

<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Response to Housing Select Committee's Housing and Mental Health Review	<b>Item No</b>	
<b>Contributors</b>	Executive Director for Customer Services, Head of Law		
<b>Class</b>	Part 1	<b>Date</b>	19 July 2017

**1. Purpose of paper:**

- 1.1. At its meeting on 7 March 2017, Housing Select Committee held discussions on the Housing and Mental Health Review Draft Report and agreed the recommendations therein and for the draft report to be considered the final report of its review.
- 1.2. The decision was also taken at that time for the report and recommendations to be presented to Mayor and Cabinet.
- 1.3. This paper sets out the actions that officers propose to take in response to the recommendations.

**2. Policy Context:**

- 2.1. The proposed recommendations support the achievements of the Sustainable Community Strategy policy objectives:
  - Ambitious and achieving: where people are inspired and supported to fulfil their potential.
  - Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
  - Healthy, active and enjoyable: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.
- 2.2. The proposed recommendations are also in line with the Council policy priorities:
  - Strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport.

- Clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment.

2.3. It will also help meet the objectives of the Lewisham Housing Strategy in which the Council commits to:

- Helping residents at times of severe and urgent housing need
- Building the homes our residents need
- Greater security and quality for private renter
- Promoting greater quality in the social and private rented sectors

### **3. Recommendations:**

3.1. It is recommended that the Mayor approves the actions laid out below in response to the recommendations of Housing Select Committee's Mental Health Review and that this is reported to the Select Committee.

### **4. Overall response to the recommendations:**

4.1. At its meeting on 7 March 2017, Housing Select Committee held discussions on the Housing and Mental Health Review Draft Report and agreed the recommendations therein.

4.2. Officers will work with housing provider partners, and third sector organisations as relevant in order to action these recommendations.

4.3. To facilitate this a small working group will be formed, comprised of specialist officers from the main housing providers operating in the borough.

4.4. The group will scope the most effective ways to achieve the aims of the review, while having regard to the two following considerations:

- Ensuring that housing associations and other partners focus their work on mental health appropriately, and in particular being clear on the distinction between the roles of housing providers and mental health professionals.
- Ensuring that housing associations are not tasked with responsibilities that they are not resourced to provide, which would have a detrimental impact on other core functions of the service they deliver.

### **5. Referral from Housing Select Committee:**

1.1. At its meeting on 7 March 2017, Housing Select Committee held discussions on the Housing and Mental Health Review Draft Report and agreed the recommendations therein.

- 1.2. The Committee's recommendations together with the proposed response from officers are set out below.

### **Recommendation 1**

Housing providers and local partners, including the Council, SLAM, Mind, and other local organisations that regularly deal with mental health issues, should work together to develop an agreement/protocol on dealing with cases of low-level mental health.

#### **Response to recommendation 1**

A working group will be set up to incorporate key partners including local housing providers and other local organisations which regularly deal with mental health issues and will be responsible for developing such an agreement. The agreement will need to remain within the parameters of what would be appropriate for housing professionals to be engaged in.

### **Recommendation 2**

The agreement should:

- Set out that all housing providers should provide proactive and appropriate tenancy support services for people with mental health needs
- Set out how partners should work together, and what they can expect from each other, in cases of low-level mental health
- Provide a directory of relevant local advice, support and services
- Set out pragmatic guidance on information sharing and data protection

#### **Response to recommendation 2**

The working group will scope the options for such an agreement, including all the above suggestions as far as they are feasible. For the first point it will be vital to delineate the boundary between the role of housing associations, of other informal local support systems and the role of medical professionals. It may be possible to codify this in a protocol based on the same lines as the successful hoarding protocol that the Council has in place with its housing providers.

