

Appendix A: Response to Call-In of the Homelessness Strategy 2019 - 2024

1. Reason for the Call-In of the Homelessness Strategy 2019 - 2024 and summary response

Reasons 1 and 2

- Where families are being placed (whether temporary accommodation (TA) or private rented sector (PRS discharge). The Council's band two placements only are designed to maintain connections for families with children in key exam years or where someone is working in Westminster. Often even these are on the far side of London, with extremely optimistic assessments of travel time (regularly assuming the use of trains or tube are possible whereas in financial reality often it is not). Overall there needs to be greater consideration of how to enable a broader range of homeless families to maintain their connections to Westminster, rather than the direction of travel of the policy which seems to be aimed at encouraging them to end those connections. Westminster should explore more closely what other boroughs are doing to help maintain connections and find new TA option (both in borough and nearer to Westminster- Westminster City Council has taken some steps towards the latter).
- How they are being discharged. We have long raised concerns about the way in which PRS discharge is being used to end Westminster's duty of care to these families. Other boroughs do seem less keen to completely discharge their duty even when the private sector is being used to house homeless families. There needs to be a clear pathway for people who have been longstanding Westminster residents to be able to return to permanent housing if they want it- we understand the potential length of wait as do the residents but the choice should be theirs.

Summary response

- Many London boroughs make private rented sector offers to homeless households which were made possible by the Localism Act 2011. Households are prioritised for private rented sector homes in 3 bands in line with Westminster's Accommodation Placement Policy. Those prioritised for band 1 (Westminster and adjoining boroughs) have the highest social and welfare needs and the criteria reflects the acute shortage of affordable private properties for low income households in central London. As an example, the difference between a lower end 2 bedroom private rented home in Westminster, and the maximum amount that can be claimed in Local Housing Allowance, is £219 per week. Over the past 2 years, 23% of private rented homes offered were in Westminster, 71% were in London and 6% were outside London. Overall 44% of temporary accommodation (TA) is in Westminster and there are similar challenges in procuring affordable TA locally
- Given local market difficulties it is common for boroughs to make private rented offers beyond their boundaries. Some boroughs however, for example Camden and Lambeth, enable those moving outside the local area to remain on their social housing register. The council has chosen not to take this approach due to the risk that it offers 'false hope' given the high demand for

social housing and instead the Homelessness Strategy focuses on helping households to settle into new areas and to have more choice over these areas. However, it is intended that alternative options will be looked at as part of the council's forthcoming review of its Allocation Scheme.

Reason 3

- Why has number of duty acceptances been falling? At a committee last year we were given a reply that we would know more as we moved through 2019/20 about how the Homelessness Reduction Act was bedding in and we would have a clearer picture of what was happening. As we are now nearing the end of that period what is the current position for 2019/20 acceptances and can the council please explain why it is where it is. What is being done to ensure that all people who have the legal right to support are getting what they need?

Summary response

- The Homelessness Reduction Act 2017, implemented from April 2018, radically changed homelessness legislation, aiming for fewer households to be accepted as homeless and needing TA, through earlier and more effective prevention. Caution therefore needs to be exercised when comparing data, pre and post, the Act. The first year of the Act saw Westminster's homeless acceptances fall from 443 in 2017/18 to 214 in 2018/19. Just under 400 acceptances are projected for 2019/20, indicating that the first year of implementing the Act was likely to be an anomaly.

Reason 4

- How can we improve the Personal Housing Plan process? From information provided by housing charities there is scope to learn from better practice in other authorities about the quality of the PHPs being provided. Councillors have also, through cases they are dealing with, noticed that there have often been delays in PHPs and other important information being provided to residents and therefore would like to explore further whether Housing Solutions has the capacity it needs to deal with the volume of applications.

Summary response

- The Homelessness Strategy acknowledges that Personal Housing Plans need to be improved and a review of them has already been undertaken which involved customers. Improvements have now been made and a new approach was implemented from December 2019, such as setting out clearly the actions that all parties need to take, making the language used in them jargon free and including a simple flow chart summarising the process that will be followed, as feedback from customers suggested this was confusing. Implementing the Act has been challenging given that demand for the Housing Solutions Service rose by over 140% and there have been some delays in assessing cases. In response, new customers to the service now get an 'on the day' appointment with a case officer and a special team has been established to deal with outstanding cases.

