Scrutiny Statement

Housing Lettings Process

Scrutiny Board
(Environment and Neighbourhoods)
May 2010

Leeds
CITY COUNCIL

Introduction and Scope

Introduction

1. During the April 2009 Council meeting, concerns were raised about the appropriateness of some lettings made in the city and the need to develop lettings policies that would lead to more sustainable communities.

2. In response to these concerns, the Executive Board considered a report from the Director of Environment and Neighbourhoods in July 2009 which included a number of proposed options for change aimed at improving the management and allocation of tenancies. The Executive Board requested that these proposals be developed further into recommendations for change to be incorporated into a revised Lettings Policy and guidance.

3. The Council's Lettings Policy is annually reviewed and developed to reflect changes in legislation, case law and customer feedback. Scrutiny has actively contributed to this annual review process in the past and therefore we would fully expect Scrutiny to remain a key stakeholder during the development of any proposed revisions to the current Policy.

4. However, in July 2009 we agreed to conduct a separate review of the Council's housing lettings process. A working group of the Board was established to consider evidence during this review, which included Councillors Barry Anderson, Ann Blackburn, Graham Hyde and Mohammed Rafique.

Scope of the review

5. The scope and timetable for this review was formally agreed by the Scrutiny Board on 9th October 2009.

6. In determining the scope of this review, we recognised the importance of ensuring that Scrutiny complements the wider piece of work being undertaken to develop the proposals for change put forward to the Executive Board in July 2009. In doing so, this enabled resources to be used effectively and avoided duplication of work.

7. In welcoming a review of the Lettings Policy, we also acknowledge that a further refined Lettings Policy alone is not enough to secure long term improvements to the local lettings system. It is clear that any future changes to the Policy will need to be based upon a more integrated process from the housing application stage through the lettings process to housing management.

8. In view of this, we agreed to take a broad look at the lettings process from the housing application stage through to tenancy management to explore where improvements in partnership working and data sharing can be made to improve the allocation and management of tenancies.

9. As part of the proposals put forward to the Executive Board in July 2009, we noted that particular emphasis was made on ensuring that accurate and full information is gathered on every applicant at an early stage in the housing application process in order to improve the overall risk assessment process.

10. We therefore focused our review around the development of a robust risk assessment process where more detailed and comprehensive information is gathered at an early stage in the housing application process, such as housing need assessment, and utilised effectively throughout the lettings and housing management process.

11. In acknowledging the use of Personal Housing Plans (PHP) within the Leeds Housing Options Service, particular attention was given to the development of a new Support Needs Assessment process. Based around the support needs element of PHPs, this would be used for all customers that have housing need assessments. Linked to this, we also looked into the development of information sharing protocols between key partners to ensure that all relevant information was being collated and fed into the new assessment process.

12. Furthermore, we explored how the new Support Needs Assessment could be utilised effectively throughout the lettings and housing management process in terms of identifying the ongoing support needs of tenants and assisting in making appropriate referrals to specialist support agencies.

13. At the time of conducting our review, we also noted that new draft statutory guidance on social housing allocation for local authorities in England had been released for consultation by the Department for Communities and Local Government (CLG). This guidance aims to tackle any misconceptions about allocations and to provide clarification on the flexibilities that local authorities can exercise in the allocation of social housing. We therefore considered it appropriate for Scrutiny to consider the implications of this new guidance on the Council's powers and flexibilities in relation to lettings and to feed into the Council's response to the consultation process.

14. In October 2009, the working group discussed the principles of the draft guidance and made a number of suggested amendments to the Council's proposed response. These amendments were incorporated into the response document and this was subsequently endorsed by the full Scrutiny Board prior to it being submitted to the CLG on 23rd October 2009. The final CLG document 'Fair and flexible: statutory guidance on social housing allocations for local authorities in England' was published in December 2009.

15. During our review, we welcomed the involvement of a wide range of services and organisations. These included Housing Policy and Strategy; the local Arms Length Management Organisations (ALMOs); Belle Isle Tenant Management Association (BITMO); Police; Community Safety; Anti-Social Behaviour Unit; Adult Social Care; Children's Services; Leeds Youth Offending Service; Leeds Partnerships NHS Foundation Trust; and NHS Leeds.

