

ANNEX 1

Tonbridge and Malling Borough Council

A review of progress and challenges in management of statutory homelessness and Temporary Accommodation over the last 24 months

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Introduction:

In October 2021 Andy Gale and Anna Whalen, housing consultants, were commissioned by Tonbridge and Malling Borough Council (TMBC) to undertake a review of the use of Temporary Accommodation (TA) for homeless households. The purpose of the review was to pinpoint areas of improvement which would assist TMBC to reduce the use of TA.

The review findings were set out in a report with a series of recommended actions in the form of a TA reduction plan. A TA target was suggested to halve the number of households in TA from around 160 households to 80 households by late 2022. Because this was an ambitious target and was subject to several unknowns and variables, it was suggested that there was a 'threshold' position of 100 households in TA by the end of 2022. If the 80 households target was not achieved, but the figure was around 100, this would be clear evidence that significant progress had been made.

Since the report TMBC has managed to reduce TA at a time when almost all other local authorities have seen TA rise. There have been improvements based on several of the areas set out in the TA reduction plan from 2021, but there are also key challenges that TMBC face. Many of these are shared by local authorities around the country at the moment, but that knowledge is of no direct help to any council which wants to do all it can within its power to keep homelessness to a minimum. Tangible actions locally are needed to mitigate the impacts of some national issues.

In December 2023 the Council commissioned the same consultants to do a short review the work to date with the focus on keeping TA numbers to a minimum. TMBC requested that the following questions were covered:

- a) What has changed in the national and regional context since the previous TA review and how should this impact on our approach and targets?
- b) Have the process changes that have been implemented to date been successful and what additional process changes could aid efficiency in the service?
- c) Are our policies for TA (TA Policy, PRS Discharge Policy) sufficiently robust?
- d) Could some advice be given on accessing the PRS and the process for evidencing the route to finding a PRS offer, potentially out of borough
- e) How can we strengthen our Personal Housing Plans and develop our suite of advice on accessing the PRS?
- f) Given the work by Altair on our options for our TA portfolio, what would the advice be on additional HMO accommodation as identified in the last review?
- g) Given caseloads currently and likely future caseloads given the national context, how should the service structure itself to meet these challenges?

- h) Should the increased focus on prevention be maintained or increased? What is a reasonable target caseload for officers?
- i) Is the monitoring regime that is in place sufficiently robust?
- j) What additional training/support could we offer to staff to ensure that they are able to efficiently and effectively deliver the Service?
- k) Is our approach to lessons learnt and feedback to staff sufficient to support service development?

The national context: Councils are facing an unprecedented homelessness crisis feeding through to higher TA numbers and costs

Local authorities in England are experiencing exceptional homelessness pressures which are in turn driving up temporary accommodation (TA) numbers and costs to unsustainable levels. This is having a significant negative impact on the Council's General Fund (GF) budget and reserves.

There have been significant policy, social and economic changes that are impacting on homelessness demand. They include:

- a) Rising levels of poverty and debt as the cost-of-living crisis impacts more significantly on lower income households than those more able to manage household costs rising. Inflation has slowed but is still rising.
- b) The national housing crisis, typified by rising rents and mortgages alongside increased competition for the private rented sector. There is little optimism that the uplift in the local housing allowance (LHA) rates from April 2024 will do much to alleviate this, especially in areas such as Kent, where the housing pressures remain acute. There is continued rising demand for and low turnover of social housing as an alternative. The intensification of the housing crisis is a key issue nationally as well as regionally.
- c) A lack of any significant economic growth in the UK over several years, with a number of economic analyses suggesting that the economy will 'flatline' for at least a year.
- d) Meeting the Government's Rough Sleeping Initiative and targets.
- e) Requests for housing assistance from new demand groups from other countries - Ukraine and Afghanistan in particular.

The impact of financial burdens of TA: Councils across England are reporting they are under acute financial pressures, partly caused by the cost of TA. For lower tier authorities such as TMBC, the costs of Temporary Accommodation is the most significant factor. No significant additional funding was announced in the Autumn Statement or the local government settlement in December 2023, and therefore these pressures will inevitably continue and are likely to rise in many councils.

Some councils have warned they are now at risk of bankruptcy. Since 2020, 7 local authorities have issued a Section 114 notice meaning that they are effectively bankrupt. The result of a Section 114 notice is that all new spending, with the exception of statutory services, must be severely cut or discontinued. Nottingham City Council is the latest local authority to issue a notice, with homelessness costs quoted as a significant contributing factor. In November 2023, when the notice was issued, NCC were reported to be spending £22,000 a day on use of Bed and Breakfast (B&B) as a form of TA.

Councils now face a funding gap of around £4 billion over the next two years and nearly 1 in 5 council leaders in England have said they are likely to be unable to balance the books in the last quarter of 2023 or 2024. The cost of TA is being quoted by numerous councils as a key reason for

why they are in financial difficulties, with social care costs being a major pressure as well for upper tier councils.

In 2022/23, councils reported they spent £1.74bn to support 104,000 households in temporary accommodation. This is the highest figure since records began and compares to £548 million in 2012/13.

Numbers in TA: The latest Government published data recorded 105,750 households in temporary accommodation on 30th June 2023, up 10.5% from the same time in 2022. Households with children increased 13.8% from 30th June 2022 to 68,070 as more landlords issued notices to end assured shorthold tenancies. Of significant concern is the fact that households with children increased by nearly 5% in just 3 months.

If TA were to rise at a rate of a 5% increase, year-on-year over the next 5 years, there would be a predicted TA figure for England of 135,000 by the end of 2028. It should be noted that a 5% rise is below the current 10% increase seen in the last year. The more likely scenario is an increase of 10% producing a TA figure of 170,300 by the end of 2028. This increase is in line with the current rate of increase and based on a 4% rise in homeless applications.

Types of TA being used: It is not only the rise in temporary accommodation which is driving costs, but the types of provision being used as TA. As numbers rise, many councils have been forced more regularly to use commercial hotels due to the lack of alternative options. Many rely on this type of TA in the face of rising homelessness. The use of hotels for families is now widespread across the country with many councils in breach of their legal duty to accommodate for no more than 6 weeks. In June 2023, there were 4,480 families in B&B with 2,510 reportedly in B&B for over 6 weeks.

In addition to the numbers accommodated under a statutory homelessness duty, costs of hotels are in many areas being fuelled by competing demands from other groups in housing need. There were 50,546 households seeking asylum accommodated in hotels at the end of June 2023. These are families and single people placed through the Home Office pending the outcome of an asylum claim, rather than a local authority placement.

The problem for councils is that they are often not able to procure or access the lower net cost TA options, such as social housing stock or local authority hostels, in sufficient numbers to reduce the financial impact of rising TA. Many landlords which previously might have considered long term leases are reported to have moved to more lucrative night-let accommodation. The only realistic options therefore available are all high cost hotels and nightly rate units and perhaps some leased accommodation, which is also relatively high cost.

The impact of a rapid increase in decisions on asylum claims: It is widely recognised that for several years Kent has been an area under pressure as an arrival point for those entering the UK and making a claim for asylum. Until recently TMBC and other lower tier councils in Kent have been largely protected from the national dispersal programme in recognition of this, but this has changed due to the Homes for Ukraine scheme and the Afghan scheme and the procurement by the Home Office of hotel and other accommodation in Kent more generally for those seeking asylum.

The pace and scale of the Government's commitment to speed up the processing time of asylum applications and clear thousands of older cases is beginning to create significant challenges for councils in terms of the impact on TA numbers in many areas. The extent of this is not yet being seen in the national homelessness statistics due to a time lag of around 5 - 6 months in publishing of data

but anecdotally some councils have noted large numbers of approaches from households which have been granted leave to remain in the UK as a refugee.

At 30 June 2023 there were around 175,000 people awaiting a decision on their asylum claim. Around 91,000 people (52% of the total backlog) had been waiting for a decision for at least a year. The Home Office are committed to making 90,000 decisions on older backlog cases by the spring of 2024. However, the reality is that the Home Office are merely transferring responsibility for accommodation from central Government to local authorities.

In total 75% of decisions made in the year to September 2023 have been to grant status whether through an award of refugee status or humanitarian protection. Once granted status refugees are given only 72 hours to leave their Home Office provided TA. Most apply to the council in which their Home Office placement was located unless they have a family or close friends already in the UK.

Supply of affordable accommodation options: All the indications suggest that by the end of 2023, the majority of councils have reached a 'tipping point' in respect of their ability to manage their homelessness pressures and costs. Although on the demand side, homeless applications are rising, evidenced by a 4% increase in England in the last year, what has driven the rise in TA is not so much the rise in applications, but the inability of councils to quickly access supply and move households on from TA.