1.1 A fuller response with background information is in the next sections.

2. Offering homeless households private rented housing

There is a legal duty for homelessness strategies to include plans for ensuring sufficient accommodation for homeless households¹ and this is covered in Point 7 of Westminster's Homelessness Strategy 2019 – 24, which aims to:

Ensure a range of accommodation is available for the homeless households that we have a housing duty towards, when homelessness cannot be prevented.

- 2.1 Increasing moves into settled private rented sector homes is one way in which this objective is met. Eighty seven per cent of the 183 respondents to the Homelessness Strategy consultation, either agreed or strongly agreed with the overall proposal. A small number of respondents however expressed concerns about private rented sector moves. Using the private rented sector responds to there being insufficient social housing in Westminster to meet demand. Currently 4,260 households have priority for social housing, including 2,791 homeless households in Temporary Accommodation (TA) and there are c600 social lets each year.
- 2.2 The Homelessness Strategy also highlights the council's plans to increase affordable housing supply across the city and to deliver at least 1,850 new affordable homes by 2023. It should be noted however that in the short – medium term social supply may reduce, as existing tenants in housing renewal areas need to move to enable regeneration to go ahead.
- 2.3 Tables 1 and 2 show the ways in which a homeless household can move into private rented homes:

Table 1: Private rented sector moves 2018/19 by location

	Westminster	London	Outside London	Total
Private rented sector preventions Where the council offers private rented housing before the main duty is accepted. These offers are accepted on a voluntary basis	76	146	16	238
Voluntary moves from Temporary Accommodation (TA) Where a household agrees to move into the private rented sector from TA	3	9	3	15
Private rented sector offers (PRSOs) These could be made to any household accepted as homeless and where the council has a housing duty towards them. Most commonly they are made to household newly accepted as homeless	1	60	4	65
Total	80	215	23	318

¹ Section 3(1) of the Homelessness Act 2002

	Westminster	London	Outside London	Total
	(25%)	(68%)	(7%)	

Table 2: Private rented sector moves 2019/20 to date by location

	Westminster	London	Outside London	Total
Private rented sector preventions Where the council offers private rented housing before the main duty is accepted. These offers are accepted on a voluntary basis	58	162	6	226
Voluntary moves from Temporary Accommodation (TA) Where a household agrees to move into the private rented sector from TA	0	1	1	2
Private rented sector offers (PRSOs) These could be made to any household accepted as homeless and where the council has a housing duty towards them. Most commonly they are made to household newly accepted as homeless	1	39	6	46
Total	59 (22%)	203 (74%)	13 (5%)	274

- 2.4 Alongside voluntary moves, Private Rented Sector Offers (PRSO) were introduced in 2017 and enable any homeless household, to whom the council has a housing duty towards, to be offered suitable private rented housing. If the offer is refused the council's duty ends. This approach was made possible by the Localism Act 2011 which broke the automatic link between homelessness and the offer of social housing.
- 2.5 For PRSOs the tenancy must be for at least 12 months. The council tries to negotiate the longest private tenancy possible, although often landlords initially will only commit to a one year tenancy. An incentive is offered if the tenancy is then renewed which is enhanced if it is offered for a longer period. In reality the majority of PRSO tenancies are renewed after the initial term and few households re-present within 2 years. Government is also planning to remove 'no fault evictions' in the private rented sector which will help to enhance stability. The council has invested £30m into the Real Lettings Scheme which offers households longer term private rented homes and with follow on support from St Mungo's.
- 2.6 An Accommodation Placement Policy (APP) (Annex A) was implemented alongside the PRSO policy in 2017. This was developed with officers in Adult Social Care and Public Health and Children's Services. It responds to the shortage of affordable private rented housing for low income people in central London and the need to ensure that those with the highest social and welfare needs are prioritised for those homes which are available locally. More

information and background to the Policy is in the Cabinet Member Decision Report².

