



Mayor and Cabinet

Report title: Response to Children and Young People Select Committee comments on children in temporary accommodation and 6 month update

Date: 10 February 2021

Key decision: No.

Class: Part 1

Ward(s) affected: All

Contributors:

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Outline and recommendations

- Mayor and Cabinet to consider the officer response to the 10 recommendations made by the CYP Select Committee in relation to their report on Children in Temporary Accommodation, along with the current progress.

Timeline of engagement and decision-making

10 February 2021	Response and update to be presented to Mayor and Cabinet
4 March 2021	Response and update to be presented to CYP Select Committee

1. Summary

- 1.1. This report seeks to provide a response to the Children and Young People Select Committee recommendations on children in temporary accommodation, along with an update of progress so far.
- 1.2. The Committee made a number of recommendations. Whilst a number of the recommendations can be implemented with closer joint working across services and within existing budgets, there are a number which would require considerable expenditure.
- 1.3. This report sets out the responses to the individual recommendations, updates on progress and identifies where additional expenditure is needed to cover the cost of the recommendations which cannot be met within existing budgets.

2. Recommendations

- 2.1. Mayor and Cabinet are asked to:
 - 2.1.1. Note the contents of this report and approve the responses to the recommendations

3. Policy Context

- 3.1. The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Corporate Strategy objectives:
 - 3.1.1. Tackling the housing crisis – Everyone has a decent home that is secure and affordable.
- 3.2. In response to the changing landscape and increasing demands on our services, the council will imminently adopt a new five-year Housing strategy, and a two-year Homelessness and Rough Sleeping strategy. Both strategies respond to the rising pressures of the housing crisis and additional need created by the COVID-19 pandemic.
 - 3.2.1. The key priorities of the Housing strategy are:
 - Delivering the homes that Lewisham needs;
 - Preventing homelessness and meeting housing need;

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- Improving the quality, standard and safety of housing;
- Supporting our residents to live safe, independent and active lives;
- Strengthening communities and embracing diversity.

3.2.2. The key priorities of the Homelessness and Rough Sleeping strategy are:

- Prevent homelessness at the earliest opportunity with the most appropriate level of support;
- Support people to access a stable and secure home;
- Support rough sleepers to enable access to services and sustainable accommodation;
- Adapt and be agile in our service delivery to support residents impacting by COVID-19;
- Strengthen partnership working.

4. Background

- 4.1. There are almost 10,000 households on the housing register. It would take over nine years to provide social homes to everyone on the housing register if the number of available homes stays the same, and if no more households are added to the register. It is likely that many of those on our register will never move into social housing.
- 4.2. Over recent years, the number of social housing properties available for letting has been steadily decreasing. On average around 1000 properties are let per annum. The number is anticipated to be even lower in this financial year (20/21) due to the impact of Covid-19.
- 4.3. The lack of supply is also exacerbating the level of need in the borough. Increasing numbers of households are in need of larger family homes for instance, however the number of larger houses available is very small. In 2019/20 there were 363 families in need of a five-bedroom property and only one of this size was let. The below table illustrates this, and the lets vs need for other house sizes:

Bedroom	Let in 19/20	Number on the register in housing need
1 bedroom	624	1694
2 bedroom	305	3814
3 bedroom	171	2980
4 bedroom	27	986
5 bedroom	1	363

- 4.4. Over the past years, there has been a significant rise in the number of homeless households who require temporary accommodation. As of January 2021, 2,450 households were in temporary accommodation arranged by the Council. The number has increased, from 1,944 in March 2018, to 2,148 in March 2019 and 2,383 in March 2020. In 2019/20 temporary accommodation cost the council approximately £3million.

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5. Response to the report recommendations

