



Housing Select Committee

Support for families following the end of the eviction moratorium

Date: 9th December 2021

Key decision: No

Class: Part 1

Ward(s) affected: Borough-wide

Contributors: Director for Housing Services, Director of Education Services

Outline and recommendations

It is recommended that Housing Select Committee:

- Consider the information provided and note that the report will be shared with members of the Children and Young People Select Committee.

Timeline of engagement and decision-making

17th June 2021 – Children and Young People Select Committee discussion regarding evictions affecting families with children.

1. Summary

- 1.1. This report provides an update to committee on the work that the Housing Services Directorate undertake in order to support households following the end of the

eviction moratorium.

- 1.2. On the 17th June 2021 the Children and Young People Select Committee agreed that the committee chair should write to the chair of Housing Select Committee to see whether the committees could jointly explore the issue of home repossessions which affect children.
- 1.3. This report therefore focuses specifically on families with school age children impacted by the end of the eviction moratorium.

2. Recommendations

- 2.1. It is recommended that Housing Select Committee:
 - Consider the information provided note that the report will be shared with members of the Children and Young People Select Committee.

3. Policy Context

- 3.1. The report is consistent with the objectives in Lewisham's Corporate Strategy, including:
 - Tackling the housing crisis;
 - Giving children and young people the best start in life.
- 3.2. The report is also consistent with the objectives of the Lewisham Housing Strategy, including:
 - Preventing homelessness and meeting housing need;
 - Strengthening communities and embracing diversity.

4. Background

- 4.1. In March 2020 the government introduced a moratorium on evictions. The regulations have been changed over time, but remained largely in place until 1st October 2021 when the rules reverted to those that were in place prior to the pandemic.
- 4.2. Largely as a result of the moratorium on evictions, the council saw a 30% decrease in the number of households approaching due to the end of an assured shorthold tenancy in 2020/20, however there was a 50% increase in the number of approaches from those who could no longer be accommodated by friends and family. During the same period, the council accommodated more than 250 rough sleepers into emergency and settled accommodation, following Everyone In.
- 4.3. On the 17th June 2021 the Children and Young People Select Committee agreed that the committee chair should write to the chair of Housing Select Committee to see whether the committees could jointly explore the issue of home repossessions which affect children.

5. The moratorium on evictions

- 5.1. In response to the pandemic, the government mandated that the notice period for any eviction would be three months from the 26th March 2020 to the 30th September 2020. Technical changes in courts combined with the three month notice period meant that during this period it would not be possible to evict a tenant.

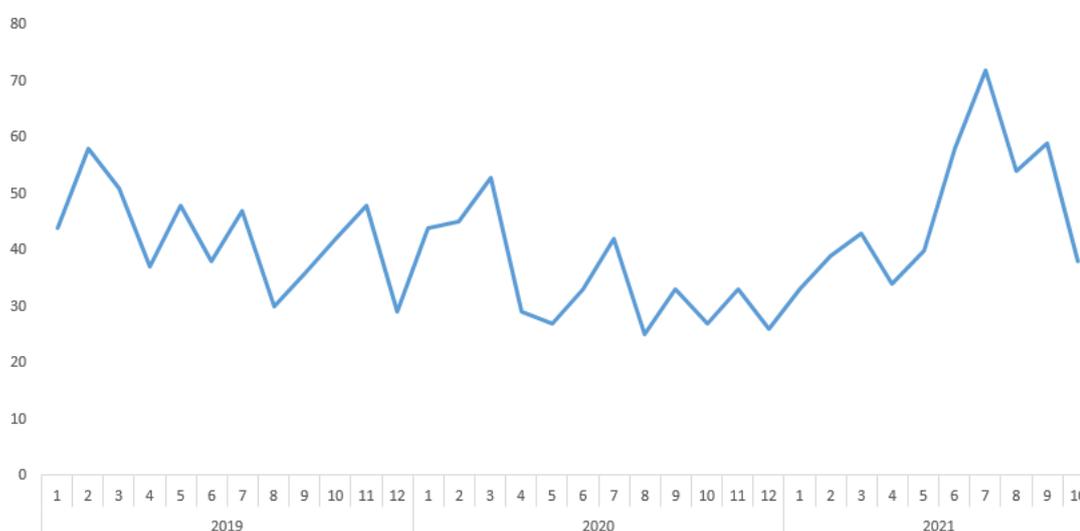
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- 5.2. Changes were brought into effect from 29th August 2020 that superseded these regulations and which required a minimum of six months' notice unless there were serious rent arrears or anti-social behaviour. From 1st June 2021 this was reduced to 4 months' notice and the amount of rent arrears that warranted a shorter notice period was reduced. From the 1st October 2021 the notice period for evictions in England has been set at the pre-pandemic minimum of 2 months.
- 5.3. As a consequence of these changes, the service observed a decrease in the number of households approaching as a result of losing their assured shorthold tenancy. This was followed by an increase towards the middle of 2021 when the protections of the eviction moratorium began to wane. Comparison of HCLIC prevention and relief figures with neighbouring south London boroughs shows a general similar trend in the number of households requiring prevention or relief as a result of losing their assured shorthold tenancy, to that observed in Lewisham.
- 5.4. The below chart shows homeless approaches in Lewisham by households at risk of losing an assured shorthold tenancy between 2019 and 2021.