- 2.7 The Homelessness Strategy recognises that some households may prefer waiting for social homes as they are in Westminster where they may have connections and as they offer more stability and lower rents than the private rented sector, but that overall the approach is a better alternative to waits of over ten years in TA for social housing. Some households do want to accept a PRSO as the case study in 2.12 illustrates.
- 2.8 TA is the least secure form of accommodation where households have licences rather than tenancies and notwithstanding work to procure properties for as long as possible, it is not uncommon for households to move around TA as contracts with different providers end. It is acknowledged to lead to a feeling that 'life is on hold'. As the Homelessness Strategy highlights, research indicates the negative impact it can have on health and wellbeing and also that TA costs the council over £4m annually.
- 2.9 The PRSO Policy and the APP were reviewed after they had been in operation for one year in 2018 and the findings, which are outlined in the Supply and Allocation of Social Housing Report 2018/19³, concluded that the APP remained a robust framework to prioritise households on the basis of their need. The proposed changes to the PRSO Policy were incorporated into the Homelessness Strategy.
- 2.10 The Homelessness Reduction Act 2017 reinforces the use of private rented sector for homeless households. Under the Act, any household that is homeless is owed a 'relief duty', which means the local authority has a duty to try and secure them accommodation, which can be private rented housing as long as it is available for six months. This 'relief duty' applies to all homeless households, including those the council has a legal housing duty towards.
- 2.11 *The location of private rented homes*
As tables 1 and 2 show the majority of private rented offers over 2 years (71%) were in London and 23% were in Westminster. Offers outside London are within the South East. The starting point is always to seek private rented accommodation in Westminster or as close to it as possible, however there are severe shortages of affordable supply for low income households in central London, particularly for family sized accommodation. Local Housing Allowance (LHA) levels are significantly below market rents (see table 3) and Westminster has the third highest rents in London⁴.

Table 3: Westminster rents and Local Housing Allowance Levels

Per week	Shared	1 bed	2 bed	3 bed	4 bed
Westminster rents (30th percentile)	£160	£375	£540	£750	£975
Central London LHA cap	£144.84	£276.51	£320.74	£376.04	£422.42
Gap per week	£15.16	£98.49	£219.26	£373.96	£552.58

² <https://committees.westminster.gov.uk/mglIssueHistoryHome.aspx?IId=9319&Opt=0>

³ https://www.westminster.gov.uk/sites/default/files/social_housing_supply_and_allocations_2018-19.pdf

⁴ Hometrack 2019

Overall benefit cap rates	Singles: £296.35 per week, £15,410 per year Couples/Lone parent households/Households with children: £442.31 per week, £23,000 per year
---------------------------	--

2.12 The Homelessness Strategy addresses the unsettling impact of moving to a new area and says that where these offers are outside the city, due to the high costs of rents, more will be done to help households settle into new areas through:

- Offering greater choice over the location of PRSOs so more are in areas where customers have connections or are already living in TA

Case study

Ms A has lived in TA in Merton for 6 years and is being made a PRSO. She wants to remain in Merton as her son has special educational needs and is attending a local school where he is settled. She also feels established in the area and does not wish to return to Westminster. Officers are looking for a private rented property locally for her and are exploring the option of buying her current TA to provide her with a more secure private rented option

- Doing more to explain why these homes are outside Westminster
- Recruiting Community Connectors, possibly ex homeless households that have moved to the same area, to meet them and explain local services
- Continuing to invest in innovative schemes such as Real Lettings where possible.

2.13 The Homelessness Strategy also supports LHA levels being more reflective of lower end rents in Westminster and that the overall benefit cap better reflects the median London household income. Benefit changes would help more low income household to remain in Westminster and London.

2.14 *Other London boroughs approaches*

As Annex B shows PRSOs are relatively common across London. To address concerns about PRSOs resulting in households moving away from their local area, some boroughs, for example Camden and Lambeth, enable homeless households that accept them, to remain on their housing registers and still wait for social housing. In these cases, they are awarded some additional priority for social housing through their allocation schemes. Many boroughs take a similar approach to Westminster however in that the offer of a PRSO cuts the link with social housing, for example Brent and Wandsworth.

2.15 Enfield council has announced its aim to 'end the extensive use of temporary accommodation' and notes that this is part of a wider strategy to 'better support people into good quality private rented homes in the borough'⁵.

