessed through another bedroom. Again, it was considered that this design and layout offers insufficient privacy and insulation from noise. It should be noted that the decision re-designation was not proposed as a way of avoiding the under-occupancy charge. Of the 848 properties, around 240 households saw a benefit in terms of increased housing benefit payments. ONGOING: Housing Leeds receives regular data on the identity of tenants
	BITMO continue to inform and advise all tenants of the welfare reforms that might affect them in the future	affected by under-occupancy and are continuing to contact all affected tenants,
14	That changes in the number of tenants affected by the under-occupancy is monitored and examined to provide assurance that the approach to managing under-occupancy is working. That monitoring reports are brought back to Scrutiny on a 6 monthly basis.	ONGOING: The number of tenancies affected by under-occupation in March 2014 was 5384. This is down from over 7000 at the start of the financial year 2013-14. The main reasons for the reduction can be attributed to: • Data cleansing and corrections to household makeup from year start data • Re-designation of council properties saw a number of households removed from under-occupation • Tenancy terminations where under-occupation applied at some point • Mutual exchanges where Under-Occupation applied at some point • Change of circumstances i.e. family members, employment, age

Rent collection:

Rent collection performance for 2013-14 was 97.85%. Whilst this is short of the 98.06% target, this is better than expected at the start of the year. This is against the backdrop of 19 additional frontline housing staff, £1.1m in DHP, £286K in HB credits for the 1996 loophole (1996 loophole - if a tenant has been in continuous entitlement to Housing Benefit and at the same address since at least 01/01/1996, then they should be exempt from the under-occupation deductions. DWP has since closed the loophole as of 3 March 2014).

The under-occupation impacts at the end of March 2014 were:

- 5541 tenancies affected by under-occupation, of these 3701 had no debt at the end of 2012/13
- 1046 of these cases were in arrears owing a total of £141,249 on their rent accounts.

Enforcement:

Serving a 'Notice of Intent to Seek Possession' (NISP) represents the first formal stage in the rent arrears recovery procedures.

In 2012-13, the Council served 4489 NISPs between April and the end of March. In 2013-14, the figure stood at 5521 for the same period, an increase of over 600. Of the 5521 NISPs that have been served this year 1094 relate to tenancies affected by under-occupation.

The Paralegal Team have received 213 rent arrears/possession cases throughout 2013-14 where the tenant is affected by under-occupation. Only 49 cases out of the 213 were processed to court (34 of these had historic debt and 15 has solely under-occupation debt).

Of the 49 cases processed, 45 had had an initial court hearing before the end of March 2014 and the outcomes are summarised below:

	Historic Debt	U/O Debt only
Possession Order	6	1
Suspended possession order (payment of rent + an amount towards the debt)	10	5
Adjourned on Terms (payment of rent + an amount towards the debt)	8	2
Adjourned (i.e. DHP application)	6	4
Other	1	2
Total	31	14

One tenant affected by under-occupation was evicted (the entire debt was due to under occupation). There had been no engagement at all from the tenant throughout the arrears recovery process and the last successful contact had been in July 2012, the initial under-occupation visit. Officers in Housing Leeds are working with the tenant regarding his housing needs.

Demand:

Whilst the Council is not currently experiencing difficulties in letting properties, demand for two and three bedroom MSF has fallen considerably as has demand for three bed maisonettes. If this trend continues it may get to a position where these property types become increasingly difficult to let.

Mutual Exchange (MX):

The table below shows the increase in MX over the last 7 years:

	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
City	307	387	349	437	440	523	587

Housing management figures indicate that 216 households have moved via MX - where at least 1 of the families in each MX has been affected by under-occupation.

Last year there were 12 Swap shop events across the city. A city wide meeting is being held to discuss their effectiveness and plans for further events. Officers are continuing to work with tenants and partner agencies to minimise the impacts of the welfare changes on the council's finances and stock but more importantly, our customers and communities. For example, the DHP multi storey flat initiative focuses on approx. 960 tenants affected by the Housing Benefit under-occupancy rules. The pilot sees key workers working with tenants to identify the right package of support to help tenants improve their financial situation and, where appropriate, help to improve their employment prospects. The additional support, which also includes help to deal with the shortfall in benefit caused by the under-occupancy rules, is conditional on tenants fully engaging with the initiative. The full package of support includes:

- o Income and expenditure checks;
- Budgeting and income management advice;
- Discretionary Housing Payment support;
- Links to debt management support;
- Links to Credit Union options;
- Links to Jobs and Skills support;
- Links to Volunteer Centre opportunities;
- Links to lifestyle courses (stop smoking, healthy eating etc.)

The pilot involves joint working from across the council, with the 3rd Sector and with Jobcentre Plus. Housing Leeds provide the key workers and have been supported by Welfare & Benefits, Public Health, Employment & Skills, Families First, Jobcentre Plus and a number of 3rd sector organisations.

A number of customers affected by Under Occupation were identified as needing additional support during visits by the Welfare Reform Officers. In total 607 referrals were made for additional support. 506 were dealt with by the

Independent Living teams, 14 were referred to Social Services and 83 referred to other partner external agencies. The support offered by these was in addition to the support offered by the Welfare Reform Officers.

This has included help with budgeting, debt advice and practical support in managing their tenancy.

Housing Leeds will continue to provide support to customers affected by Under Occupation. Appendix 2 provides information on a pilot initiative working with tenants in the multi-storeys who are affected by the under-occupancy rules. This pilot will be reviewed later in the year and any learning outcomes and positive good practice will be taken into account in the future development of the arrears service.

Appendix 2

Multi-storey flats initiative

- The initiative focuses on tenants affected by the Housing Benefit under-occupancy rules. The pilot sees key workers working with tenants to identify the right package of support to help tenants improve their financial situation and, where appropriate, help to improve their employment prospects. The additional support, which also includes Discretionary Housing Payments to deal with the shortfall in benefit caused by the under-occupancy rules, is conditional on tenants fully engaging with the initiative. The full package of support includes:
 - Income and expenditure checks;
 - o Budgeting and income management advice;
 - Discretionary Housing Payment support;
 - Links to debt management support;
 - Links to Credit Union options;
 - Links to Jobs and Skills support;
 - Links to Volunteer Centre opportunities;
 - Links to lifestyle courses (stop smoking, healthy eating etc.)
- The pilot involves joint working from across the council, with the 3rd Sector and with Jobcentre Plus. Housing Leeds provide the key workers and have been supported by Welfare & Benefits, Public Health, Employment & Skills, Families First, Jobcentre Plus and a number of 3rd sector organisations.
- The pilot has been operational since the start of May 2014 and in the first month 257 tenants have been visited with 155 tenants engaging with the initiative. The early results have been very impressive with over 600 support activities arranged for tenants taking part in the initiative with 53% of tenants having signed up to participate in 3 or more activities. The graph below shows the activities tenants have agreed and the number of tenants for each activity. Even at this early stage there are positive outcomes from the visits:
 - One tenant in a top floor flat had no aspirations, was isolated and cut off and hadn't eaten properly for a while. With the help of the Key Worker, the tenant received a food voucher, applied for a grant to help with water debt, joined a local gardening club and a woodwork club and has become a volunteer driver;
 - Another tenant is taking advantage of the support with his underoccupancy charge by getting an internet connection as he has just completed an IT course and wants to make the most of his skills. He has successfully sent a number of CV's and has now secured a job interview next week.

 The initiative is intended to run until November 2014 and will be measured against a number of indicators including: tenants moving into work, rent arrears reductions, ability to meet rent liability without Discretionary Housing Payment support.