Chart 1 – Homelessness approaches by households at risk of losing an assured shorthold tenancy



- 5.5. The eviction moratorium also meant that the number of landlord possession cases that progressed through the courts dropped to 0 from April 2020 to March 2021, down from 105 at the start of 2020. This has started to rise again slowly since April 2021. The below chart sets out the trend in Landlord Possession cases in Lewisham that progressed through the courts since 2015.

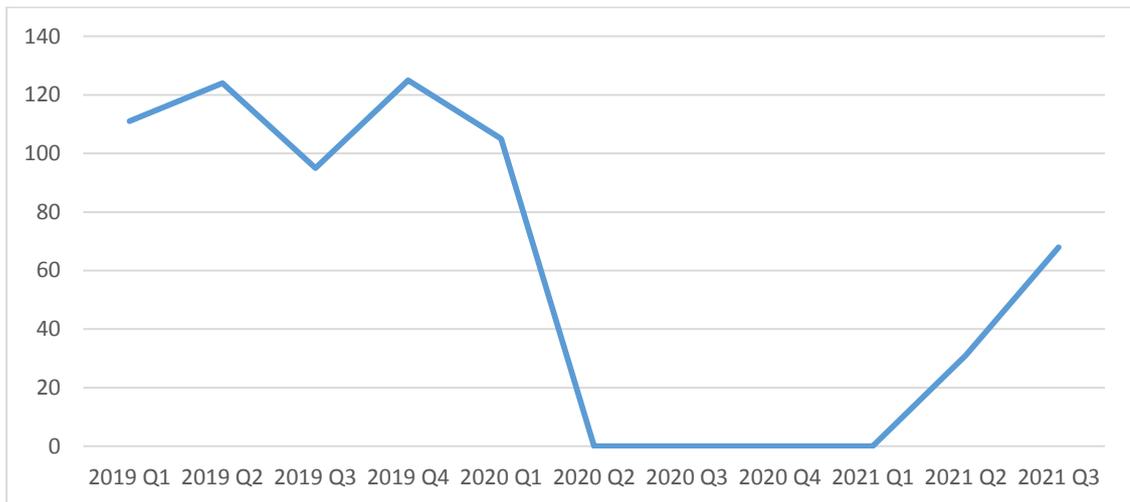
Chart 2 - Landlord Possessions in Lewisham since 2019¹