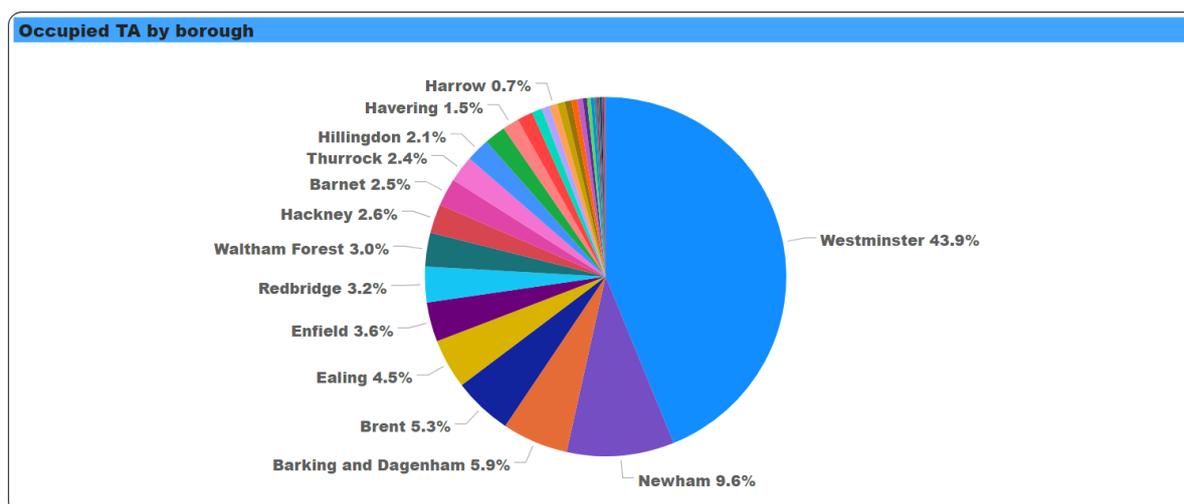
2.16 Westminster has chosen not to enable those offered private rented housing to remain on the housing register, as there is a risk that high demand for social housing could offer them 'false hope', with households still having no realistic chance of being offered social homes in the near future. The focus has

therefore been on offering homes that are affordable in the longer term. The alternative approach could result in a household not feeling settled in a private rented home - or in a new area - perpetuating the feeling that their 'life is on hold'. On the other hand, it is acknowledged that it can lead to homeless households spending less time in TA and working positively with the local authority to resolve their homelessness.

2.17 As highlighted in the Homelessness Strategy, a review of the Allocation Scheme is being undertaken and as part of this the impact of different approaches will be carried out. The progress of a legal challenge being made against Lambeth Council in this area will be taken into account in this review. Lambeth's policy is that homeless households who voluntarily accepted offers of private rented accommodation were awarded higher priority on the housing register, but in the event that this accommodation was outside of the borough they would only be able to remain on the register for two years before losing their local connection. The legal challenge, which is due to be heard by the High Court in June 2020, relates to the scheme as it applied before the Homeless Reduction Act 2017, and is on the basis that it was not made sufficiently clear to applicants that they may have had little prospect of being rehoused during that two year period.⁶

2.18 *Temporary Accommodation (TA)*
 The council continues to face challenges in securing affordable TA in Westminster due to the high cost of rents, LHA levels and as the TA subsidy regime not meeting true costs. Ninety three per cent of homeless households in TA receive housing benefit. Just under half (44%) of TA is in Westminster the 56% that is outside is mainly in London (see chart 1).

Chart 1: TA by location (all types)



2.19 To increase 'in borough' TA, 101 properties have been purchased since 2015/16. Work to procure new TA is ongoing and across London it is