16. In recognising the importance of obtaining the views of tenants during our review, we also invited tenant representatives from each of the ALMOs, BITMO and the Leeds Tenants Federation to a meeting of the working group. Fourteen tenant representatives attended this meeting and actively shared their views about the level of support provided to prospective tenants

and also the management of existing tenancies.

17. Overall, our review emphasises the valuable role that all key partners have in the housing lettings process in terms of sharing data that will help determine and address the housing support needs of prospective and existing tenants.

18. We do acknowledge that there will be resource implications attached to our recommendations and that these will need to be considered as part of the wider piece of work aimed at improving the Council's lettings policy and processes.

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Demonstrating a fair and transparent social housing allocations system

19. Social housing plays an important role in providing accommodation for a wide range of households, including some of the most vulnerable in society.

20. However, faced with the ongoing challenge of balancing increased demands for social housing against a decreasing supply of social housing properties, it is vital that decisions on the allocation of social housing are taken fairly and in ways that are transparent and can be explained and justified to all concerned.

21. The new statutory guidance on social housing allocations, 'fair and flexible', reiterates the notion that social housing is principally aimed at those in greatest housing need. Local authorities are therefore required to continue to frame their allocation schemes to give reasonable preference to applicants who fall within the categories set out in Section 167(2) of the Housing Act 2006, over those who do not.

22. However, in consultation with local communities, the new guidance encourages local authorities to also make greater use of available flexibilities within the current legislation in order to take account of and respond to local circumstances, providing that schemes do not work to the detriment of those in greatest housing need.

23. The Government also believes that the best way to ensure sustainable tenancies and to build settled, viable and inclusive communities is to give applicants more of a say and a greater choice over the accommodation which they are allocated. In view of this, the Government is keen to see choice in the allocation system becoming the norm and has set a target to replace conventional schemes with choice-based lettings schemes (CBL) by 2010.

24. However, we acknowledge that Leeds City Council already operates a choice-based lettings scheme called Leeds Homes. This allows customers to make expressions of interest in advertised Council properties, some Registered Social Landlord properties and some properties owned by members of the Leeds Landlord Accreditation Scheme.

25. The purpose of the Council's Lettings Policy is to achieve the right balance between meeting need, giving choice to customers and creating sustainable communities. We therefore welcome the wider piece of work currently being undertaken to review the Lettings Policy in response to concerns raised by local Elected Members and to also reflect the objectives and outcomes which the Government believes allocation policies should achieve.

26. However, we also recognise that a further refined Lettings Policy alone is not enough to secure long term improvements to the local lettings system. It is clear that any future changes to the Policy will need to be based upon a more integrated and robust process from the housing application stage through the lettings process to housing management.

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Ensuring a robust housing need assessment process

27. During our discussions with local tenant representatives, there was a general acknowledgement that the principles surrounding the current choice-based lettings scheme offers a transparent and fairer process for allocating properties. However, particular concerns were raised about the application process itself. It was felt that this needed strengthening so that more rigorous checks are made on prospective tenants to ensure that individuals are not intentionally misleading the Council in an attempt to increase their housing need status. Gathering relevant and reliable data during the housing application process is paramount and we have dedicated a section within our Statement which considers this particular issue in more detail.

28. There was also a consensus view amongst all officers, Members and tenant representatives that more effort is required to identify the support needs of individuals during the early stages of the housing application process so that individuals are supported and monitored effectively from the outset and not left to cope on their own. This particular matter is also addressed in more detail in the following sections of our Statement.

29. As part of the proposals put forward to the Executive Board in July 2009, particular emphasis was also made on ensuring that accurate and full information is gathered on every applicant at an early stage in the housing application process in order to improve the overall risk assessment process.

30. During our review, particular attention was given to the role of Personal Housing Plans (PHPs) used by the Leeds Housing Options Service. The PHP prompts the Housing Options advisor to find out detail relating to a household's current/previous accommodation, their support needs and whether there are any issues relating to potential risk. Specific sections in the PHP relate to medical history, drug/alcohol dependencies, criminal convictions and history of violence. It was noted that whilst the PHP does not in isolation represent a formal risk assessment, it does provide a source of information on a person's history that can be used by a range of housing practitioners, including the Leeds ALMOs.

31. In consideration of the PHP process, ALMO representatives explained that the existing Leeds Homes Membership Form, used as part of the housing application process, and the additional needs assessment process followed by the ALMOs already addresses many of the issues included within the PHP and helps to identify vulnerability issues and support needs.

