

Supported Exempt Accommodation

Housing Select Committee Update

5 January 2023

Background

- Supported Exempt Accommodation is a category of supported housing that is exempt from locally set caps on housing benefit.
- It combines housing with support for people with different needs, including older people, care leavers, homeless people or those with substance misuse needs.
- To qualify for exempt status, providers must show that they have not-for-profit status and that they are providing care, support, or supervision.
- Providers can be commissioned by a council, or non-commissioned.

Lewisham Context

There were 2,042 active claims for exempt accommodation last year.

Type of supported accommodation	Description	Number (at Sept 2022)
Funded by Lewisham Council	The council is responsible for monitoring delivery and ensuring these schemes meet contractual requirements.	525
Recognised by Lewisham Council and funded by Housing Benefit	The council works with large providers to share best practice, support with referrals and assistance submitting planning applications.	495
Funded by Housing Benefit without consulting the Council	The council has no contractual levers and limited resources to manage these providers.	1,022

Key Challenges

No national standards for referrals, support and accommodation.

Rapid growth of non-commissioned, unregulated providers.

Increase in Housing Benefit payments without guarantee of support.

Lack of regulatory powers and resource to address poor performance.

Providers registered with the RSH exempt from HMO licensing.

Planning regulations restrict ability to manage supported housing market.

Recent funding opportunities not awarded to Lewisham.

Growth in use of supported housing for residents with general needs.

Varying approach to assessment of support needs across orgs. in Lewisham.

Housing Revenues & Benefits



The Housing Revenues & Benefits service are responsible for the following:

- Reviewing housing benefit claims for exempt status, and ensuring they comply with the requirements set out in legislation. The legislation does not specify the level of support that must be provided in order to qualify for enhanced housing benefit payments.
- This team are responsible for determining whether or not a housing provider meets the qualifying criteria to be considered an 'exempt' provider. If the housing benefit claim meets all qualifying criteria, the council has no legal grounds on which to withhold payment, even if the provision does not align with local expectations.
- The team work with commissioned and non-commissioned providers. They determine the amount of housing benefit that is awarded to residents and if exempt status is approved, they process the housing benefit applications.
- The service scrutinise existing providers to review the quality of the accommodation and support provided, and aim to visit all units with exempt status each year. This includes visits with housing providers, service users and organisations completing referrals into these housing schemes.

Integrated Commissioning

The Integrated Commissioning Service Team is based within Community Services. Their main responsibilities are:

- The team commission 4 supported housing pathways for service users who require support to manage and maintain their accommodation – rough sleeping, mental health, young people and single vulnerable adults. They are responsible for ensuring these schemes meet contractual requirements.
- The service provide oversight of the commissioned supported housing pathways, including referrals into these schemes and move-on to social housing from supported housing.
- Where larger, non-commissioned providers want to work with the Council to improve quality and understand the needs of the borough, the team provide advice, guidance and best practice.
- In very limited cases the team are able to support HB colleagues with auditing providers.

Licensing and Housing Enforcement

The Licensing and Housing Enforcement Team is responsible for improving standards in the private rented sector across Lewisham. Their main responsibilities are:

- Managing Lewisham's two existing PRS property licensing schemes:
 - The mandatory HMO licensing scheme of approx. 1,200 properties
 - The new borough-wide additional HMO licensing scheme launched in April 2022.
- Providers of exempt accommodation that are registered with the Regulator of Social Housing are exempt from HMO (House in Multiple Occupation) licensing requirements.
- For providers who are not registered, the team monitor and investigate which exempt accommodation properties are HMO's to ensure they are brought into licensing. The team can issue Civil Penalty Notices for breaches of the license, and consider prosecutions for breaches of the HMO management regulations.
- The team manage income from the licensing scheme, which is ring-fenced for activity related to the administration and enforcement of the scheme.

Planning

The Planning service

- The team are responsible for formulating policy alongside reviewing and making decisions on applications for planning permission. The service has little control over the extent and spread of exempt accommodation due to exemptions within the planning system.
- HMOs with 7 or more residents automatically require planning permission. Exempt accommodation where 6 people or less are living together with an element of care provided falls outside the control of planning as planning regulations do not consider a change from a house to exempt accommodation to be development. This means that Article 4 Directions cannot be introduced to restrict that type of change.
- In cases where planning permission is not required, there is no legal obligation for exempt accommodation providers to engage with the council.

Housing Needs & Refugee Service

The key responsibilities of the Housing Needs and Refugee Services Team are to:

- Deliver front-line homelessness service for people in need of general needs and supported accommodation, or at risk of eviction from accommodation.
- The team provide other forms of temporary accommodation and help individuals into more permanent accommodation including referrals into council commissioned supported housing pathways. The team are responsible for assessing whether those being referred to supported housing have support needs in addition to their housing needs.
- The team manage the lettings and allocations of social homes, including move-on opportunities for people in commissioned supported housing.

Next Steps

- In September 2022, Lewisham submitted a bid for the £20 million Supported Housing Improvement Programme, aimed at targeting local quality issues in Supported Exempt Accommodation. Lewisham, alongside the rest of London was not awarded funding, however a cross-council forum has been established to review whether individual aspects of the bid could be delivered.
- Officers will continue to closely monitor the passing of the Supported Housing (Regulatory Oversight) Bill 2022-23. The bill would:
 - Require local authorities to develop a local strategy to combat unscrupulous providers;
 - Require local authorities to review all examples of supported housing in their district;
 - Provide the secretary of state powers to set national supported housing standards; and
 - Provide the secretary of state powers to require supported accommodation to be licensed.