- 5.1. Detailed responses to the individual recommendations are provided below.
- 5.2. Whilst a number of the recommendations can be implemented with closer joint working across services and within existing budgets, some would require additional expenditure. These expenses are indicated within the responses.
- 5.3. **Recommendation 1:** *That the Housing Department collects data on types of placements, numbers of children, ethnic profiles which it updates at reasonable intervals and makes available on request to relevant Members/ Committees.*
 - 5.3.1. The majority of this data is already collected and provided to Members and Committees on request. The exception is ethnic profiles, as it is not compulsory for housing register applicants or residents to provide this information to us. It is possible to provide this information to Members and Committees, however, it should be acknowledged that the information will not be representative of all housing register applicants and residents.
- 5.4. **Recommendation 2:** *That the council does not place a. families with children under 18, b. 16 & 17 year olds and c. Care leavers, in nightly paid accommodation with shared amenities. This is because sharing kitchens, bathrooms and/or toilet facilities with strangers has a profoundly damaging effect on children and young people's physical and mental health, which can impact on school attendance, academic attainment, and cognitive development.*
 - 5.4.1. **a. Families with children under 18** - Every effort is made to place households in accommodation that is most suitable to their needs, this includes prioritising families for self-contained accommodation. Families are often placed in accommodation in emergency situations and in those circumstances, it is not always possible to identify available self-contained accommodation at short notice. The council has to make use of the best available accommodation at the time, which means that families are sometimes placed in shared nightly paid accommodation in emergency situations. This is not something we seek to do and we have been making a considerable effort to minimise our use of shared accommodation over time. For example, there were 19 families with children in shared accommodation in October 2020 (16 families and 3 care leavers) and this number has been reduced significantly to 3 (1 family and 2 care leavers) by January 2021. The six week rule for nightly paid accommodation is applied and we try to move families on as quickly as possible within this time.
 - 5.4.2. **b. 16 & 17 year olds** - There are currently three 16 & 17 year olds with children living in council owned hostels with shared facilities. These hostels are not specified as nightly paid accommodation, as they are within the Council's ownership. In line with legislation, a minor cannot hold a 'legal' interest in land and can only hold an 'equitable' interest. This creates difficulties for landlords when granting and ending occupation rights to minors as, depending on the type of letting, there might not be a direct contractual relationship between the landlord and the minor. There are limited ways a landlord can grant a tenancy to a minor to benefit from a tenancy and those do not apply in these cases. Therefore we are unable to place these three households in alternative accommodation and any other housing option is limited before their 18th Birthday.
 - 5.4.3. As part of our offer to those vulnerable customers in Temporary Accommodation, officer will refer those customers who are vulnerable for floating support where the customer is willing to engage in case they are not able to live independently. We continue to monitor the needs of this cohort and will assesses 16 & 17 year olds with children on a case by case basis as a question of fact in each case.

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Officers in the Housing Department are aware of their Safeguarding duties and will refer any Young Person or family we are concerned about to Children Social Care for an assessment of their needs.

- 5.4.4. Housing and Children's Social Care are engaged in a project bringing together the two services to develop joint protocols for working with; homeless 16/17 year olds, homeless families for whom there are child safeguarding concerns and Care Leavers. The project has two key components, the first is developing more efficient and collaborative ways of working to jointly assess the needs of these presenting young people and families and support for them. The second component is reviewing housing capacity and options to ensure we have suitable supported and semi-independent accommodation pathways for our Care Leavers (18-25 years), as well as independent move on and tenancy support, to fully exercise our Corporate Parenting duties.
- 5.4.5. Lewisham currently has 427 Care Leavers, it is not practice to place them in nightly paid accommodation with shared amenities. Depending on their needs, our Care Leavers are placed in a range of accommodation including semi-independent accommodation, supported housing, supported lodgings, training flats, mother & baby units and stand-alone accommodation with floating support. Much of this accommodation has shared amenities, facilitating the support necessary for Care Leavers to learn the independence skills required to move on into independent accommodation. At present Children's Social Care has one Care Leaver placed in hotel accommodation due to a number of previous placement breakdowns involving violence and damage to property. As a result Housing and Commissioning cannot source an alternative placement at the moment, although looking on a daily basis. Children's Social Care is working closely with Housing to look at a priority nomination for this young person with a high level of floating support.
- 5.5. **Recommendation 3:** *That the Homelessness Reduction team seeks to identify early where children are more likely to be evicted and a Liaison Officer be appointed to work with the Children and Young People Directorate and Housing to facilitate joint preventative work where a potential eviction is anticipated to lead to a child being referred to CSC.*
 - 5.5.1. The Housing Service has funded a pilot Housing and Safeguarding Coordinator post to work with the MASH team representing the Housing Needs service. The purpose of the role was to enhance partnership working and to provide specialist advice on early intervention, homeless prevention and domestic abuse. Although the pilot is coming to an end, the learning is being used to inform work we are now doing jointly with Children's Social Care around the development of a joint team to support the families we work with from the next financial year.
- 5.6. **Recommendation 4:** *That an additional post focused on the welfare of children who are schooled in Lewisham but placed in accommodation outside the borough be created.*
 - 5.6.1. At any one time the number of families with school age children placed outside of Lewisham is small and this would not justify the cost of an additional post. After considering the concerns raised the Education Service have identified Lewisham Attendance Service as being best placed to provide support. Where a family and child are placed in temporary housing outside Lewisham, but still attending a Lewisham school, the first indicator to trigger welfare support is often an issue with school attendance. Lewisham Attendance Service will build on the work they already carry out to support families in such situations. We will work with in partnership with Council colleagues and schools and to ensure early notification of when an out of borough move has taken place.
 - 5.6.2. The Attendance Service can provide welfare support and flexibility to families in this