32. Whilst recognising that other additional information could usefully be gathered as part of this process, importance was placed upon building on the existing processes and avoiding unnecessary duplication and added bureaucracy.

33. We therefore sought further clarity around what additional information would be gathered, the purposes of this information and the mechanisms used

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for collating and recording this information.

Development of a new Support Needs Assessment

34. Particular focus was given to the development of a new Support Needs Assessment. It was proposed that the specification for this new assessment will derive from the support needs element of the PHP. A draft version of the specification was shared with key partners during our review for their consideration and input. This specification highlighted the additional issues that would be picked up by the new assessment process, which covered areas around health related support needs; risk to self; life history; and risk to others.

35. In consideration of this, we debated whether this assessment process should be completed for all applicants or just targeted at those requiring a housing need assessment.

36. The fact that a customer is in housing need does not in itself indicate they have additional support needs or will necessarily present as being more problematic. A large proportion of customers in priority bands will not require any support other than their immediate housing issue. However, it is recognised that the Council does re-house specific groups of customers who are vulnerable and prone to lead chaotic lifestyles resulting in complex housing needs.

37. In applying this new assessment process to all applicants it was made

clear by the ALMOs that there would be significant resource implications in view of the high volumes of housing applications received. It was therefore considered more appropriate at this stage for this process to be targeted at those requiring a housing need assessment.

38. We learned that once the specification for the new Support Needs Assessment is finalised, this will be fed into the new IT system, Orchard's Archouse Plus, as an additional workflow for use in the application process. This will therefore make it easier for all ALMO/BITMO staff to access and utilise, when required, and should provide a consistent and most effective way of storing and sharing such information.

39. However, other key issues which need to be considered relate to how the information requested as part of the new assessment will be gathered, verified and monitored.

Gathering relevant and reliable data

40. When gathering information during the housing application process, we acknowledge that the process remains heavily reliant on the applicant providing such information and also on the skill of the housing officer to prompt a further support needs assessment where required.

41. As with Personal Housing Plans, we noted that the new Support Needs Assessment will require customers to provide a signature to declare that they have not knowingly given false information or withheld information

relevant to their application. However, we are also pleased to note that particular importance will be placed upon customers having a sense of ownership and full involvement in identifying their needs and the measures required to address these needs as this too should encourage a more open and honest assessment.

42. We appreciate that housing officers do not have the capacity to assess every application for verification and therefore we recognise the valuable role that other agencies will have in terms of sharing local intelligence about a prospective tenant with housing officers. This is particularly important in terms of identifying support needs.

43. Whilst it was acknowledged that some individuals will already have clear support mechanisms in place at the point of application, it was highlighted that some agencies are better than others in sharing details about an individual's support needs and that some will only share information once an individual has been re-housed.

44. When assessing the housing support needs of an individual, it is clear that a more coordinated approach, particularly between Housing, Children's Services, Adult Social Care and local NHS services, needs to be developed.

45. The single assessment process (SAP) is not a new concept as agencies across the health and social care sector are already required to work together to ensure that assessment and subsequent care planning are effective and coordinated.

46. Within Children's Services, we also acknowledge the role of the Common Assessment Framework (CAF). It too aims to provide a simple process for a holistic assessment of children's needs and strengths; taking account of the roles of parents, carers and environmental factors on their development. The CAF also aims to improve integrated working by promoting coordinated service provisions.

47. More recently, new pilot sites to develop a Common Assessment Framework for Adults were announced by the Care Services Minister, Phil Hope, on 23rd March 2010. These will develop and test improved information sharing across health, social care and also wider community support services, which will include housing support services.

48. As these assessment processes will include data that is relevant to the housing support needs of an individual, we believe there is merit in seeking to improve the coordination of such data as part of the lettings process. In doing so, this will assist in verifying the accuracy of the data gathered as part of the new Support Needs Assessment and will also promote a more holistic approach towards addressing the housing support needs of an individual.

49. In discussing this approach with representatives from Housing, Adult Social Care, Children's Services and the local NHS Trusts, we acknowledged the need for further work to determine exactly what data from the SAP and CAF processes can and should be shared in order to assist the lettings process. The coordination of such data

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should not become a burdensome task and therefore the key will be to identify the relevant core elements of the SAP and CAF processes that will assist in determining and addressing the housing support needs of an individual.

50. In addition, we also recognised the need to consider any potential IT data issues and resource implications in terms of developing appropriate mechanisms that will aid the coordination of such data.