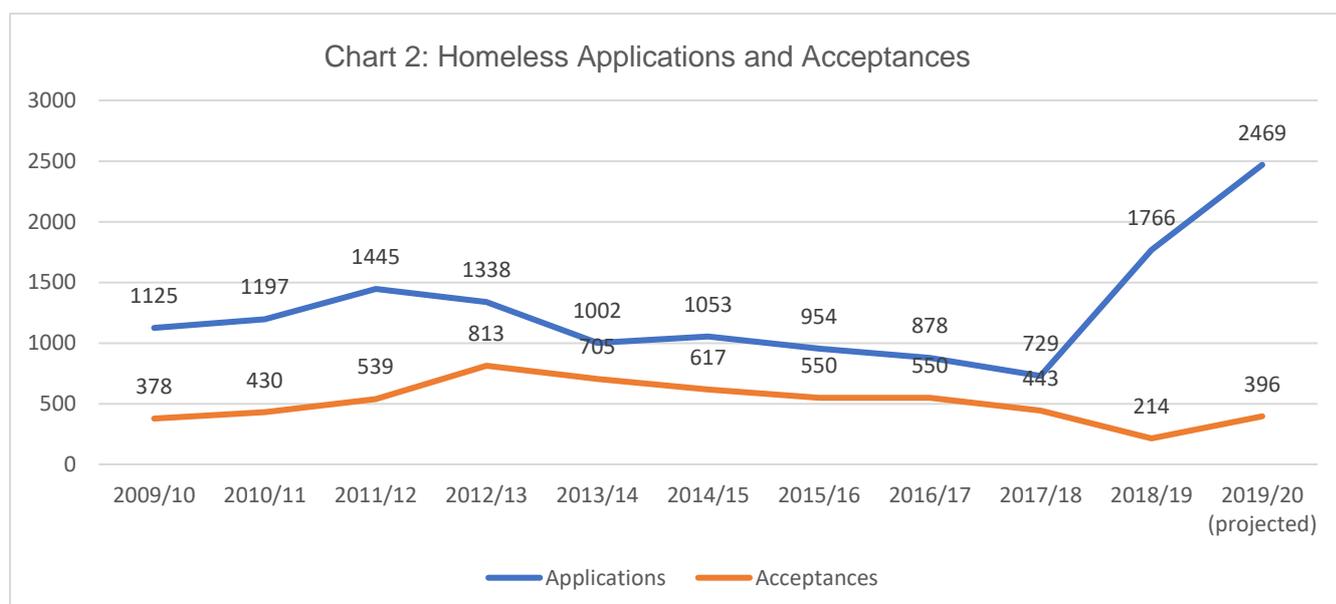
⁶ www.insidehousing.co.uk/news/news/council-taken-to-court-over-allocation-scheme-that-removes-homeless-families-from-housing-register-64157

acknowledged to be a competitive market. With £38m of investment, the council is participating in the pan London Capital Letters scheme, where properties are procured across London according to need, availability, quality and cost. The Scheme aims to reduce costs and competition between boroughs and to allocate properties as locally as possible.

2.20 Some support is available for households in TA outside Westminster, for example the Strengthening Families Programme in 2019 provided workshops for families living outside the city. Given the positive feedback the council is now looking at how it can be continued. A training programme aimed at out of borough TA providers is also underway to ensure they can support vulnerable residents and over 100 staff across 20 providers have been trained so far.

3. The Housing Solutions Service and the Homelessness Reduction Act

The Homelessness Reduction Act 2017, implemented from April 2018, has had a significant impact on the Housing Solutions Service (HSS), with applications increasing by 140% between 2017/18 to 2018/19 and they are projected to rise again for 2019/20 as Chart 2 shows.



3.1 This increased demand has been challenging leading to some delay in assessments. A small number of respondents to the Homelessness Strategy consultation, mostly groups working with homeless households, were critical of the HSS and the quality of Personal Housing Plans was raised (these are a requirement of the Act and set out the actions, both the council and the customer will take to address their homelessness). In response, the Homelessness Strategy includes an action to review and improve these plans.

3.2 This review has now concluded and the new approach, from December 2019, includes: the Plans setting out more clearly the next steps the council and the homeless applicant need to take; using less jargon; and simple flow charts explaining the application process which customers found confusing. Also to address the delays, new customers now have an 'on the day' appointment with a case officer, and where needed, a Personal Housing Plan is also

developed 'on the day' and a letter issued confirming next steps. A short term special team has also been established to deal with outstanding cases.