As noted earlier, the number of overall social housing vacancies continues to fall and there has been a collapse of the private rented sector market as an option for low income households in particular, due to a shortage in supply coupled with a rise in market rents and competition from working households unable to buy their own home. The rise in the Local Housing Allowance rates are not likely to provide enough of an uplift to enable access to those who will need to claim housing costs.

Local housing pressures

In addition to the impact of pressures at a national level, TMBC is also seeing locally a significant reduction in supported accommodation to assist with meeting the needs of some of the most vulnerable households. Recent financial decisions at county level will result in the cessation of a number of homelessness related accommodation units and support and the reconfiguration of some housing related mental health schemes. These changes will reduce the accommodation offer available to those with support needs. In addition, support for care leavers in terms of accommodation provision is being reduced from age 21 to 19. These changes will inevitably impact on homelessness and increase the risk of rough sleeping for some of the most vulnerable people in TMBC.

The stark fact is that however difficult the TA numbers and costs is for councils now, there is no light at the end of the tunnel. It could be that 2024 will see a 'perfect storm' comprising of continued rises in homelessness applications combined with a significantly reduced capacity to move households on from TA. This would see an acceleration in the number of households in TA to unprecedented levels.

Observations on the progress in TMBC over the last 2 years

Progress

Whilst other sections of this report look at areas for further improvement, it is important to note what has worked well and is likely to have made a difference to customers, to Council staff morale

and budgets. Looking together at what worked well and why is a helpful exercise¹, so learning can be applied to future change work, but this was beyond the remit of this short review.

In terms of performance, some of your key national statistics are set out in the table below and show considerable improvements, including the overall position in relation to TA.

Table 1
Taken from the most recently published DLUHC national homelessness data set, Quarter 1 covering April - June 2023

H-CLIC field with some explanation/comment	England %	South East %	TMBC %	Note on trends in TMBC stats in from the same quarter from April - June 2021.
S195 Prevention duty owed <i>Authorities can more effectively manage their services if a higher proportion of households are owed the 'prevention duty' rather than the 'relief duty',</i>	45.4%	50.9%	56.1%	This was only 22.7 % in Q1 2021/22 - compared to the 45% SE average. There has been a marked improvement in numbers being assisted at the point of a threat of homelessness, and TMBC rate is now higher than the SE rate.
S189B Relief duty owed <i>See above</i>	50.6%	41.9%	43.9%	Over three quarters of households came at the point of homeless in Q1 of 2021/22, with 77.3% owed the relief duty, compared to the much lower SE average of 47.4%. A marked improvement in this.
S195 prevention duty ended positively <i>This is a key measure for DLUHC – duties can end positively with accommodation likely to be available for at least 6 months.</i>	51.2%	52.7%	45.9%	In Q1 of 2021/22 TMBC reported only 19.2% had ended with a successful prevention compared to 54.4% as the SE average. There has been a significant improvement in this since then, with TMBC now a few percentage points behind the SE average.
S195 prevention duty ended positively with the applicant retaining their current accommodation <i>This is a key measure for DLUHC – duties can end positively with assistance to retain existing accommodation (the ideal outcome) or move elsewhere .</i>	33.8%	31%	29.4%	TMBC is just below the SE average and has improved from 2 households in Q1 of 2021/22 retaining their accommodation to 5 households in the same quarter of this year.
% who became homeless where the s195 prevention duty ended <i>This measure also indicates the extent of success in prevention activity</i>	25.1%	22.6%	18.9%	In Q1 of 2021/22, 53.8% of all prevention cases ended in homelessness, indicating a lack of control of casework at the 'front end' of the service. This is a significant improvement, a more positive position than the regional average.
S189B relief duty ended positively <i>The ideal is to end as many relief duties positively as after 56 days, an eligible homelessness</i>	32.8%	27.9%	18.6%	This is an area which still needs focus and additional capacity to positively end homelessness within 56 days. There has been a further decline in

¹ For example, applying the principles of Appreciative Inquiry (AI) can assist a council to build on what works well rather than planning change based purely on deficits.

<i>household which has a 'priority need' for accommodation and is not 'intentionally homeless' will be owed the Main duty</i>				performance of relief work, based on this statistic, which was 25% - or 15 households - in Q1 of 2021/22. In the same Quarter this year, there is a dip of 7 percentage points and only 8 households had their homelessness relieved.
Relief duty % still homeless after 56 days + See above	47.7%	50.3%	51.2%	Out of the 43 households in Q1 2023/24, 22 did not have their homelessness relieved and would need to go to a 'main duty' decision. It should be noted that not all the 22 households would necessarily be in TA, as some would be assessed as not having a priority need for accommodation. However, this points to the need to undertake more concentrated relief work with applicants over the first 4 – 5 weeks of the relief duty, with some tangible accommodation options available.
TA rates per 1,000 households	2.22 (excludes London boroughs, which would distort the rest of England - the London regional rate is 16.69)	3.09	1.93 (equates to 107 households in TA)	In June 2021 the TMBC rate was 2.84 (154 households in TA) slightly higher than the regional rate of 2.75. The TMBC TA rate is now below the South East and all England average which is a significant achievement.

Purely focussing TMBC's progress over the last 2 years on your data does not capture the 'how' – the ingredients which led to change occurring and the learning therein. The points below explain to some degree the improvements alongside the data, but the breadth and depth of improvements are much better understood by the officers in TMBC who have worked over the last 2 years on the progress made.

Based on the higher level points in the TA Reduction Action Plan from December 2021, TMBC has:

- Set up a corporate reporting structure which has met regularly to review progress. This level of commitment from senior leadership in the Council is critical to positively support the work of the Service and should offer a blend of help with resolution of problems/obstacles and constructive scrutiny. It is noted that the meetings are not occurring as they used to, and it would be timely to commence these again, given the national context and the new changes at CEO level.
- Used some of the available Homelessness Prevention Grant to add staffing in the Service. This has added capacity to improve triage, prevention, housing solutions and some management of households in TA in relation to welfare, benefit claims and checking of occupancy. All of these functions have helped to drive the performance improvements.
- Focused on improving staff morale. Whilst there are real pressures on the Service at the moment, the level of morale is better than 2 years ago. This is essential for senior leadership to understand – many homelessness services in England are depleted and reliant on agency workers, which are high cost and often work remotely only. Actively supporting staff, praising progress and appreciating their hard work is important in order to manage homelessness effectively.

- Developed the TA portfolio with more low-cost options, not least due to a much improved working relationship with Clarion, which has provided a further 14 units of social housing for TA. There is also shared TA for single people in Pembury Road, The High Street and your leased accommodation in Union Street. However, there are significant questions around the high level of voids in both the shared TA and the Clarion stock which need to be addressed.
- Commissioned a detailed report on TA procurement, which is now at a point of going to Cabinet for decision making on development of modular homes.
- Increased efficiency in the monitoring of TA standards through the Home Improvement Team, using a thorough but less resource-intensive approach.

Welcome though these improvements are it is inevitable that the Council will be unable to buck the national trend re presentations and TA pressures. Therefore, for TMBC to continue to be able to deliver a TA rate per thousand households that remains below the average for the South East of England will require a Service which is working at the maximum level of efficiency and effectiveness.

The rest of this report looks at the areas which need renewed effort and focus, because they have not progressed at a fast enough pace, as well as some areas of practice which need tightening up.

Conclusions and recommendations for the Housing Solutions Service following our relook at the Service.

An important point to make before setting out our conclusions and recommendations is that as at December 2023 there are 35 households in TA who have been pre allocated a social housing property but are awaiting a tenancy date due to delays in the time taken to re-let vacant Clarion Homes. We understand that actions are being taken by Clarion to resolve the delays in reletting homes and once the 35 pre allocated homes feed through to actual tenancies this should bring TA back to under 100.

Our analysis, conclusions and recommendations need to be set against the national context regarding homelessness and TA pressures set out earlier in the report. It is inevitable that the Council will be unable to buck the national trend. There is already a significant increase in demand with the number of households approaching claiming to be homeless likely to outturn for 2023/24 at around 1500 approaches compared to 900 in 2022/23. Increased presentations will inevitably work through to more placements in TA.

Therefore, there are 3 core recommendations. These are:

1. In order for TMBC to continue to be able to deliver a TA rate per thousand households that remains significantly below the average for the South East of England will require a Housing Solutions Service that is working at the maximum level of efficiency and effectiveness, which means implementing all of the new recommendations in this report
2. Revise the TA target to reflect the national pressures. Our recommended target in 2021 was to reduce TA to 80 with a range of 80 to 100. Our revised target is 90 with a range of 90 to 120
3. Approximately 80 units of TA should be units that can be delivered at either no cost or low cost thereby significantly reducing the cost impact of nightly rate TA accommodation.

This will be extremely challenging and will require a renewed corporate focus which supports the day-to-day work of the Service, alongside leading on the development of a lower cost portfolio of upwards 80 units, which would bring further substantial savings to the TA budget.