51. In view of this, we recommend that the Director of Environment and Neighbourhoods leads on developing an action plan which seeks to address these particular issues.

> **Recommendation 1**
> **That the Director of Environment and Neighbourhoods leads on developing an action plan over the next 6 months to improve the coordination of data shared between Housing, Adult Social Care, Children's Services and local NHS Trusts to help identify and address the housing support needs of an individual.**
>
> **As part of this action plan, consideration should be given to the following issues:**
>
> **(i) to determine exactly what information from the Single Assessment Process and Common Assessment Framework processes can and should be shared to assist the lettings process in terms of identifying and addressing the housing support needs of an individual.**

> **Recommendation 1 continued**
>
> **(ii) to consider any potential IT data issues and resource implications in terms of developing appropriate mechanisms that will aid the coordination of such data**
>
> **That this action plan is brought back to Scrutiny for consideration.**

52. When determining any potential risks to others as part of the new Support Needs Assessment process, we also recognise the valuable role that the Police and the Council's Anti-Social Behaviour Unit have in sharing their local intelligence with housing officers about prospective and also existing tenants.

53. We acknowledge that there are existing mechanisms used by housing officers to obtain such local intelligence, such as requests made under Section 115 of the Crime and Disorder Act 1998. However, we believe that there needs to be a more coordinated approach where such local intelligence is systematically shared as part of the Support Needs Assessment process to inform the application process and enable appropriate action to be taken. We therefore support the proposal that a formal data sharing protocol is developed between the ALMOs, the Police and the Anti-Social Behaviour Unit in order to achieve this aim.

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> **Recommendation 2**
> **That the Director of Environment and Neighbourhoods leads on developing a formal data sharing protocol between the ALMOs, the Police and the Anti-Social Behaviour Unit to ensure that local intelligence about prospective and existing tenants is systematically shared as part of the new Support Needs Assessment to inform the application process and enable appropriate action to be taken.**

Effective use of Introductory and Demoted Tenancies

54. In 2002, the Council implemented Introductory Tenancies. All new tenants who have not previously lived in a Council or housing association home are granted an introductory tenancy for the first 12 months of the tenancy. This type of tenancy gives customers fewer rights than a secure tenancy and enables the Council to take possession action through the courts more quickly than for secure tenants. The 2004 Housing Act also introduced the ability for the Council to seek a Demoted Tenancy through the court, which give tenants similar rights to Introductory tenants but enables easier possession if they are breached.

55. During our review, we acknowledged the benefits of both these approaches when dealing with problem tenants, particularly those who are perpetrators of anti-social behaviour or where there is proof of a false declaration made during the application process.

56. However, we also acknowledged that both are heavily reliant on the collection of robust evidence that is gathered and used during the probationary period.

57. In view of this, we believe that the data sharing improvements set out within recommendations 1 and 2 should also be used to enable more effective enforcement of Introductory and Demoted Tenancies in future.

> **Recommendation 3**
> **That the data sharing improvements set out within recommendations 1 and 2 are also used to enable more effective enforcement of Introductory and Demoted Tenancies in future.**

Adopting a proactive and preventative approach towards tenancy management

58. Where there are tenancy management issues, however mild, we believe that that these can often indicate that someone is struggling and in need of additional support. We therefore emphasise the importance of adopting a proactive and preventative approach towards tenancy management, where support solutions are actively sought prior to any enforcement action being progressed.

59. Housing officers are likely to come across particular triggers which may indicate that an existing tenant is in need of a further support needs assessment. These may include problems with rent arrears or issues

arising from concerns/complaints raised by neighbouring residents or Elected Members about the behaviour of a particular tenant.

60. We would also emphasise the important role that those Council staff and other statutory agencies who have contact with tenants and can gain access to tenant properties have in terms of flagging any concerns which may trigger a further support needs assessment.

61. Where such concerns or complaints are brought to the attention of the ALMOs, it is vital that these are acted upon with urgency.

> **Recommendation 4**
> **That any concerns or complaints made to the ALMOs about the behaviour of a particular tenant are acted upon with urgency, with an interim response given within 5 working days.**

62. Where it is found that support mechanisms are already in place for a particular tenant, housing officers should not have to deal with any tenancy management issues in relation to that tenant in isolation of the relevant support agencies.