- 3.3 As Chart 2 shows homelessness acceptances decreased during the first year of the Act from 443 in 2017/18 to 214 in 2018/19. They are expected to rise however during 2019/20, although not to the same level as in previous years. A homelessness acceptance means the council has a housing duty towards a person or household.
- 3.4 The reduction in acceptances led to concern amongst a small number of respondents to the Homelessness Strategy consultation that the council may be 'gatekeeping'. It should however be noted that an aim of the Act is to *reduce homelessness acceptances* through earlier and more intensive prevention work (known as the 'prevention duty') and through a 'relief duty' if homelessness cannot be prevented (see 2.10). However, acceptances during the first year of implementing the Act are unlikely to reflect the ongoing picture as there was some delay in decision making during 2018/19 due to high volumes of cases and the complexity of administering new legislation.

ANNEX A: The Private Rented Sector Offers Policy

Accommodation Placement Policy for Homeless Households (Updated September 2019)

Section 1: Introduction

- 1.1 This Accommodation Placement Policy sets out Westminster City Council's policy for prioritising homeless households for temporary accommodation and private rented sector offers according to its location. This policy does not apply to offers of long-term accommodation under Part VI of the Act.
- 1.2 It covers temporary accommodation for households who are accepted as homeless under Section 193 of the Housing Act 1996 and private rented sector offers (PRSOs) to discharge the main housing duty under provisions enacted by the Localism Act 2011.
- 1.3 This policy does not cover interim temporary accommodation for homeless households where this is required under section 188 of the Housing Act 1996 while inquiries are carried out.

Section 2: Key Principles

- 2.1 In accordance with legislation and statutory guidance, the council seeks to accommodate homeless households in Westminster as far as reasonably practicable. However, as there is a serious shortfall of accommodation in borough to meet housing need, it will not be reasonably practicable to provide accommodation within Westminster to every household and there will be an increasing need to use accommodation that may be at some distance from the borough.
- 2.2 Because of the limited supply of accommodation in both Band 1 and Band 2 (defined below), accommodation within these bands will be allocated to homeless households with a compelling need for it.
- 2.3 This policy is intended to ensure that we prioritise those who have the greatest need to be in or close to a particular location.
- 2.4 In addition, the council assesses the suitability of every offer of accommodation that is made to individual homeless households, in line with legal requirements, including legislation and regulation, associated case law and statutory guidance.

- 2.5 Where there is a particular reason why the household should not be housed in an area (for example, due to a risk of violence), this will be taken into account when assessing suitability.
- 2.6 The council will support people to relocate outside London (Band 3 as defined below), and support will be tailored to the needs of the individual household. Support may be offered to other households moving to properties in other bands if it is needed.

Section 3: Monitoring and Review

- 3.1 The impacts of this policy will be monitored and reported on annually as part of the Supply and Allocations report approved by the Cabinet Member with responsibility for housing each year. The policy will be reviewed after it has been in operation for twelve months (and annually thereafter) and the outcome will be reported to the Cabinet Member for Housing.

Section 4: Accommodation Bands and Priority Categories

Accommodation Bands

- 4.1 All properties provided for use as s.193 temporary accommodation or private rented sector offers are banded in the following areas:
- **Band 1: Westminster and the Local Area**
 - Within Westminster; or
 - Within an adjacent borough to Westminster City Council (Kensington & Chelsea, Camden, City of London, Brent, Wandsworth or Lambeth)
 - **Band 2: Greater London** (within a London Borough)
 - **Band 3: Other Areas Beyond Band 2**

Priority Categories

- 4.2 The priority categories stated in the table below are a guide to placements and how suitable properties in Band 1 and Band 2 should be prioritised. Individual decisions about placements will also take account of the availability of suitable property in the bands. Any special circumstances demonstrating a compelling need for accommodation within either of these bands will also be considered.
- 4.3 Band 1 covers Westminster and adjoining boroughs, however some households within Band 1 who have a compelling need to remain in Westminster will be prioritised for properties in borough. This will be assessed

on a case by case basis having regard to whether the reasons for awarding Band 1 priority demonstrate a compelling need to remain in Westminster.

- 4.4 Where a household is awarded Band 2 priority, the council has the discretion to offer accommodation outside Greater London where this is within a reasonable commuting distance of the school, college or workplace (as applicable).
- 4.5 Priority banding is not a guarantee of placement within the relevant area and is subject to suitable accommodation being available.
- 4.6 Households will be required to provide documentary evidence that they fall within a priority category. The Council's Medical Adviser may also need to assess the applicants' circumstances, where appropriate.