Of concern is that the Housing Solutions Service is reported by many of the staff we spoke to during the review to be overwhelmed with the Service risking a return to the position it found itself in 2021, which was one of crisis. Staff we spoke to are finding it difficult to cope with the workload and this they say is impacting on performance although there remains a strong team ethos and commitment to the Service and the Council.

This is resulting in an increasing number of cases in TA under a relief of homelessness duty for longer than 56 days who are still awaiting a final decision on whether the main homelessness duty will be accepted or not. Delays in decision making at this stage have a negative impact on TA numbers. For those in TA where that final decision should be that no further duty is owed, they will have remained in TA far longer than would be the case if a decision had been made at the point that is legally required (at 56 days) . Moreover, the longer a household remain in TA without a decision, the more difficult it is to make, and sustain, a decision that an applicant does not have a priority need or is intentionally homeless.

It is critically important that TMBC make permanent the Housing Solutions Service officers on fixed term contracts whose contracts are due to expire at the end of March 2024.

Following the 2021 review TMBC agreed to implement the recommendation to increase the establishment for the Housing Solutions Team. Four additional Housing Solutions caseworkers, plus a Temporary Accommodation Welfare officer and an additional Housing Allocations Assistant were employed on fixed term contracts due to expire at the end of March 2024. The Housing Solutions caseworker posts were agreed to deal with the numbers presenting based on the numbers of approaches at the end of 2021 and we considered this to be the minimum size caseworker team to ensure that the Service operated efficiently and not in crisis mode.

In 2023 the Council has seen a significant rise in applicants approaching as homeless resulting once again in backlogs in dealing with cases. Some officers spoken to reported caseloads between 60 and 80.

It is imperative that the fixed-term posts are retained, given the national backdrop and the local increase in approaches. It is advised a clear message is given from senior leaders in the Council as soon as possible in January 2024. The rationale for this is:

- It is very unlikely that any newly-formed Government in 2024 will reduce the Homelessness Prevention Grant, given the state of statutory homelessness in England. This year your Homelessness Prevention Grant was £398,286 and this will rise slightly to £405,277 in 2024/25. Alongside your existing core budget for homelessness services, TMBC should be committing all of this to statutory homelessness each year, ideally minimising the amount spent from the Government grant on TA.
- The officers in post are already trained and working in the Service. There has already been investment of time and resource in these officers and to lose them, only to then need to replace them, would only add pressures on the Service and costs to the Council.
- The salary offer in TMBC is not competitive in comparison to surrounding councils, so not only is it more likely officers on short term contracts will leave to join other councils in the

area which pay significantly more, so it will be harder to fill any vacancies based on this factor alone.

- Deleting of posts will put the Service further into a position of crisis that TMBC has worked hard to come back from is again reached. This will mean higher caseloads; significant backlogs; cases going more readily into TA due to lack of time to make decisions; households drifting in TA without a main duty decision; slower rates of move-on from TA and risks of more complaints or legal challenge due to lack of response or poor decision making. TA numbers and costs will rise again and it will not be as straightforward to come back from this position given the national context.
- Other staff may decide to leave if posts are deleted, if they believe the workload and pressures to be unreasonable for them as individuals and the Council is not seen to be taking seriously its duty of care as an employer.
- Even if the posts are retained, any staff leaving in the next 2 months due to uncertainty of their futures is very likely to cause a dip in morale as well as increased day to day pressure on officers to cover the work whilst posts remain vacant. Staff remaining are likely to be understandably critical of senior leadership if action is not taken swiftly enough.

Recommendations:

Take swift action to retain staff on fixed term contracts through offering permanent contracts.

Work with Human Resources to address workforce planning issues around remuneration, training and development.

TMBC should consider creating an Accommodation Team with responsibility for all aspects of TA and discharge of duty into the PRS.

If you consider the structure for most Council's you will find a casework team and a temporary accommodation team. The TA team will normally also contain the responsibility for procuring PRS properties to discharge duty. This is not the structure in TMBC. There is an Accommodation Team largely focused on inspecting nightly rate TA. The team also includes the PRS access function which has not been successful for the reasons set out in this report. The Accommodation team's focus is on property rather than the people in TA. Vacant nightly rate TA is identified by the team but all aspects of matching and sign up remain the responsibility of the HSS casework team. A new fixed term post for a TA Welfare Accommodation officer as part of the HSS team was agreed after the 2021 review and that post has proven to be successful.

Working relationships between the Accommodation Team and the HSS casework team lack coordination and both teams appear to operate as 2 silos.

Recommendation - An Accommodation Team is established to be responsible for all aspects of temporary accommodation and accessing the private rented sector including the responsibilities for procurement, inspection, placement (including the test of suitability), and the managing of TA (including rent collection) and accessing the private rented sector to discharge duty.

The permanent TA Welfare post should be part of the new Accommodation Team along with consideration of a Move-On Officer role. (see recommendations in this report for 'move on' posts funded by unallocated HPG grant.

There should be a simple process for allocating spending from the Council's 'Homelessness Prevention Grant' (HPG) to pay for additional staffing to tackle demand and other homelessness pressures.

As noted in the section above, the Council was allocated £398,286 in HPG for 2022/23 with an increase in grant funding of £405,277 for 2023/24. Our understanding is that underspends are carried over and there may be around £700,000 of unallocated funding from the HPG. If this is correct, it is unclear why this figure for unallocated funding is so high, as DLUHC awards grant based on the understanding it is spent in year and the HAST Adviser team from DLUHC require councils to give an indication of what the grant has been spent on. Should there be considerable carry-over of the grant, it may be the system for making decisions on allocating funding is too bureaucratic or is perceived to be so. Regardless of the reason, given there is a significant grant funded budget available, there needs to be a change to delegated powers and a simple authorisation system put in place under which the Director of Planning, Housing & Environmental Health can agree spend using unallocated HPG. This should include agreeing to recruit additional temporary staff to deal with pressures as they emerge as and when required and spending on other initiatives to prevent and manage homelessness pressures. Below are 2 examples of where HPG grant should be used:

Example 1: We have in this report recommended that all of the current fixed term contracts should be made permanent. These posts are not we understand funded by HPG. This will bring the permanent casework staffing levels to a level that is comparable with Councils of a similar size to TMBC. However, the current caseworker numbers, including the fixed term contract posts, do not reflect the increase in approaches seen in 2023/24 which reflect the national trend. With average caseloads of between 60 and 80 cases the Service risks returning to the crisis mode of operation seen when the 2021 review was carried out. The solution is to employ additional temporary caseworkers paid for from the unallocated HPG Government grant. Arguably, this is a decision that should have been taken 6 months ago when approaches and caseloads started to increase. We do not recommend that these additional posts be made permanent, although to attract the best possible people it may be sensible to offer a fixed term contracts rather than contract agency staff. There is no additional impact on the Council's finances as they will be financed from the HPG. If the Council is concerned that HPG may be withdrawn after 2024/25 it should be noted that there is no indication that the Government will cut or remove HPG given that tackling homelessness is considered to be a top priority for the current Government and, given that there will be a General Election in 2024, major opposition parties have indicated tackling homelessness will be a priority.

Example 2: The Council needs to improve the landlord offer in order to move on more households from TA into the private rented sector (PRS) . The current landlord offer is not attracting landlords and agents. Given the current PRS market TMBC's incentive package is falling far short of what landlords now expect. To illustrate this point the average landlord incentive payment made by West London Boroughs under their out-of-London scheme is £5,500. The recommendations for improving the landlord offer are set out elsewhere in this report. This is another example where a decision to

amend the landlord offer should have been made 12 months ago when it was clear that the current offer was not working and backed by the fact that there is a significant amount of unallocated HPG available.

A simple cost-benefit framework should be introduced so that officers are clear as to the parameters for offering financial deals to prevent homelessness.

Prevention officers spoken to were unclear as to the threshold for offering a financial payment to resolve threats of homelessness.

Recommendation: For all offers to resolve and prevent homelessness for any case that would otherwise be placed into TA a cost-benefit calculation should be carried out set against the net cost of Temporary Accommodation. This will require the introduction of a cost-benefit framework with clear guidelines for officers negotiating solutions.

In developing a framework the Council should consider the fact that the average annual net cost (after DWP subsidy) of a family in 2-bed nightly let is estimated to be between £12,000 and £15,000 plus the officer time to assess and manage the case. TMBC need to decide the level at which a financial payment to, for example, a landlord would deliver value for money to the Council. Clearly, anything under £12,000 to £15,000 will deliver a saving but an offer at that level would obviously not be a sensible approach, as it would encourage more landlords to issue a notice to their tenants in order to obtain a payment. However, a 'cost-benefit' threshold of say up to £3,500 would be competitive with other councils and sensible for TMBC to improve prevention casework outcomes, thereby reducing TA, and could be used:

- a) to contribute to paying off rent arrears where this has not be caused through the fault of a tenant, or
- b) spread over a year to top-up the difference between the LHA rate in TMBC and the lower end of the market rate

There are still some gaps identified in the HSS 'end to end' operating model that if fixed would reduce the number of households being placed into TA and speed up the numbers moving on.