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situation, as they are often travelling far to get to a Lewisham school daily. This might be a referral to early help or support with applications to charitable funds for travel costs. The service will work with the school and the family to explore their circumstances and capacity to sustain daily attendance and to ensure that the education placement is in the best interests of the child. We would expect liaison with the local authority where the temporary housing is located, to see if there can be an offer of a school place locally. We understand that families are often reluctant to take up this offer as they are scared of losing their Lewisham school place. Following a return to Lewisham we would support the family with the Lewisham application process, where possible facilitating a return to the original school if there was a vacancy, in line with our admissions procedures.

- 5.7. **Recommendation 5:** That *a. prior to placing tenants, properties are inspected in person by or on behalf of Lewisham Council, with a written condition report and photos; and b. no family be placed in unsatisfactory accommodation. When deciding whether a property is satisfactory, due regard should be given to: i. the fabric of the building – including a range of qualities such as state of repair, natural light, space; ii. The appropriateness of other residents and building users.*
- 5.7.1. Before working with a prospective accommodation provider the council ensure that information on their company registration and company accounts is provided. In addition, they must provide two other local authority contacts to provide references, regarding the standard of their accommodation and the management service they provide. Checks are made with the enforcement team to ensure the landlord is not known to be a rogue landlord. The council and Landlord then enter into a service level agreement, covering the standard of accommodation and the expected responsive repair service. The landlords are well briefed by the procurement team with regards to the council's suitability standards and that no hazards are permitted. A landlord information pack is given to landlords and landlords provide a condition report to the procurement team. Households have the legal right to review the appropriateness of the placement, both on grounds of suitability and location and households are advised of those grounds.
- 5.7.2. Due to the ad hoc booking process of nightly paid accommodation, it is not possible for council officers to inspect all accommodation before booking. However, inspections are arranged every quarter and, in addition, feedback from residents helps to inform our programme of inspections. They are carried out on both an announced and unannounced basis, in order to achieve a balance between tenancy audits and ensuring the properties are properly maintained. Unfortunately, due to the Covid-19 pandemic, these inspections have not taken place as frequently in recent months.
- 5.7.3. Prior to letting, the council requires the provider to inspect the accommodation and ensure it meets the required property standards. This is enforced through the service level agreement in place. The provider will also need to undertake occupancy checks every 6 weeks to ensure the tenant is occupying the accommodation and also to check that there are no repair issues present. The council has a dedicated Compliance Officer in place that monitors the health and safety compliance aspect of all temporary accommodation. The officer also ensures property compliance in all statutory and best practice areas, such as gas, electric, energy efficiency and fire risk. Where concerns are raised regarding accommodation the council will undertake a joint inspection with the provider to ensure that the issues highlighted are adequately addressed.
- 5.7.4. The council has signed up to a pan London framework, Setting the Standard, to ensure shared temporary accommodation meets a set minimum property standard. A total of 31 London Boroughs have signed up to this framework which went live in December 2020. Through this framework all shared accommodation used by the council will be inspected by a central inspection team and providers will be checked to ensure they are fit and proper. This framework will provide local authorities with assurances that the

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shared accommodation they are using is adequate and suitable for placements and confidence that all shared accommodation has been inspected. Under the current arrangements, all shared accommodation is inspected twice a year by the council.