Accommodation Band	Priority Category
<p>Band 1</p> <ul style="list-style-type: none"> • Within Westminster; or • Within an adjacent borough to Westminster City Council (Kensington & Chelsea, Camden, City of London, Brent; Wandsworth or Lambeth) 	<ul style="list-style-type: none"> • Households where at least one member has a severe health condition or disability (including a severe mental health condition) that is long-term and requires intensive and specialised medical treatment/ aftercare that is either (a) only available in Westminster or (b) where a transfer of care would create serious risk to their safety or the sustainability of the treatment or care • Households where at least one member is receiving support through a commissioned care package or package of health care options provided in Westminster, where a transfer of care would create serious risk to their safety or the sustainability of the care • Households where at least one of the children has a Statement of Special Educational Needs or an Education, Health and Care Plan, is receiving education or educational support in Westminster and where it is demonstrated that a placement elsewhere would be seriously detrimental to their well-being • Households with a child where Family Services has demonstrated serious concerns about the child and is working with them intensively • Households whose circumstances come under one of the council's protocol arrangements between Housing and Family or Adult's services or where there is a recommendation through a joint assessment with Adult's or Family services • Households which include a registered Westminster City Council approved foster carer who is fostering a Westminster looked after child • Households which (a) include a Westminster City Council approved person who is caring for a Westminster looked after child, (b) include a Westminster child that is subject to a Westminster Special Guardianship Order or (c) have a private fostering arrangement with a carer resident in Westminster where they have notified the council • Households where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, that it is likely to be longstanding) to provide high levels of care and support to another person in Westminster who is not part of the resident household and the cared for person would be likely to require statutory health and social support if the care ceased and (b) that they would be unable to commute to fulfill their caring duties • Households where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, that it is likely to be longstanding) to receive high levels of long term care from another person in Westminster who is not part of the resident household and would be likely to require statutory health and social support if the care ceased and (b) that the carer would be unable to commute to fulfill their caring duties
<p>Band 2</p> <ul style="list-style-type: none"> • Greater London 	<ul style="list-style-type: none"> • Households with at least one child in their final year of Key Stage 4 (generally Year 11) or in Key Stage 5 (A levels or equivalent Level 3 vocational courses, such as BTECs, or GCSE re-sits in English and Maths) at a school or further education college in London • Where the applicant or their partner is accepted by the council as being in employment and has been working continuously for a period of at least six months in Westminster/ a Band 1 borough under a written contract of employment (permanent or temporary) which requires at least 16 hours a week. Parents who are on parental leave but who intend to return to work will also be considered under the criterion • Households already living in temporary accommodation that are required to move due to housing renewal as set out in the Policy for Tenants in Housing Renewal Areas
<p>Band 3</p> <ul style="list-style-type: none"> • Other locations beyond Band 2 	<ul style="list-style-type: none"> • All other homeless households may be offered accommodation beyond Band 2

Section 5: Support for employment within Greater London

- 5.1 Where an applicant or their partner is accepted by the council as being in employment in the rest of Greater London and has been so working continuously for a period of at least six months under a written contract of employment (permanent or temporary) which requires at least 16 hours a week, the council will aim to place them within a reasonable commuting distance to their place of work, where possible. This includes parents who are on parental leave but who intend to return to work.

ANNEX B: Private Rented Sector Offers across London April – June 2019

Bexley	0
City of London	0
Greenwich	0
Islington	0
Kensington and Chelsea	0
Richmond upon Thames	0
Southwark	0
Barnet	1
Bromley	1
Croydon	1
Sutton	1
Harrow	2
Kingston upon Thames	2
Lewisham	2
Tower Hamlets	2
Hammersmith and Fulham	3
Wandsworth	3
Merton	4
Camden	6
Hackney	7
Havering	9
Lambeth	11
Westminster	12
Haringey	14
Hillingdon	15
Hounslow	21
Enfield	27
Barking and Dagenham	37
Brent	75
Ealing	No data
Newham	No data
Redbridge	No data
Waltham Forest	No data
London	256

Source: MHCLG statistics

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/852953/Statutory_Homelessness_Statistical_Release_Apr-Jun_2019.pdf