Triaging of cases: Issue 1

Undoubtedly the creation after the 2021 review of a dedicated Triage post performed by an experienced Housing Solutions caseworker is one of the main reasons why the numbers in TA have fallen overall since the end of 2021. The Triage officer controls the first point of contact and effectively filters cases through to either the Prevention Team or Homelessness Team. However, the number of approaches so far in 2023/24 is averaging 123 a month compared to 75 cases in 2022/23. Combined with a move to a new casework management system, this means that the 'backlog' of cases in triage has risen from 33 at the end of November 2022 to 173 by the end of November 2023. The Triage officer is overwhelmed and there is little prospect of being able to deal with the backlog with the current level of staffing for the triage function. This will inevitably impact negatively on the ability to resolve more cases at the first point of contact.

Recommendation: A second post for Triage should be recruited to on a temporary basis using TMBC's Homelessness Prevention Grant.

Triaging of cases: Issue 2

As has already been acknowledged the introduction of a Triage role has been very successful, but as currently configured, this leaves confusion as to:

- a) whose responsibility is it for making thorough investigations into the claim of homelessness – the Triage officer or the HSS caseworker and
- b) who should issue 'not homeless' decisions

The Triage officer performs a number of important roles. These are:

- a) To decide whether presenting problem should be referred through for a full interview or not and
- b) If the case is to be referred through should it be dealt with by the Prevention Team or the team dealing with those households claiming to be already homeless, your Housing Solutions team)

Using a full year of data from 2022/23, the 3 main causes of families being placed into TA are:

- 1) A claim of exclusion from the home of parents or extended family/friends, (based on 25% of all prevention duty cases and 37% of all relief duty cases)
- 2) the issuing of a Section 21 notice by a private landlord, (based on 25% of all prevention duty cases and 8% of all relief duty cases)
- 3) a claim that a family are homeless due to domestic abuse or other threats of violence, (based on 4% of all prevention duty cases and 21% of all relief duty cases)

There is also a high recorded figure for social housing tenants owed a prevention duty (17% of all prevention duty cases).

For Section 21 notice cases and social housing cases these are relatively straightforward with most being referred through to the Prevention Team once it has been established that the notice is valid. However, for parent or extended family/friend claims of exclusion the question of homelessness appears to be largely left to the Triage officer to determine. This is evidenced by the fact that Prevention officer report far fewer parent/family exclusion cases in their caseload compared to what should be expected given that this category is by far the main reason for claims of homelessness for family households.

The vast majority of these cases are referred through to the HSS team if the view of the Triage officer is that nothing more can be done. The HSS officers then would appear to accept homelessness based on the conclusion of the Triage officer with little or no investigation into the claim themselves. However, the approach of the Triage officer regarding investigations into parent/family claims of homelessness would appear to be less about making formal enquiries into the claim of homelessness and more about 'pushing back' on these cases to see if the parent claiming to exclude actually takes it to the point where they say they have physically excluded. This approach does have some merit in that some cases who claim homelessness do not come back to the Council after their original claim. However, it leaves these cases 'falling through the gap' with neither the Triage officer or the HSS caseworker being tasked with making thorough investigations into the claim of homelessness. Neither is it the responsibility of the Triage officer to make any 'not

homeless' statutory written decision but by default the decision on whether someone is homeless is being left to that officer.

For all claims of homelessness from parent or extended family or friends in TMBC there should only be one of 3 outcomes and a revised approach adopted. The 3 possible outcomes are:

- 1) There is no clear and logical evidence presented to back up the claim of exclusion – in which case a statutory not homeless decision should be issued (by either the Triage officer or HSS caseworker) and no TA provided, or
- 2) There is clear evidence that an applicant is going to be excluded – in which case there should be a speedy referral to the Prevention Team followed by evidence of negotiation and a written 'offer to resolve the problem at home' issued to the parent/family excluder including remaining at home with Band C status for being overcrowded), or
- 3) There is clear evidence of an incident or series of incidents that logically explain the claim to exclude – in which case, unless there is evidence of violence or abuse towards the applicant, an offer should be made to try and hold the position at home whilst work is undertaken to find a planned move option.

The required approach to parent/family claims of exclusion is not embedded by the teams tasked with determining these cases, namely the Triage officer, the Prevention team and the HSS caseworker team. For clarity, virtually no 'not homeless' decisions are being issued for parent/family claim of exclusion cases. The practice of issuing a formal 'offer to resolve' letter is rare. This observation is not to apportion any blame to any individual or team as it is the processes for dealing with what is the main cause of family homelessness in TMBC that needs to be revisited.

Recommendation: Review the work with families where there is a threat of homelessness to ensure thorough enquiries, including home visits, take place and actively use prevention tools to resolve homelessness.

Triaging of cases: Issue 3

Linked to the above, although the Triage officer is experienced and effective in her role of filtering cases there would still be some additional gains in formalising the procedure for when a case should be referred through and if so to which team.

Recommendation: Implement a formal Triage procedure (an example model procedure will be provided as part of this review).

All households who may have a priority need and are claiming to be homeless on the day should be required to attend an 'in person' interview

Since the Covid-19 pandemic nearly all homeless interviews have been conducted by telephone. This has largely been the practice for all Council services and not just the Housing Solutions Service. We would argue that it is only possible to thoroughly investigate a claim of homelessness through an in-person interview unless there are individual and justifiable reasons why this is not possible. Without a face to face interview policy for households who are likely to be owed a temporary

accommodation duty there will inevitably be placements made into TA that would not have been made if a thorough in-person interview had been conducted.

Therefore we recommend that the practice be changed so that any applicant who potentially may have a priority need and is claiming to be homeless tonight must be required to attend in person interview rather than a telephone interview. Telephone interviews have their place but not for the initial full interview where the caseworker needs to fully test and investigate any claim of homelessness and priority need.

Recommendation: All applicants referred through from Triage to the Housing Solutions casework team, where there may be a temporary accommodation duty must be seen in person. No applicant should be booked into TA as a result of a telephone interview unless there is a disability that prevents them from attending the office or it is an out of hours placement.

The 'emergency' day duty team does not have sufficient officers on duty to be able to make not homeless or not in priority need decisions on the day that applicants present claiming to be homeless that day.

There are an insufficient number of officers allocated to the duty rota for dealing with 'on the day' emergency claims of homelessness. The current duty model is that there is one Housing Solutions officer on duty with a back-up officer.

Due to the increasing number of households presenting as homeless on the day, it is inevitable that the duty officer will struggle to provide every applicant with a full and thorough investigative interview into their claim of homelessness or for single homeless people, who are assessed as homeless, whether they have a priority need which would trigger a temporary accommodation duty.

In any council, the homeless cases will back up towards the end of the working day. TMBC is no different and there must be enough officers on duty to complete a full and detailed investigation into a claim that the household are homeless and assessment regarding priority need for accommodation. Without this many applicants will be booked into TA without a full assessment interview. Once booked in it becomes more difficult to 'cancel' a TA duty or prevent homelessness by helping them to return to their accommodation because TA has already been conceded.

Recommendation: There is a need to urgently implement an expanded 'duty day' operational team which can be achieved within the existing resources (assuming the recommendation on the fixed term contracts is agreed and implemented) to better deal with and control the assessments of emergency presentations and pre-booked appointments. Implementing an expanded emergency duty day team will provide the extra necessary control required, ensuring that all new claims of homelessness are thoroughly investigated, including rapid back office enquires to ensure that decisions on whether a TA duty is owed or not can be legally made on the evidence gathered. The expanded duty team should consist as a minimum of a duty manager and 2 caseworkers for emergencies without the need to call on any 'back up' officers. The case workers can undertake their own casework if there are no duty cases coming in (usually in the first part of the morning), and then switch to deal with duty cases as they come in during the day. Being available at the end of the day is a critical point in every statutory homelessness service to resolve issues and avoid unnecessary TA

placements. The number required in this duty team should be kept under constant review against demand and where needed, temporary resources brought in paid and for through the Homelessness Prevention Grant.

The role of the new operational duty day team should include:

- (a) At Team Leader level to check and double check that all inquiries have been robustly undertaken before any placement can be authorised for TA.
- (b) For the team as whole - to undertake rapid 'on the day' back-office inquiries into homelessness, eligibility and priority need so that, where appropriate, a no TA duty decision can be lawfully made on the day through a formal notification letter.
- (c) To respond to any threats of judicial review.
- (d) Where necessary for a Team Leader to take over negotiations with potential excluders, for example, where parents are unwilling to agree to give reasonable notice.
- (e) To support the Triage officers if they have any queries about the advice to be issued or whether to refer a case through for a homelessness interview.