- 5.7.5. If it is made a requirement, dedicated officers will be required to ensure that all self-contained temporary accommodation stock is inspected prior to being used by the council. The stock comprises private sector leasing properties, privately managed accommodation, self-contained nightly paid properties and stock managed by registered providers. In order to inspect these properties, plus any newly procured properties, three fixed term posts with HHSRS training would be required. The pay scale of these post would be S02 and together with on costs and overheads would cost the council in the region of £200,000 annually.
- 5.8. **Recommendation 6:** That placing a family in temporary accommodation outside the borough should not contain an assumption in advance as to the location of their settled/permanent accommodation.
- 5.8.1. We recognise that relocating to another area can be a very difficult time for families, especially where existing support and services are located in Lewisham. However, it must be recognised that there is a significant shortage of available accommodation in Lewisham and increasing demand for these properties. In addition, the priority is that households secure stable, permanent accommodation that is right for them at the earliest possibility. Therefore the private rented sector often represents a better option compared to waiting in temporary accommodation for long periods of time.
- 5.8.2. Offers of accommodation are made in line with the council's Location Priority Policy (LPP). The LPP requires placements to be as close to Lewisham as possible and the vast majority of placements made are in-borough. In 19/20, 62 discharges of duty were made from temporary accommodation, 37 of these were within Lewisham. In addition, 394 social housing properties within Lewisham were allocated to Homeless households. Overall, for 19/20, 456 permanent placements were made, of which 431 were in-borough. Therefore, 95% of all households offered permanent settled accommodation were able to remain in Lewisham.
- 5.8.3. Accepted homeless households remain on the housing register whilst they are living in temporary accommodation and are able to bid for social housing. They are advised of the process and that the timeframes involved in securing social housing can be long. It is possible that households will remain in temporary accommodation for three years or longer, therefore it is potentially appropriate for households to settle in the area where their temporary accommodation is located. The Private Rented Sector Offer (PRSO) policy says that the council will only discharge duty to the private sector if it is appropriate, and household circumstances at the time will be taken into consideration.
- 5.9. **Recommendation 7:** *That clear and accessible information be provided to all households on their rights, pathways for resolving issues with temporary accommodation, the location of local amenities such as the GP, dentist, shops, library, together with regularly updated advice on the anticipated length of stay so families can make informed decisions around school placements.*
- 5.9.1. The council endeavours to place households in or as close to Lewisham Borough as possible. Where this is not possible households can be placed in other parts of London and in some cases outside of London. For placements outside of London, the council have an agreement in place, where accommodation providers are required to provide households with a comprehensive move in pack. This pack includes information about the local area, such as nearby schools, GP's and shopping facilities available. This makes it easier for households to settle into a new area. For placements in London, the council procures accommodation in areas that have easily accessible amenities and good transport links. Resettlement officers work with households to assist when moving from shared or self-contained accommodation to the private rented sector and

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help with tenancy sustainment.

5.9.2. The council seeks to ensure that all repairs are responded too and addressed in a timely manner and households are in placed suitable accommodation free from disrepair. Clear pathways are identified for households to resolve any issues that they have with their temporary accommodation. Residents are provided information on how repairs should be reported at the property sign up stage. In most temporary accommodation cases, repairs are raised directly with the accommodation provider. If the household feels that the accommodation provider is not being responsive or adequately addressing the repairs raised, then households are able to escalate repairs through an online reporting portal that can be found on the Lewisham Council website. The case is allocated to a council officer who will raise the repair directly with the accommodation provider on behalf of the household, with the view of getting it resolved.

5.10. **Recommendation 8:** *That communication with service users be more open and a culture that builds trust, transparency and information-sharing be encouraged. This includes seeking and recording feedback from service users which is then acted upon, and service users kept informed, where appropriate.*

5.10.1. The Housing Needs Service welcomes dialogue with service users and their advocates and the service works hard to progress case work in an open and transparent way. A monthly survey is issued for Housing Needs service users. Findings from the surveys are continually fed back into improvement work. Consultation exercises are held regularly to develop new processes, initiatives and ways of working. Officers are clear about the reality of the situation with households and whilst it can be difficult to do so, officers attempt to manage expectations during their conversations with households, with regards to timeframes and the availability of accommodation. Regular attendance at the Homelessness Forum helps to keep advocates and community partners updated on service updates and developments too so they can be best informed.

5.11. **Recommendation 9:** That the Housing Department responds swiftly and thoroughly to enquiries from Members, officers outside the Department and other stakeholders, including schools, Citizen's Advice Bureaux etc.