¹ <https://mlp-app.apps.alpha.mojanalytics.xyz/>

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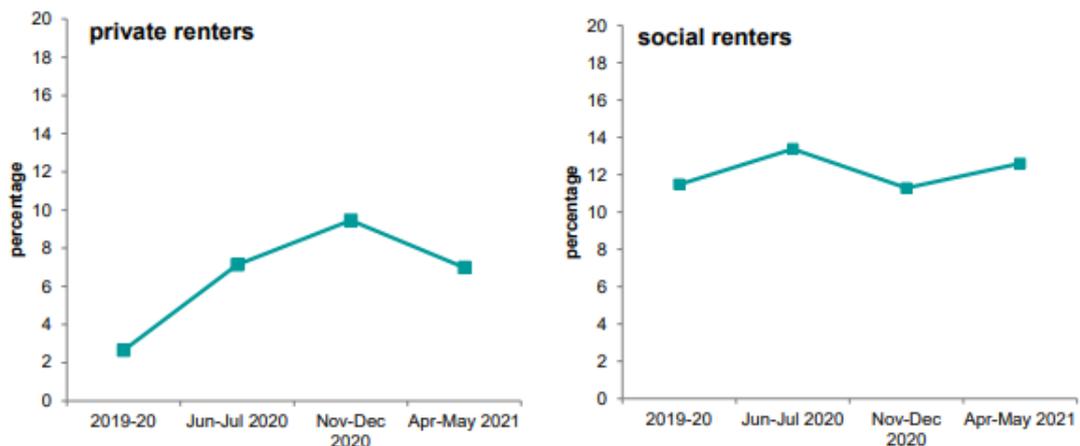
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- 5.6. Other measures, such as the Coronavirus Job Retention Scheme (Furlough) and the increase of Local Housing Allowance (LHA) to 30% of Market Rents have provided additional financial protection for residents and have likely mitigated against the likelihood of a surge in rent arrears and potential homelessness. The below chart shows analysis that the government have conducted as part of their Housing Resilience study, with the proportion of households in arrears, particularly private renters, decreasing in early 2021 after a high point in late 2020.

Chart 2 – Proportion of renters in arrears²



- 5.7. The Housing Resilience study further suggested that the proportion of households in arrears in London was better than the national average, with 4.8% of private renters in arrears and 8.6% of social renters in arrears.³

6. The Councils approach

- 6.1. As the protections of the furlough scheme and the moratorium on evictions come to an end the council anticipates an increase in the demand for homelessness assistance. Chart 1 and 2 show that an increase in demand from this cohort has already begun. The council undertakes a wide range of activities to work with

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024762/Household_Resilience_Study_Wave_3_April-May_2021_Report.pdf

³ <https://www.gov.uk/government/statistics/household-resilience-study-wave-3>

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households at risk of homelessness as set out below.

- 6.2. The main purpose of the homelessness service is to work with households so that they do not become homeless. Where a household is faced with homelessness, officers will work closely with the household as well as the landlord/tenant who is looking to evict them, with a view to enabling the household to remain where they are. If this is not possible, then the council will work with the resident to source alternative accommodation.
- 6.3. Between April 2019 and October 2021 the council has prevented 1,728 instances of homelessness and relieved 1,231 instances of homelessness. The below table sets this out in more detail.

Prevention and Relief between April 2019 and October 2021

Prevention or Relief	19/20	20/21	21/22 April to October
Prevention - Secured alternative accommodation for 12 or more months	122	206	176
Prevention - Secured alternative accommodation for 6 months	161	237	104
Prevention - Secured existing accommodation for 12 or more months	94	58	21
Prevention - Secured existing accommodation for 6 months	201	296	52
Relief - Secured accommodation for 12 months	134	243	122
Relief - Secured accommodation for 6 months	369	363	146