Implement improved procedures for managing casework once a household is placed into temporary accommodation.

Once a household is placed into TA in TMBC there are no clear control and monitoring process for managing casework. One-to one meetings with a Team Leader are infrequent due to work pressures and casework risks 'drifting', meaning there are cases where a 'no duty' decision could have been made that are allowed to continue with no accountability regarding the completion of any outstanding inquiries. The Housing Solutions caseworkers rightly point to high caseloads as the reason why they are not able to focus on completing investigations. High caseloads can be resolved through additional temporary staff however, there is still a need for structure to casework of those in TA, or at high risk of entering TA if homelessness cannot be prevented, with a control and monitoring procedure that is used for every case and gives some transparency to the status of every case of those in TA or at high risk of entering TA, which is available to all of the officers in the Service.

Recommendation: To urgently implement a casework control and monitoring procedure consisting of:

- a) Any case authorised for placement into TA must be 'flagged' if there is any possibility of a 'no long-term TA duty' decision being made.
- b) The manager authorising TA must decide with the Housing Solutions caseworker at the point of placement whether the case should be flagged as a potential 'no long-term TA duty' case due to the possibility of an applicant being not homeless, not eligible, intentionally homeless, not in priority need, or having no local connection.
- c) Inquiries into all 'flagged cases must commence on the day of presentation.
- d) The duty manager must set and monitor against a target date for the completion of all inquiries.
- e) All potential 'no duty' cases should be recorded on a spreadsheet and a report should be run weekly to check progress against the target date set for all 'flagged cases'.
- f) All flagged cases must be discussed at a fortnightly one-to-one meeting and an explanation must be given for any case that has not received a decision beyond the target date set.

- g) The Prevention Team should flag any case owed a prevention duty where the applicant is likely to have a priority need but also the possibility that they may be intentionally homeless must be 'flagged' and the same actions carried out as set out in TA cases above.
- h) For the current cases in TA under an interim Section 188 duty, a one-to-one meeting between the caseworker and their team leader must identify any case where a possible 'no long-term TA duty' may be owed and the manager must set a target date for the completion of any outstanding inquiries.

Implement a new framework to strengthen statutory casework for the 3 main causes of family and single homelessness that result in a TA placement

If clear procedures and processes were to be implemented covering the main causes for a TA placement, there would be a reduction in the number of families and single people placed.

Recommendations: The recommended actions to increase alternative solutions to TA placements are:

Parent and family exclusions: (see also the observations made under Triage issue 2 above)

- a) No household should be placed into TA unless clear evidence has been obtained that supports the claim that they have been excluded.
- b) Where there is no evidence obtained as a result of a thorough assessment to justify the claim of exclusion a 'not homeless' decision should be made.
- c) The common law requirement for reasonable notice should be negotiated for every presenting case where there is no risk to an applicant through remaining at home. The expectation is that reasonable notice should be obtained on 8 out of 10 cases where there is no risk to the applicant through remaining.
- d) Once reasonable notice has been obtained the caseworker should commence and be required to follow the prevention actions set out in a new Prevention Pathway for Family Exclusions which will be provided to the Council as part of this review.
- e) The Council may wish to consider small payments/in kind assistance to a parent for priority need cases where financial pressures are the reason for asking their son or daughter and any grandchildren to leave. Any payment/in kind assistance should be proportionate and bespoke to their situation, given that it may otherwise encourage more families to claim that they are excluding their adult children.

Section 21 and other tenancy notice cases:

- a) Prevention caseworkers should follow the prevention actions and use the resources set out in a Prevention Pathway for Section 21 and other tenancy notice cases which will be provided to the Council as part of this review and has previously been provided but is not being regularly used by the Prevention team.
- b) There must be a formal written 'offer to resolve' made to the landlord on every case presenting. The offer should be bespoke and will be based on the reason for the notice having been issued.

- c) All cases where a Section 21 notice (or other notice) has been served must be required to attend an interview within 48 hours to ensure that they do not surrender the keys at the expiry of a Section 21 or Section 8 notice.
- d) All tenants who approach the Council with a notice should also be written to and verbally informed that they should not hand back keys at the end of the notice period and to do so risks a decision that they may be found to be intentionally homeless if the Council determine that the case may have been prevented on the facts obtained.
- e) Unless there are exceptional circumstances or a tenant leaves, TA is currently not offered until the expiry or a possession order or date for a bailiff to attend. To keep the Service safe from an Ombudsman investigation the Council should follow the Code of Guidance on this matter and:
 - a) Consider the option of paying landlord court costs for possession, or
 - b) Offer the landlord a '60-day deal' *

** The '60-day deal' would be to guarantee that Temporary Accommodation would be offered on the expiry of that period without the landlord having to initiate court action if the local authority had been unable to solve the problem that had led to the Section 21 notice or had been unable to find the tenant alternative accommodation by the expiry of 60 days.*

Applications due to a claim that an applicant is homeless due to being a victim of domestic abuse:

There is agreement to employ a domestic abuse (DA) specialist officer to work jointly across TMBC and Tunbridge Wells, funded from Government 'new burdens' money arising out of the implementation of the Domestic Abuse Act in 2021. TMBC should use this opportunity to develop a more structured prevention of homelessness pathway where homelessness is claimed due to domestic abuse. This should include:

- Join up prevention focused work between the Service and the Housing Management Teams for Clarion and the other Housing Associations operating in the Borough given a high percentage of family DA cases are from social housing. There should be a clear procedure for the role of the Council and Registered Provider Housing Management Teams when a tenant claims they cannot stay in their tenancy due to DA. They should be expected to take ownership of DA cases that are their tenants to deliver the best possible outcome for victims of DA who risk losing their tenancy.
- A specific action plan for preventing homelessness for applicants claiming to be homeless due to DA should be produced. That action plan, which should involve partner agencies/services, should focus on how to deliver options to victims of DA in a supportive way, including the option of pursuing legal remedies and remaining in their home with safety measures.
- HSS caseworkers must be trained on how to assess homelessness where applicants claim to be homeless as a result of domestic abuse to ensure they have the knowledge and confidence to deal with these cases.

There are a number of areas where we are of the opinion that the Housing Solutions Team need to be more robust in decision making

Area 1: Strengthen investigative casework by requiring HSS caseworkers to use the *'Part 7 Interview and Assessment toolkit'* to support them:

There is a lack of consistency in making of enquiries and then decision-making against the statutory tests generally in the Service.

Recommendation: Caseworkers should be required to use the relevant interview sheets to determine homelessness, eligibility, priority need, intentional homelessness, and local connection where there is any doubt as to whether an applicant should be accepted or not against these 5 statutory tests. This means questions that caseworkers will not miss questions that should be asked for any of the 5 statutory tests. The toolkit contains a separate interview and assessment sheet for each presenting issue relating to the five statutory Part 7 tests. There are 52 case interview and assessment sheets.

Area 2: Apply the test of intentional homelessness to all cases where it has been identified that a household have lost their accommodation through their own actions or lack of action.

The test of intentional homelessness is one of the 5 statutory tests that Councils are required to apply and these decisions accounted for 4.5% of all decisions in England during 2022/23 when the applicant reached the end of the relief of homelessness duty. In TMBC only 3 intentional homelessness decisions were made over the same period – 2.8% of the 109 'main duty' decisions. There have been no IH decisions made in Quarter 1 of 2023/24. This is despite officers interviewed noting that numerous cases are presenting with substantial rent arrears from a private rented tenancy or social housing tenancy.

Housing Solutions caseworkers quote high caseloads and a lack of confidence in making such decisions - especially new officers. This is partly the explanation along with what appears to be a reluctance to make IH decisions unless there are no other options.

Recommendation: The Service needs to be more robust on decision-making regarding cases that have been issued with a notice for deliberate rent arrears or unacceptable behaviour and make intentionally homeless decisions where appropriate.

Area 3: Too much choice is being given to households when it comes to matching cases in TA for a direct offer

When making a direct offer of social housing It is understandable to want to match households to the areas within TMBC that an applicant has indicated that they want to live in. However, that aim has to be balanced against the need to move households on from TA to reduce the financial impact on the Council.

One of the recommendations from the 2021 report was to top slice 50% of social housing vacancies for a direct allocation to households in TA. This has been arguably the main reason that TMBC has been able to reduce the number of households in TA. However, it is reported that the HSS team are at times struggling to match households from TA to the vacancies that come through, with the consequence being that there is a risk that the nomination will be lost or a household will be matched that are not in TA. There are 2 reasons given by HSS managers for this problem:

- a) There is concern as to whether the Council could be successfully legally challenged if the prospective property is considered by the applicant to be too far from existing schools, and
- b) The team do try their best to only make an offer if it is in an area that the applicant has expressed a preference for.

Although it is understandable to try and match applicant's to an area they have expressed a preference for this will not always be possible or practical and has an inevitable impact on the time some applicants are spending in TA.