### **Recommendation 3**

The agreement should be supported by regular panel/workshop meetings where housing providers and local partners can:

- Share their knowledge, experience and best practice
- Build an evidence base on the prevalence of mental health issues, including low-level mental health
- Develop a common approach to dealing with low-level mental health issues

### **Response to recommendation 3**

The Council has in place a regular forum for housing providers to meet and share knowledge – the Lewisham Affordable Housing Group (LEWAHG). LEWAHG has had a number of issue based sub-groups focussing on, for instance, ASB and safeguarding.

The working group will review whether this or another approach will provide the best way to enable the regular sharing of best practice and information.

### **Recommendation 4**

The resources and structures in place for the Lewisham hoarding protocol may provide a useful model for the setting up and running of the agreement and accompanying panel/workshop meetings.

### **Response to recommendation 4**

We will look to the Lewisham Multi-Agency Hoarding Protocol as a starting point for consideration of the new agreement. We will also explore whether it would be beneficial to amalgamate the Hoarding Protocol into the new protocol.

### **Recommendation 5**

The agreement and directory of support services should be shared with private landlords as tool that they can also use to support their tenants.

### **Response to recommendation 5**

We will explore ways of sharing best practice across the private rental sector but need to remain realistic given the fragmentation of this market, with 89% of landlords being private individuals and only 1% of private rented properties being owned by larger companies or institutions.

### **Recommendation 6**

All housing providers should provide proactive and appropriate tenancy support services for people with mental health needs who may be struggling.

### **Response to recommendation 6**

What level of intervention and support is considered appropriate will be explored and defined as a priority, alongside housing provider partners. Once this has occurred it will be reasonable to expect housing providers to adhere to what is appropriate and there will always be a threshold at which cases should be passed on to mental health professionals.

### **Recommendation 7**

Housing providers should make help with budgeting and managing debt a key part of their tenancy support services.

### **Response to recommendation 7**

Most of our providers already have a range of tenancy sustainment strategies in place and as part of our work we will help share these strategies. Where these services are not already provided, we will work with housing providers to establish what they can provide, sharing best practice.

### **Recommendation 8**

Where staff have a concern about a tenant's vulnerability, housing providers should carry out a vulnerability assessment early on in each tenancy to get a better understanding of the tenant's physical and mental health, including whether they have any support or social workers.

### **Response to recommendation 8**

Vulnerability assessments are already carried out by our providers, particularly where there is a concern around mental health. These assessments will be encouraged within the appropriate boundaries for housing providers - as determined by their capacity, resourcing, expertise and the need to ensure tenants are provided an adequate level of support by relevant professionals.

### **Recommendation 9**

Where a vulnerability assessment identifies needs, housing providers should follow this up with an appropriate number of home visits during

the first year to make sure that tenants are accessing the support services they need.

### **Response to recommendation 9**

This is already standard practice for probationary tenancies, and is regularly undertaken by our providers as a means to avoid eviction. Provided it isn't found to over-burden providers, and is compatible with their resourcing and role, follow-up visits to monitor the success and uptake of interventions and support would be encouraged where it isn't already in practice.

### **Recommendation 10**

Housing providers should reassure tenants that sharing information about their mental health will not affect their tenancy.

### **Response to recommendation 10**

Housing providers will be reminded that under the Equality Act 2010 they are unable to treat tenants who disclose a disability, mental or physical, any differently than a non-disabled tenant. They will be required to make reasonable adjustments with regard to any disability but will ultimately not be held responsible, once these duties are carried out, to maintain an unreasonable tenancy. We will encourage housing providers to promote their commitment to equality and to educate tenants on their rights in line with the Act.

### **Recommendation 11**

Housing providers should consider setting up a confidential phone line that enables staff and residents to share information anonymously if they're concerned about a person's wellbeing.

### **Response to recommendation 11**

We will explore the financial feasibility of this recommendation with local housing providers, alongside looking at what other mechanisms exist in their services which could be used to share information where there are concerns about an individual's wellbeing.

### **Recommendation 12**

Some housing providers are trialling ways of categorising tenants according to their needs in order to provide more targeted

interventions. Housing providers should closely monitor the results of these trials and share their experiences with each other.