- 6.4. The approach is always focused on preventing the household becoming homeless where appropriate, and to secure accommodation for as long as possible, particularly for families. There are a number of measures the council can take to assist households remain in their homes. More detail is provided in the paragraphs below discussing early engagement and the approach to prevention and relief.
- 6.5. The moratorium on evictions has assisted officers with preventing homelessness, by liaising with the landlord to secure their household's existing accommodation for a further 6 months, hence the high number of cases secured for 6 months in existing accommodation at the prevention stage, compared to 12 months, in the table above. Prevention of homelessness for 6 months is also recorded in cases where the landlord has served an incorrect notice and where mediation for Notice to Quit cases has been successful.
- 6.6. The above table shows the majority of relief cases being within accommodation secured for 6 months. This is because the majority of single household approaches take place at relief stage. The tenancies provided for this group can be supported housing and in private rented accommodation, both of which are 6 months initial duration.

Embedding a new service structure

- 6.7. The Housing Services team has recently completed a service-wide reorganisation and is in the process of recruiting to vacant positions and embedding the new service structure.
- 6.8. The new service has a clear focus on conducting all activity at the earliest possible point. The teams have been created with a view to ensuring that activity to support households into long-term accommodation is at the forefront of all service activity.
- 6.9. A new Triage and Early Intervention team has been established to work with households that approach the service at risk of homelessness even where this is

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before the statutory 56 day prevention duty.

- 6.10. The team includes a number of officers to support households and a move-on officer with a specific remit to work with households to identify appropriate accommodation and support households into it at the earliest point.
- 6.11. The service has also expanded the provision of employment advice and support for those at risk of homelessness in recognition of the impact of the benefit cap and other welfare reforms.
- 6.12. A new Accommodation Supply and Resettlement team has been established with a focus on sourcing all of the accommodation required by the service and other supported partners. This team will also work closely with households in accommodation supported by the council with a view to identifying long-term solutions to meet their housing needs, mainly within the private rented sector.
- 6.13. Officers will also regularly the information readily available to the council, such as rent payment data, to identify households that are potentially at risk of homelessness and to refer them for support as appropriate.

Engagement at the earliest opportunity

- 6.14. Officers work closely with partners at a strategic level around identifying and tackling risks, but also on specific casework.
- 6.15. This includes regular attendance at the Homelessness Forum, close contact with schools, frequent engagement with the clinical commissioning group and other health partners, and a close partnership with the third sector.
- 6.16. The service works with all partners to promote a view of a single approach to homelessness, where every partner and service recognises the important role they play in tackling issues and is able to engage with the service to direct support where appropriate.
- 6.17. The service is looking to expand on the existing pre eviction protocol which is currently in place with Lewisham Homes. This process enables the service to work with households at risk of eviction at the earliest point by ensuring that the registered provider has taken all reasonable steps to prevent an eviction taking place and that a referral is made to the Assessment and Prevention team in advance of any eviction proceedings, to give as much opportunity for a partnership approach to be taken to prevent homelessness. The assessment and prevention officers work in partnership with both the client and the housing provider to resolve the issues and put in place measures to ensure the tenancy is sustained. These include establishing repayment plans, providing debt or benefit advice, or assisting in payments towards any rent arrears. The service is currently reaching out to registered providers to develop a similar process to support any social housing tenants at risk of eviction due to rent arrears.
- 6.18. Housing Benefit colleagues provide information to the service where households that are not known to Housing Services have approached for assistance with discretionary housing payments (DHP). This allows the service to proactively engage with those households to minimise their risk of becoming homeless. Officers within Housing Services also make referrals to the Housing Benefit team and to the DWP Outreach worker for assistance where appropriate.
- 6.19. The Triage and Early Intervention team ensure that households who approach at risk of homelessness are supported even where they approach in advance of the prevention duty taking effect.

Our approach to prevention and relief

- 6.20. Where a household presents to the council or is referred to the council and has rent arrears the focus will be on extensive engagement to resolve the issues and allow

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the household to remain in situ.