Recommendation: Unless there is information to indicate that a suitable vacant property in the applicant's preferred area of choice will become available within 1 month a direct offer should be made regardless of the applicant's choice as long as it is assessed as suitable and there is no assessed risk of domestic abuse or other forms of violence.

Prevention of homelessness casework has improved considerably in TMBC but would still benefit from being more structured.

The core objective of prevention and relief casework is to keep a household in or assist them to return to the home they have presented from, if it is safe to remain or return. If it is not possible to retain that accommodation, the objective is to help a household find alternative accommodation before they become physically homeless, or very quickly after this.

It is clear that significant improvements have been made. There is a dedicated Prevention team consisting of 2 officers, and the Council's performance in delivering successful prevention of homelessness outcomes has risen to around the South East average – a turnaround from the position 2 year ago, where TMBC lagged behind considerably. However, further gains could be achieved if their work was more structured, giving officers a clear framework and set of instructions and guidelines for the actions to take for each of the main reasons that applicants present as homeless in TMBC.

Recommendation: Implement routine use of 'Prevention Pathways', which set out the actions that must be taken for each presenting reason that result in a TA duty being accepted.

Template 'Prevention Pathways' will be provided as part of the review. These Pathway tools can be amended to include actions that reflect local circumstances in TMBC. The 3 new Prevention Pathways cover any claim of homelessness for the 3 main reasons families are entering TA in TMBC which are:

- Parents and extended family exclusion
- Section 21 or other PRS tenancy notice cases by reason (e.g., rent arrears, behaviour, landlord wants to sell, landlord wants to raise the rent)

- Domestic abuse 'Prevention Pathways' for claims of abuse within the home or a threat from outside of the home.

Each Prevention Pathway contains clear instructions for the actions the caseworker must take and are linked to a set of resources to support the caseworker to take these actions.

Implement a TA Monitoring and Control Sheet.

An issue that came up several times during the interviews with staff was the absence of a control and monitoring spreadsheet/system. Implementing a control and monitoring process for TA is one of the 2021 recommendations that has not been implemented and this is having a negative impact on TA numbers, as the current ways of managing TA are inefficient and result in some households remaining in TA longer than they should do, for example:

- a) Housing Solutions officers are spending considerable time trying to identify households in TA suitable for a direct offer. This involves having to go through individual files to check on cases. Clarion and other Housing Associations have indicated that the Council may lose a nomination if TMBC are unable to find a suitable case within the timescale required.
- b) Managers cannot identify through one spreadsheet the reasons why a case in TA over 56 days has not received a decision, nor is there a system to flag cases in TA where a negative decision can be made.
- c) There is no record of whether cases in TA are live on the housing register and if not why this is the case. For households in TA who do not qualify for joining the housing register there is no central monitoring sheet explaining why this is the case and what needs to be done for the household to be allowed to join the register or if the private rented sector would be the only option.
- d) The Accommodation team struggle to find households in TA if they are able to source a private rented property to discharge duty resulting in either that property being 'lost' or being allocated to a household that is not in TA.

Recommendation: To implement a TA Control and Monitoring spreadsheet/system as a matter of urgency

The objective of implementing a comprehensive '*TA Monitoring and Control Sheet*' is to ensure that the right people are placed into the right accommodation and occupy that accommodation for the shortest period of time they need it. The Monitoring and Control Sheet records the status of every case in TA at 25 control points across the full TA' lifecycle'. A model template will be provided as part of the review.

Recording and tracking each TA case through its lifecycle and facilitating management interventions and timely actions at key control points will potentially reduce numbers in TA through:

- Speeding up Part 7 inquiries and setting target dates.
- Better identifying cases that have not been actioned and are still in TA.

- 'Unblocking' cases where a duty has been accepted but something is stopping them being considered for a Part 6 social housing offer.
- Speeding up the process for gaining possession quickly through the right eviction process for interim TA and main duty TA

The need for a move-on plan for every household in TA and recording this on a central database/spreadsheet.

Given the shortage of social housing move-on options TMBC need to have a move-on plan for every household in TA. This will require the production of a move-on list indicating the households circumstances to enable households to be matched to available properties both social housing and private rented and for private rented specifically options outside of the Borough.

Despite the number of households in TA, there are some examples where the Housing Solutions caseworkers have struggled to put forward households in TA for social housing vacancies and PRS properties. This has resulted in households being selected who are not in TA - for example households owed a prevention of homelessness duty. The argument that cases owed a prevention duty will end up going into TA anyway is not one that will always hold true, if improvements are made to the prevention case work (as set out in earlier recommendations). Some can have their homelessness prevented by being helped to remain at home and others will never reach the stage of physically becoming homeless.

Recommendations: Add capacity and develop a move-on planning and recording process.

There may be a need to fund through Homelessness Prevention Grant up to 2 'Move On' officers on fixed term contracts to support the implementation of a consistent and more effective approach to move-on. It is suggested that these officers are needed as it is unlikely that there is capacity in the Housing Solutions casework team to carry out this important function. The rest of this recommendation, set out below, provides the rationale for why more officers are needed and what their specific function would be.

Below are some of the criteria that could be applied for a 'Move on' plan.

Move-on Criteria	Criteria Applied
Move on interview conducted Y/N and if Y date	Y/N
The assessed circumstances are that any PRS offer needs to be in or close to TMBC	Y/N
The assessed circumstances are that any PRS offer can be made outside of TMBC into a neighbouring Council area	
Willing to move into social housing or PRS anywhere	Y/N
Willing to move to the area where they have family or another connection	Y/N
Unwilling to move but no circumstances that prohibit final offer being made	Y/N
Household meets June 21 Regulation whereby they have entered the UK in the last two years so suitability of location order disappplied	Y/N

Actively looking for PRS property themselves through a new ‘find your own initiative’	Y/N
Agreed plan of action:	

Implementing a ‘Move on’ plan targeted at TA will not work if it is a desk-top exercise alone. All households need to receive a specific face-to-face move-on plan interview following which they should receive a move-on plan. The aim would be to move as many households as possible through agreement but where agreement is not forthcoming, a suitable offer should be made in or outside of the Borough to a location that best matches a household’s circumstances.

This mean that every household entering TA needs to have a structured ‘Move-On’ interview at the first point of entering TA or, it is suggested, within 3 weeks.

At present despite the 2021 recommendation the Service has not actively looked to discharge duty for households in TA into the private rented sector outside of the Borough. The acceptance that households in TA will have to move outside of the local authority area is increasingly accepted as a reality for councils under significant TA cost pressures. As long as an offer of accommodation is suitable, in terms of meeting the housing needs of the household, and any specific support needs identified, including the impact on, for example, the education of children and meeting health needs, an offer should be made.

Given the critical financial position caused by the numbers in TA households the Council need to identify through the ‘move on’ interview households that can be offered accommodation outside the Borough. We have set out below the criteria that could be adopted. We estimate based on other Council reviews we have conducted that up to 10% of households in TA will not have a long-established connection with TMBC. This includes families and single people that:

- Have approached TMBC as homeless due to threats or harassment from accommodation in a location outside of TMBC
- Have approached the Council as homeless due to domestic abuse from accommodation in a location outside of the Borough
- Single people sleeping rough with no local connection to TMBC
- Households whose only connection to TMBC is based on residence for less than a year in the private rented sector
- Refugees that come under the amendment to the Homelessness (Suitability of Accommodation) (England) Order 2012. The amendment means that a Council can discharge a homeless duty into PRS accommodation anywhere in the country * (see below). We know that whilst TMBC, as part of Kent, may not have many refugee cases compared to some other areas, but it is important to be aware of this.

**To date the Council has not applied the Homelessness (Suitability of Accommodation) (England) Order 2012 amendment from the 1st of June 2022. The effect is:*

The requirement for the location of accommodation to be considered in assessing suitability of accommodation is disapplied (except for caring responsibilities) for:

- *Anyone who makes a homeless application on or after 1st June 2022 and*

- *Is eligible for assistance, and*
- *That application is within 2 years beginning with the date on which they arrive in the United Kingdom, and*
- *They did not have a right to occupy accommodation in the United Kingdom for an uninterrupted period of 6 months or more in the 3 years prior to the date on which they arrived in the United Kingdom.*

The result of this regulation is that all households meeting this criteria can be offered suitable private rented accommodation to discharge the homeless duty anywhere in the country regardless of where they have been living (subject to any essential caring responsibilities). This amendment will apply to households from Ukraine, Afghanistan, and applicants granted refugee status, humanitarian protection, or exceptional leave to remain within 2 years of entering the country.

The result is that all households meeting this criteria can be offered suitable private rented accommodation to discharge the homeless duty anywhere in the country regardless of where they have been living (subject to any caring responsibilities). This amendment will apply to households from Ukraine, Afghanistan, and applicants granted refugee status, humanitarian protection, or exceptional leave to remain within 2 years of entering the Country. The HSS service should check what proportion of its TA the regulation applies to in TMBC.