### **Response to recommendation 12**

We will pursue with the working group the review of any pilots which could improve the management of mental ill health for tenants and lead to more successful tenancies, and encourage information sharing between agencies as per the earlier recommendations.

### **Recommendation 13**

Some housing providers are looking into ways of helping tenants by “positively influencing” their behaviour. Housing providers should share their experiences from this and how it may be relevant to cases of low-level mental ill health.

### **Response to recommendation 13**

As above, we will pursue with the working group the review of any pilots which could improve the management of mental ill health for tenants and lead to more successful tenancies, and encourage information sharing between agencies.

### **Recommendation 14**

All housing providers should provide frontline staff with training on having “challenging conversations”, to help them overcome difficulties encouraging people with low-level mental health issues to engage with support.

### **Recommendation 15**

Housing providers should make sure that they’ve identified and provided mental health training, such as mental health first aid, to all staff likely to come into contact with tenants.

### **Recommendation 16**

Mental health training for housing officers should be tailored to reflect their day-to-day experiences and be based on the situations that they are most likely to come across.

### **Recommendation 17**

Housing providers and local partners should also hold joint training sessions between their respective staff on subjects and issues where it

would improve the support provided to tenants to share their professional expertise.

### **Response to recommendations 14-17**

We want to enable and share best practice and will bring local stakeholders together to achieve this in all respects, including training. However as independent organisations, the training that providers do deliver for their staff is for them to decide.

We will encourage local housing providers to promote all training as recommended above and to consider commissioning such training if it doesn't already exist. Through the working group we will establish where providers are already providing training on mental health and share information on what types of training have been useful and impactful.

A needs assessment will be periodically carried out to establish the developing training needs of housing officers internally and ensure that training delivered remains relevant and targeted with regards to their work and experience.

### **Recommendation 18**

Given the lack of reliable information on the rates of mental ill health, housing providers should look into best practice for making reliable estimates of this. As a start, this could include talking to L&Q about how they made their estimations.

### **Response to recommendation 18**

We will work with local providers to establish a stronger data set for the types of tenant they house, including how many experience mental ill health. We will look to L&Q as one of the largest providers in Lewisham and in line with their earlier estimate to establish their approach for obtaining their estimate and share in with other housing providers while looking to see if we can build on it.

### **Recommendation 19**

Six months after these recommendations are considered by the Mayor, housing providers, local partners and the council should arrange for an independent external review of the progress being made. This should be carried out by an organisation with relevant knowledge and experience, such as Shelter

### **Response to recommendation 19**

We will look to review progress in six months and will report our findings and developments back to Housing Select Committee in December 2017.

**6. Financial Implications:**

6.1. There are no specific financial implications arising from this response.

**7. Legal Implications:**

7.1. There are no specific legal implications relating to this report, save for noting that the Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

7.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

7.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

7.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what

public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice> and <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

7.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

7.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **8. Equalities implications**

8.1. There are no direct equalities implications arising from this report. While the focus on mental health means people with the protected characteristic of disability under the Equality Act 2010 are the focus of the review, this paper will be followed by in depth work which will at each stage explore and consider the equalities implications. This paper itself proposes to look at and explore the recommendations rather and any later action will give further consideration to the equalities implications as it arises.

## **9. Crime and Disorder implications**

9.1. There are no crime and disorder implications arising directly from this report.

## **10. Environmental implications**

10.1. There are no environmental implications arising directly from this report.

**11. Background Documents:**

11.1. List of background documents:

<b>Short title of document</b>	<b>Date</b>
<a href="#">Housing and Mental Health</a>	7 March 2017
<a href="#">Housing Select Committee Minutes</a>	7 March 2017
Lewisham Multi-Agency Hoarding Protocol Second Edition	September 2014
<a href="#">Equality Act 2010</a>	8 April 2010

11.2. For further information please contact Jeff Endean, Housing Strategy Manager, on 020 8314 6213