- 6.21. The Triage and Early Intervention team will work closely with the resident to identify what can be done to assist them and provide housing advice, as well as liaising with the landlord to confirm the position and understand the extent of any arrears.
- 6.22. An affordability assessment will be completed, with signposting as appropriate to the Citizens Advice Bureau for assistance in maximising benefits, or to the council's employment support service to assist in job searching.
- 6.23. Where applicable, officers will make a referral to the council's Rogue Landlord team to make sure that notices have been served correctly. There are many ways in which a notice may not have been served correctly. If this is found to be the case the team will advise the landlord and the tenant accordingly. This allows extra time for the council to work with the landlord to see whether any resolution can be found, and allows households extra time to source alternative accommodation if a resolution cannot be achieved.
- 6.24. Should the household remain at risk of homelessness, officers will use funds available from the Homelessness Prevention Grant Winter 2021 top-up. These funds will be used primarily to see whether the landlord will allow the household to remain. If not then officers will engage with the landlord over whether they would allow another household to be placed in the home.

Where prevention and relief is not possible

- 6.25. As mentioned above, in some instances it may not be possible to work with the landlord to allow the household to remain in their present accommodation.
- 6.26. Where this is the case, officers from the councils Accommodation Supply and Resettlement team will work with the household to find new accommodation. Officers will use the Homelessness Prevention Grant where required to secure accommodation for this purpose.
- 6.27. If this is not possible, and the household meets the statutory threshold for such assistance, the service will secure temporary accommodation as close to Lewisham as possible and where not possible will do so in line with the council's Location Priority Policy.
- 6.28. The Location Priority Policy sets out which households will be prioritised for accommodation in or close to Lewisham and includes considerations such as the health needs of family members, the age of children studying for public examinations and more. Households with children that are studying for GCSEs or A-Levels which will take place either this year or next year are awarded close to borough priority. This means that where appropriate accommodation is available they will be placed within 90 minutes of their school.
- 6.29. Where households meet the statutory duty they are placed on to the housing register in accordance with the council's Allocations Policy. This currently places all accepted homeless cases in band 3. The council is in the process of implementing a new policy which will place some homeless households in band 2 where they meet specific criteria.
- 6.30. The Accommodation Supply and Resettlement team will work with households that are placed in temporary accommodation with a view to sourcing a satisfactory long-term solution to their homelessness. Due to the lack of social housing available the team will focus on identifying suitable accommodation in the private rented sector for appropriate households.

Exceptional Homelessness Prevention Grant

- 6.31. The Department for Levelling Up, Housing and Communities (DLUHC) has awarded the council an extra £1.01m of exceptional Homelessness Prevention Grant to be

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used between now and the end of the financial year. The grant must be used to prevent or relieve homelessness, primarily focussing on those with rent arrears linked to the pandemic.

- 6.32. The Triage and Early Intervention team are conducting a review of every family that has approached with rent arrears and is currently at the prevention or relief stage of their application.
- 6.33. Households that are identified through the above review and are eligible for the grant will be supported with funding to remain in their present accommodation. The team will work with the landlord, offering negotiations and interventions with the hope that the household can remain in their current home. Should that not be possible they will be supported with rent deposits or rent in advance for alternative accommodation.
- 6.34. The service is also using this grant to provide tenancy sustainment support to households already resettled through a council programme in the private rented sector who now find themselves to be in rent arrears. This support will help to avoid a situation where the household re-approach the council for support.
- 6.35. A further use for the funding is for the provision of deposits and rent in advance payments for struggling households to help to negotiate new tenancies.
- 6.36. Discussions are also ongoing with external agencies who work with customers to prevent homelessness in the private rented sector to ensure we support those at risk of losing their tenancies.