Discussions with applicants on move on options should not just be confined to the private rented sector. Discussions with every household in TA as part of their move on plan, should include the option of being helped to apply to join the housing register for any local authority area in the UK where the household have close family living in that area. Most Councils have a clause in their social housing allocation policy allowing an applicant to join their housing register if they have a close family connection despite the fact that the applicant does not currently live in the area. Close family is normally defined as mother, father, brother, sister, or adult children.

Increasing the focus on discharging duty into the private rented sector for households in TA

The private rented sector (PRS) market is extremely challenging within TMBC and across Kent and whilst it may be possible to get traction with some landlords locally through an attractive offer, the likelihood of significant gains in supply through this route is always going to be challenging. Problems in accessing the PRS has also been exacerbated by the rise in interest rates prompting more landlords to sell and uncertainty over the changes proposed in the Renters (Reform) Bill. Furthermore, working households are being put off buying due to the sharp rises in interest rates and are continuing to rent, meaning there is more competition for every home available to rent.

However, the recent announcement by the Chancellor of the Exchequer in the Autumn Statement regarding the 'unfreezing' of the local housing allowance (LHA) rates, enabling rates to increase to the 30th percentile level of the local market in April 2024, could assist to some degree.

Therefore, whilst it would be misleading of us to suggest that the private rented market will play a significant part of the solution to TMBC's TA problem, there are certainly more opportunities that can be utilised both locally and outside of the Borough.

There are a number of problems with the current approach in TMBC for accessing the private rented sector. These are:

- 1) The landlord offer is not sufficiently developed or attractive to interest landlords and agents.
- 2) There is no marketing material for landlords, agents and applicants who may be more successful in finding accommodation themselves if they had material to show landlords detailing the Council's offer. The extent of the approach would appear to be to contact landlords that have advertised on 'Zoopla' or 'Right move' or similar websites.
- 3) The Accommodation Team remains focused primarily on inspecting TA and not on bringing in PRS properties.
- 4) Only a handful of properties are reported to have been procured in the last 12 months and few of these properties have been targeted at households in TA.
- 5) The focus remains almost entirely on seeking properties within the Borough despite the fact that this approach has not been successful. There has been little if any work to identify landlords and agents with properties in areas of Kent where Councils have been successful in finding accommodation such as Medway. The reason given is that families do not want to move outside of the Borough.
- 6) There appears to be a disconnect between the Accommodation Team and the Housing Solutions Caseworker Team with little evidence of close working relationships.
- 7) Where an occasional property does become available the team struggle to obtain a suitable household for that property, in part for the reasons which the 'Move-On' plan recommendations seek to address, as set out earlier in this report.

We believe that with a) sufficient resources whose sole focus is on procurement and b) a more attractive and flexible landlord offer, and c) targeting of PRS properties outside of TMBC, and d) a central database of all households in TA, and whether they can be placed outside of the Borough (see the earlier recommendation on move-on plans) the Service should be able to deliver against a target of 6 properties per month compared to the current performance which is negligible.

If the PRS supply acquired is almost exclusively targeted at moving on households in TA, this will help the Council to balance the numbers in TA. It has to be accepted that the contribution played by the PRS will not be as great as that played by social housing lets to those in TA or the measures set out in this report for reducing the numbers entering TA, but a revised PRS access scheme could still deliver an estimated 72 extra properties a year meaning 72 more households move out of TA.

There needs to be a clear strategy backed by effective operational processes if the Council is going to maximise the use of the PRS to discharge duty in the numbers required to help control the numbers in TA. What this should look like is described below:

1: There is the need to introduce a more realistic landlord incentive combined with a more flexible landlord deal

There is a need for a landlord offer that is attractive enough to bring more landlords onto the scheme. The offer needs to be flexible and better reflect how competitive the market is. The current landlord offer for a 2 year let is:

- A rent guarantee for 6 months for a 1 or 2 year tenancy
- Rents must be at the LHA rate or within 10% of the rate
- There is a one off financial payment per property of £1,500 for a 1-bed, £2,000 for a 2- bed and £3,350 for a 3-bed.

Given the current market this package is falling far short of what landlords now expect. To illustrate this point the average landlord incentive package given by West London Boroughs under their out-of-London scheme is £5,500.

A cost-benefit calculation should be carried out against the cost of Temporary Accommodation to set the level. For example, as noted earlier in the report, the average annual net cost (after DWP subsidy) of a family in nightly rate or breakfast accommodation is between £12,000 to £15,000 a year. Clearly, an incentive under £12,00 to £15,000 would therefore produce a saving but payments at this level would of course not be a sensible or sustainable approach and would merely encourage many more landlords to issue a notice on their tenants to obtain the incentive payment for a new tenant. However, when set against the stark reality of a £12,000 -£15,000 net TA cost, then agreeing a landlord incentive payment of say £3,000 or £4,000 for a 2-year let would be a sensible approach to take.

In addition a risk assessed rent guarantee of up to 12 months and a less rigid approach to rents needing to be at LHA or within 10% should be considered. For example, it is possible to risk assess the likelihood of a tenant defaulting and thereby triggering the rent guarantee when selecting suitable tenants. In respect of agreeing a rent higher than LHA or LHA plus 10% there will be households in TA where an income and expenditure assessment indicates that they can afford more than the LHA rate. Again this is information that should be held on one spreadsheet/database for all households in TA as part of the move-on section of a TA control and monitoring database. (see recommendations for move-on plans and a TA control and monitoring system).

A dedicated PRS resource needs to be 'freed up' to put together flexible packages that meet the different interests and requirements of landlords. No landlord is the same and many will be motivated by priorities when deciding who to let their property to, for example some will want:

- a) a guaranteed rent, or
- b) a market rent, or
- c) an incentive payment over and above any rent deposit, or
- d) the security that the rent will be paid, or
- e) a support service if things go wrong but don't want to pay for it

The PRS resource should be given the flexibility to 'cut a deal' anyway that meets what a landlord wants, as long as the overall package doesn't exceed the set incentive level of say £4,000 for a 2-year let.

2: Messaging: It is essential that more work is done to get over the message that social housing will not be the end solution for more than a minority of households in TA. It is important to convey a clear message to all new households making applications and in particular those who are homeless

and are in TA that they will not necessarily receive an offer of social housing in TMBC and therefore they will need to work with the Council to find a solution both inside and outside of the Borough. It is important that applicants get realistic and honest information about the different ways the Council may consider applying to end a homelessness duty. If this clear message is conveyed, many more households may opt to remain with family and bid for social housing with a Band C award for overcrowding or insecurity at home through sofa surfing with relatives or friends.

3: The focus for procurement activity should be outside of TMBC

Given that opportunities to source PRS properties inside TMBC are limited due to the rent levels, the focus of the team should be on sourcing properties out of borough and especially in areas with a larger PRS market. Contact should be made with agents who are sourcing PRS properties on behalf of London Boroughs. As an example, the London Borough of Redbridge pay a 'finder's fee' to agents and managed to source 180 properties in 2022/23 for 142 families and 38 for single people largely in Kent and Essex.

4: Households should be given the practical help that they need to find their own accommodation

A number of other Councils report success in implementing a 'find your own accommodation' scheme. In TMBC a 'find your own' initiative could be structured as follows:

- a) Every household in TA has had a move on interview and move on plan issued as part of their personal housing plan
- b) That move on plan should set out realistically where the applicant should look to seek to obtain private rented accommodation
- c) An information for landlords and agents pack should be issued to the applicant detailing the landlord/agent incentives available for accommodation found inside TMBC and outside of the Borough. This will allow the applicant to look with the help of a 'guarantee' from the Council
- d) Where an applicant is able to find a potential property there must be a fast response to their request for financial help so that the property is not lost

The need to improve the performance framework and monitoring system

We have already noted in the report that one of the successful actions was to set up a corporate reporting structure which met regularly to review progress and drive improvements. It was reported that these meetings are not occurring as they used to, and it would be timely to commence these again, given the national context and the new changes at CEO level. The revisiting of the corporate reporting and monitoring group structure is one piece of a jigsaw to ensure that there is an effective performance framework to drive continuous improvements in the service.

A high performing service relies on routine collection and analysis of data to drive improvements. A revised set of key performance indicators need to be adopted for the Service, including a detailed sub-set for each function and team member. Every officer needs to understand the key indicators and can identify how they contribute. Teams need easy to understand and up-to-date performance

information. Ownership of performance is made real by managers talking to staff about what's happening, with success learned from and celebrated, and focus given to any areas of concern.

Recommendation - In appendix 1 we have set out a set of HSS Key Performance Indicators (KPIs) which the Council can use as a starting point for developing a more comprehensive set of indicators.