5.11.1. The service recognises that in the past response times have taken longer than expected in some instances. There has been a significant effort in recent months to reduce turnaround times for complaints and to address the backlog. As a result, the number of overdue complaints has reduced substantially to a handful in January 2021. The Housing Team work with a large number of clients with often complex casework and a wide range of different personal circumstances. This means it can sometimes be challenging to collate information comprehensively and quickly, however, officers will continue to work hard to adhere to corporate timeframes for responding to correspondence. Performance is closely monitored to identify any slippage at an early stage.

5.11.2. The council has procured an integrated housing system which combines much of this data. The homelessness and supported housing modules recently launched, and the housing register and choice based lettings modules are soon to follow. Once fully implemented officers will find it quicker and easier to retrieve information on specific cases and improve the turnaround time in responding to casework.

5.12. **Recommendation 10:** *That the information from Shelter in Appendix C on page 101 of the report should be updated to ensure accuracy and circulated to all schools in the borough.*

5.12.1. The recommendations of the Shelter report 'Engaging with homeless children' has been shared with schools and other educational providers.

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6. Financial implications

- 6.1. This report asks Mayor and Cabinet to consider the officer response to the 10 recommendations made by the CYP Select Committee in relation to their report on Children in Temporary Accommodation. As such, the majority of these recommendations and responses do not have direct financial implications.
- 6.2. As outlined in response to recommendation 5, the cost of property inspectors to inspect all forms self-contained temporary accommodation used by the authority, both existing and new, is assessed to be in the region of £138k per year, comprising of 3 officers. This is currently not budgeted for within the service allocations and would require additional resources to be allocated to the Housing service to cover this additional work and increased cost, if this recommendation is to be implemented.
- 6.3. As has been previously narrated and outlined in this report, the current housing issues experienced both nationally and in the borough are putting severe pressure on the council's housing allocations and budgets. There are significant costs associated with housing generally including managing the provision of council housing and providing services to those experiencing homelessness or the threat of homelessness.
- 6.4. All of these are affected over time by the demand for housing, with any changes to allocations, temporary accommodation requirements or additional work requirements having a direct impact on service costs.

7. Legal implications

Housing Act 1996

- 7.1. Section 188 of the Housing Act 1996 provides that:
- 7.2. Interim duty to accommodate in case of apparent priority need.
- 7.3. "If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation ..."
- 7.4. The Homelessness (Priority Need for Accommodation) (England) Order 2002 (SI 2002/2051) provides that a child aged 16 or 17 who is not a 'relevant child' or owed a 'section 20' duty, and an 18-, 19- or 20-year-old (other than a 'relevant student'), who was looked after, accommodated or fostered at any time between the ages of 16 and 18 has a priority need for accommodation under the Housing Act 1996.
- 7.5. The Government has also issued guidance on how local authorities should carry out their duties under the above legislation.
- 7.6. The Homelessness Code of Guidance for Local Authorities. Please see the link <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>
- 7.7. Please see the link to "Guidance to children's services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people"
- 7.8. This Guidance was amended / updated in 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf

Children Act 1989

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- 7.9. Section 17(10) of the Children Act 1989 defines that a child shall be ‘in need’ if:
- a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority;
 - b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
 - c) he is disabled.
- 7.10. Section 17 also contains a general duty to safeguard and promote the welfare of children in their area who are in need by promoting the upbringing of children by their families and providing a range and level of services appropriate to those children’s needs. Such services may include the provision of accommodation (section 17(6)).
- 7.11. Section 20(1) requires a children’s services authority to provide accommodation to any ‘child in need’ who lacks suitable accommodation or care as a result of:
- ‘a) there being no person who has parental responsibility for him;
 - b) his being lost or having been abandoned;
 - c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.’
- 7.12. Under the Children (Leaving Care) Act 2000 eligible, relevant and former relevant children are owed a range of duties by children’s services. Depending on the young person’s needs and status the duties can include accommodation, life skills, education and training, employment, specific support needs, and financial support. Some of these duties can extend until they are 21 years old, or even 24 if the child is undertaking training or education.

8. Climate change and environmental implications

- 8.1. There are no anticipated climate change and environmental implications.

9. Crime and disorder implications

- 9.1. There are no anticipated crime and disorder implications.

10. Background papers

- 10.1. Mayor and Cabinet report 7 October 2020 - <https://councilmeetings.lewisham.gov.uk/documents/s75327/Children%20Young%20People%20Select%20Committee%20Review%20on%20Temporary%20Accommodation.pdf>

11. Glossary

Term	Definition

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12. Report author and contact

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