63. During our review, it was explained that enforcement action will not be taken by the courts unless evidence can be provided to show that a needs and risk assessment of that individual has been carried out and appropriate action taken to try and engage with the individual to address their support needs. Only when an individual continues to refuse such

support can appropriate enforcement action be taken.

64. Particular reference was made to the housing related support services commissioned through the Supporting People programme. Such services include a range of interventions, often low level support, which enables vulnerable people to secure and maintain independent accommodation. They have a clear preventative role and intervention can successfully avert loss or breakdown of accommodation.

65. An example of where this has proved successful in the past was shared during our review. This involved a single male suffering from schizophrenia who was subject to possession action by a Leeds ALMO due to the condition of his property. However, the Leeds ALMO had agreed to suspend possession action pending a housing options/support package being put in place. The Homeless Prevention Fund was used to clean the property at a cost of £3,000 and housing related support, through Foundation Housing, was subsequently put in place to support this individual on an ongoing basis.

66. Without this intervention, it was highlighted that the Council would have needed to place this vulnerable individual in temporary accommodation after the traumatic experience of eviction. In all likelihood, the ALMO would have subsequently deemed the individual to be unsuitable to be a tenant. A two year stay in temporary accommodation would have cost the Council around £17,000 and therefore a 'spend to save' benefit of around £14,000 was generated for Housing

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Services as a result of such preventative action being taken.

67. In taking forward the lessons learned from this particular case study, we would encourage the ALMOs to make such referrals to the Leeds Housing Options Services at the earliest opportunity so that preventative housing related support services can be assessed and coordinated appropriately.

68. However, we appreciate that the ALMOs can be dealing with hundreds of cases at any one time which may not require immediate referral and therefore could unnecessarily swamp the Leeds Housing Options Service. In view of this, we recognise the need for further guidance to be provided to ALMOs to help clarify appropriate stages of referral to the Leeds Housing Options Service.

69. We therefore recommend that the Director of Environment and Neighbourhoods leads on developing a protocol between the Leeds Housing Options Service and the Leeds ALMOs to clarify appropriate stages of referral to the Leeds Housing Options Service for preventative housing related support services to be assessed and coordinated.

> **Recommendation 5**
> **That the Director of Environment and Neighbourhoods leads on developing a protocol between the Leeds Housing Options Service and the Leeds ALMOs to clarify appropriate stages of referral to the Leeds Housing Options Service for preventative housing related support services to be assessed and coordinated.**

Managing tenants with acute and complex support needs

70. During our review, we also recognised the need to avoid the potential pitfalls of a 'referral culture'. Where a tenant is signposted or formally referred to an appropriate support agency, it is vital that any subsequent tracking of that tenant's support needs is coordinated effectively and not just left to a particular partner to pursue. This is particularly paramount where a tenant has acute and complex support needs.

71. We learned from Adult Social Care and the Leeds Partnerships NHS Foundation Trust that where an individual has significant support needs and in receipt of specialist care, a care co-ordinator/manager would be assigned to look at the ongoing needs of that individual from a holistic perspective.

72. However, our review has highlighted the need to strengthen partnership working when tracking and responding to the ongoing support needs of such tenants.

73. During our discussions with the key partners, there was a general consensus that more informal approaches towards sharing information and tracking and responding to those tenants with acute and complex support needs often proves more effective in terms of getting any issues resolved quickly.

74. Particular reference was made to the personal case conferencing approach used by the Leeds Housing Options Service and the added benefits this has brought to the service in terms of

bringing together various key agencies to discuss the support needs of an individual and agreeing appropriate actions to be taken.

75. The benefits of a case conferencing approach was also evident during the Scrutiny Board's separate Inquiry this year into Integrated Offender Management (IOM). Effective IOM case management relies upon the timely and accurate flow of information between partner agencies involved in the management of offenders, particularly those offenders identified as high risk or high harm and requiring a Multi Agency Public Protection Assessment (MAPPA).

76. In view of this, we learned that the Leeds IOM case conferencing approach allows for effective information sharing between partner agencies and ensures that multi-agency intervention plans are completed and reviewed regularly.

77. We therefore recommend that the personal case conferencing approach is adopted as a good practice model as part of the housing management process for those tenants with acute and complex support needs.

> **Recommendation 6**
> **That the personal case conferencing approach used by the Leeds Housing Options Service is adopted as a good practice model as part of the housing management process for those tenants with acute and complex support needs.**

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