Support for families placed outside of the borough

- 6.37. The Access and Inclusion team, within Education Services provide support to families placed outside of the borough, where children are attending Lewisham schools.
- 6.38. When families are placed out of the borough, the team assists with access to funding to support with travel costs to school (through a charitable organisation) in the first half term of their new placement. The team then work with families and housing officers to ascertain their ongoing housing situation, providing a further travel card to enable the family to travel to school for the new half term if required.
- 6.39. The team will also work with the school during this period. They will explain the situation to the school, facilitate flexibility around arriving at school later if necessary, for example. There could be a grace period arranged, in which children will not be marked as arriving at school late. It is important to consider the family's circumstances but also the need for good school attendance.
- 6.40. Where families are not likely to move back to Lewisham, the team will work with the host Local Authority where necessary and support the family to apply for a school in the local area. If the family are subsequently moved back to the Lewisham, the family are able to reapply for a place at their previous school. Other support might include contacting the family's housing officer, signposting to local resources such as Children's Centres or Youth provision.

7. Households found to be intentionally homeless

- 7.1. A joint working protocol has been established between Housing and Children's Social Care. The protocol sets out the approach that the council will take where a household with children is found to be intentionally homeless. The purpose of the protocol is to set out precisely where roles and responsibilities sit, ensuring that the council places the wellbeing of children at the centre of its activity and complies with the law.

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- 7.2. A post has been created to support the effective implementation of the protocol. The post is funded jointly by Housing Services and Children's Social Care and will work with households as well as the services involved to reach the right outcome.
- 7.3. As set out above, the council is focussed on engaging with households at the earliest possible point to prevent or relieve homelessness. Where Housing make a decision that a household is intentionally homeless, a referral is made to MASH which determines the next steps to be taken. There are a number of steps to the process which differ dependent on circumstances, with cases being RAG rated and a wide-ranging assessment being conducted to satisfy all parties as to the proper approach.
- 7.4. Should these assessments determine that the household requires accommodation, housing will source temporary accommodation in-line with its policies. Households who are determined to not require accommodation through this assessment are advised to source accommodation through the means they have available.
- 7.5. Simultaneously, a children and family assessment may be required to review all the relevant information and make a determination as to the outcome that services will work towards and which service will lead work with the household towards that outcome.
- 7.6. The assessments that are conducted are wide ranging, including but not limited to a consideration of the education and health needs of household members, the housing circumstances of the household and their financial means. The assessment is required to understand the level of support that the household needs and how best to put that in place, but also the extent of support that the council should provide as such support is means tested.
- 7.7. The purpose of the protocol and the assessments in question is to establish whether the household require ongoing support from Children's Social Care. Where this is not the case, the officer operating the protocol as mentioned in 7.2 will work with the household to source them long-term alternative accommodation.

8. Financial implications

- 8.1. This report is an update report on the available Support for families following the end of the eviction moratorium. It asks Housing Select Committee to consider the contents and to make any necessary recommendations. As such there are no direct financial implications.
- 8.2. The current housing issues experienced both nationally and in the borough are putting severe pressure on the council's housing service 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.
- 8.3. The service has recently received an additional £1.01m Exceptional Homelessness Prevention Top-Up Grant which will be used to help prevent or relieve homelessness for clients with Covid related rent arrears. In addition, there is the existing Homelessness Prevention grant which is used to assist in preventing clients from becoming homeless. These are expected to assist in managing pressures related to the lifting of the eviction moratorium and assist in officers making the best use of the resources available to them.

9. Legal implications

- 9.1. There are therefore no legal implications arising from this report.

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10. Equalities implications

- 10.1. Systemic inequalities have been highlighted throughout the COVID-19 pandemic and homeless families have faced uncertainty which has had a knock on impact on wellbeing and education for children. As we reach the end of the moratorium on evictions, work is being done to ensure Housing policies and action plans drive positive changes in promoting equality and fighting injustice, such as through the review of the Housing Allocations policy and following the restructure of the Housing Services division. This is also a priority of the housing strategy 2020-26.

11. Climate change and environmental implications

- 11.1. There are no specific climate change or environmental implications arising from this report.

12. Crime and disorder implications

- 12.1. There are no specific crime and disorder arising from this report.

13. Background papers

- 13.1. None.

14. Report author and contacts

- 14.1. Fenella Beckman, Director of Housing Services, London Borough of Lewisham
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