TMBC should consider creating new business intelligence capacity through reprioritise the responsibilities of an existing officer elsewhere in the Council who can work on business intelligence and performance. This will ensure dedicated expertise to produce information for analysis and planning including the development of a suite of Power BI reports

Reducing the financial impact of temporary accommodation through developing a low cost portfolio

In January 2023, the Council received LGA funding to support work on developing sustainable temporary accommodation options to reduce the financial impact on the Council. Consultants Altair looked at a number of options for procuring an additional 40 sustainable lower cost units. The recommended option from Altair was for the Council to procure up to 40 units of modular homes to be placed on vacant Council land. A potential site has been identified. We have considered the Altair report and concur with their conclusions. The potential site identified needs to be agreed by members and a decision to go ahead and purchase modular units needs to be taken as a matter of urgency. We understand sufficient capital is available to purchase up to 40 units. TMBC need to be mindful that many other Councils are considering pursuing the modular option and therefore the lead in time for completion and delivery of units may take up to 2 years.

40 modular units will form half of an 80 low cost TA portfolio. For the remaining 40 suggested TMBC have an agreement with Clarion to use up to 20 of its general needs properties in the borough for TA. However at the time of this review only 7 properties are being used as TA under this agreement. Continuing with this arrangements and seeking to build up a portfolio with Clarion of up to 40 properties on a lease agreement over an agreed time frame with Clarion would be extremely positive for TMBC and be another practical indicator of the strength of the partnership locally. It may also be possible to agree a number of other small scale leasing deals with one or more of the other major Housing Associations with stock in the Borough.

The third element of the 80 unit low cost TA strategy is the currently owned TA portfolio. TMBC own 16 units of TA within the borough which is a mixture of self-contained units and HMOs. The Council also have 7 properties on a long-term lease agreement from a private provider to use for TA placements. Clearly the Council owned units should be retained. During the review a number of concerns were expressed re the Council owned units. These were:

- a) The difficulty in managing households placed, especially single people with complex needs and or challenging behaviour.
- b) The need for a more effective repairs and relet service to ensure that units can be relet quickly As a result there have been long void periods in some of the schemes including delays in turning units round and concern over whether the support needs of some applicants are too great to risk a placement.

It goes without saying that these low cost units are a valuable resource and the issues of managing the units and occupants and repairs issues need to be resolved as a matter of urgency. TMBC should not have households in costly nightly rate TA whilst low cost Council owned units sit empty.

Our conclusions set against the questions asked by TMBC in the consultancy commission

- a) What has changed in the national and regional context since the previous TA review and how should this impact on our approach and targets? *We have fully set out the national context and how these impact on the approach TMBC should take to tackling homelessness including a revised suggested target for TA.*
- b) Have the process changes that have been implemented to date been successful and what additional process changes could aid efficiency in the service? *We have listed the changes that have been successful in reducing TA numbers and costs and what gaps remain including the need for further process changes*
- c) Are our policies for TA (TA Policy, PRS Discharge Policy) sufficiently robust? *There have been improvements but the PRS discharge policy lacks structure and we have set out in the report how this should be addressed*
- d) Could some advice be given on accessing the PRS and the process for evidencing the route to finding a PRS offer, potentially out of borough. *We have fully detailed a new approach to improve the chances of accessing more PRS properties both within TMBC and beyond the Borough.*
- e) How can we strengthen our Personal Housing Plans and develop our suite of advice on accessing the PRS? *We suggest this is done through the development of move on plans for all households in TA which should form part of an applicant's PHP.*
- f) Given the work by Altair on our options for our TA portfolio, what would the advice be on additional HMO accommodation as identified in the last review? *We still are of the belief that a reasonable number of HMO units should form part of the Council's TA portfolio. The concern re the existing HMO units relate more to the problems of managing these units rather than whether they are required. Most of the proposed 80 unit portfolio will be self-contained units and it may be difficult to manage single people with complex needs in these type of dispersed units.*
- g) Given caseloads currently and likely future caseloads given the national context, how should the service structure itself to meet these challenges? *We have set out a suggested structure including the need to bring together all aspects of TA procurement and management into an Accommodation team*
- h) Should the increased focus on prevention be maintained or increased? What is a reasonable target caseload for officers? *It should be increased and become far more structured. A target caseload for a prevention officer should be around 30 active cases*
- i) Is the monitoring regime that is in place sufficiently robust? *We believe the performance monitoring system needs to be enhanced as set out in the report*
- j) What additional training/support could we offer to staff to ensure that they are able to efficiently and effectively deliver the Service? *In early 2024 LOCATA will launch an on-line Training Academy covering all of the core training required for new and existing officers across all of the HSS functions. TMBC should sensibly subscribe to the service. It does not require a Council to be a member of LOCATA to subscribe.*
- k) Is our approach to lessons learnt and feedback to staff sufficient to support service development? *TMBC's approach in recommissioning the same consults to revisit the service 2 years on from the 2021 report to assess progress is a sensible approach to lessons learnt and seeking to further improve to service. The further action plan arising out of this report will help the Council to control its TA numbers and costs.*

Appendix 1: Embedding a performance culture underpinned by the adoption of a set of key performance indicators and targets

The new operating model must be underpinned by a set of performance targets for the HSS as a whole and a sub-set for each team and for each individuals within that team.

This requires an exercise to develop with the HSS management team and staff teams a set of performance measures. We suggest using the example KPI framework below as your starting point for discussion. There is a need to make sure this is embedded in the HSS infrastructure, so everyone understands what is expected and the role they play in helping to meet or exceed targets.

Proposed KPIs		
No	KPI	Comments
1	To set a temporary accommodation ideal revised target is 90 for 2024, with a range of 90 to 120 being acceptable and ensure that this figure is not exceeded.	Measured monthly. Starting point is an expected to be 120 in TA as at 1 st January 2024 <i>Monitored through HCLIC returns</i>
2	Percentage of decisions issued on an applicant's initial homelessness application within target timescale	Target 75% within 33 working days <i>Monitored internally - not available through HCLIC</i>
3	The number of lets into the private rented sector against the target set	Target of 72 new lets per annum into the PRS through newly configured PRS access scheme <i>Monitoring through HCLIC at prevention, relief and main duty end points</i>
4	The % of lets into social housing for households in TA against the target set	50% of all general needs social housing vacancies to be allocated to households in TA <i>Monitored internally – data is not available as move on destinations for relief cases specifically in TA but HCLIC data is available for Main duty case destinations, almost all of which are in TA</i>
5	To achieve within 12 months a successful prevention outcome rate which exceeds the regional average of 52.7% by 10%	Measured quarterly. TMBC's prevention success rate is for the end of June 2023 45.9% (end Q1 HCLIC data 2023/24). <i>Monitored through HCLIC returns</i>
6	For a successful prevention outcome at least 50% should be achieved through keeping the household in the home presented from by the end of June quarter 2024	To be measured against the current baseline which is 29.4% (end Q1 HCLIC data 2023/24). <i>Monitored through HCLIC returns</i>
7	Number of Part 7 homelessness cases closed must exceed the number of new cases opened every month	Indicator to help meet the objective of controlling caseloads Measured monthly <i>Monitored internally - not available through HCLIC</i>
8	Number of families with children living in TA for more than 6 weeks should never be more than zero throughout 2024 <i>Excluding families in TA under a power or under an intentional homelessness duty</i>	Monitored monthly <i>Monitored through HCLIC returns</i>

Proposed KPIs		
No	KPI	Comments
9	No more than 20% of homelessness decisions needing to be overturned following a Section 202 review for cases where no substantial new evidence has been submitted following a request for review	Indicator of the quality of casework at the initial decision stage Measured quarterly <i>Monitored internally. No HCLIC field for this.</i>
10	To reduce the number of people sleeping rough, using the figure obtained from the 2023 annual rough sleeping count in TMBC as a baseline to set the target.	Needs to be linked to a baseline figure from the 2023 annual count and monitored through your regular RSI street counts. The target reduction figure should be set once the annual count is completed. <i>Annual count for DLUHC each November</i>
11	The percentage of main duty assessments to be completed with 57 days of the commencement of a relief duty	Target of 90% Measured monthly <i>Monitored internally. No HCLIC field for this.</i>
12	The targets below should be used to assist practice on making evidence-based decisions against statutory tests – they are not intended to be used to encourage gatekeeping or unlawful decisions. Targets to be set for: 1) % of not homeless decisions set against homeless applications taken 2) % of not in priority need decisions should reflect the regional average for 3) % of intentional homelessness (IH) decisions should reflect the regional average for the South East region	1) 7% was the South East region percentage for April – June 2023. 2) 20% is the South East region percentage for not in priority need decisions at the end of the relief duty (end Q1 HCLIC data 2023/24) 3) 4.5% is the South East region percentage of for IH decisions for cases where a relief duty has been ended <i>Monitored through HCLIC returns</i>