

6 February 2018		ITEM: 5
Housing Overview & Scrutiny Committee		
Homelessness Service: Review of Mental Health and Domestic Violence Cases		
Wards and communities affected: All		Key Decision: Non-Key
Report of: Lorrita Johnson, Housing Solutions Manager		
Accountable Assistant Director : John Knight, Assistant Director of Housing		
Accountable Director: Roger Harris, Corporate Director of Adults, Housing & Health		
This report is Public		

Executive summary

This report focuses on the customer journey of two cohorts of homeless applicants and their particular experience having been through the Housing Solutions Service.

1. Recommendation(s)

- 1.1 That the Housing Overview and Scrutiny Committee comment on the information provided and the actions outlined to improve the service for these customers in the context of the Homelessness Reduction Act.**

2. Introduction and Background

- 2.1** At the request of the Chair of the Committee, a review has been undertaken of the experience of two separate cohorts of customers being dealt with by the Housing Solutions service – a) applicants with mental health issues, and b) those becoming homeless as a result of domestic violence. The report summarises the findings of this review and sets out the service's plans to improve the service provided to these two cohorts, in the context of the wider changes already underway to effectively implement the Homeless Reduction Act 2017 (HRA17)
- 2.2** Statutory homelessness and the use of temporary accommodation have increased in Thurrock (as elsewhere) in recent years. The Housing Solutions has been re-modelled on a pilot basis to embed a service model more focussed on homelessness prevention and numbers have been contained as a result while our success in preventing homelessness has increased. It is important in this context that the service works with customers in a way that is

positive and non-judgemental, and creates a partnership between the customer and their case officer, with the shared objective of achieving the most appropriate resolution of the customer's housing issue. While this will often be homelessness prevention, there will also be cases – especially in relation to domestic violence – where the viable options for prevention are limited, and the service must prioritise the safety of the customer and their family without prolonging the casework and assessment stages.

2.3 The HRA17 will create new legal obligations which are congruent with this approach, and we are actively considering greater specialisation at the casework stage. In this context this report provides a timely opportunity to assess how far the service currently provided to customers with a particular profile provides them with a customised service.

2.4 A range of actions are in progress to ensure that the service is fit for purpose when the new Act takes effect. Among these, we have asked the National Practitioner Support Service (NPSS) to conduct an assessment of the service against the homelessness 'gold standard challenge' a framework introduced by government in 2010 and recognised as the 'industry standard' for homelessness services.

2.5 Details of NPSS timeline and methodology

The challenge follows a 10 step continuous improvement approach that starts with a pledge for local authorities aspiring to 'strive for continuous improvement in front line housing services' and culminates in an application for the Gold Standard Challenge.

There are a total of 10 challenges of which Thurrock completed 2 in 2015 and achieved 'bronze standard'. The remaining 8 will be completed in two phases.

2.6 The Table below details the timeline for completion of the review which will run from April to July.

Phase 1	Date of completion
To adopt a corporate commitment to prevent homelessness which has buy in across all local authority services	April 2018
To actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs	April 2018
To not place any young person aged 16 or 17 in Bed and Breakfast accommodation	April 2018

To not place any families in Bed and Breakfast accommodation unless in an emergency and for no longer than 6 weeks	April 2018
Phase 2	
To have housing pathways agreed or in development with each key partner and client group that include appropriate accommodation and support	June 2018
To develop a suitable private rented sector offer for all client groups, including advice and support to both client and landlord	July 2018
To actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme	July 2018
To have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually to be responsive to emerging needs	July 2018

- 2.7 An Advisory Committee comprising of the NPSS personnel, the voluntary sector partners, housing and local government membership organisations and, ultimately, recognised Gold Standard local authorities, will assess, verify and confirm attainment of Local Challenges.
- 2.8 It is important to note that under the new legal framework all customers who are both a) eligible for assistance (based on their nationality and immigration status) and b) homeless or threatened with homelessness will be entitled to a full prevention service before a decision is made on whether they are in priority. In the case of customers with mental health issues in particular this will drive an approach which can be far less binary than the current legislative framework, and should result in a more flexible and sympathetic service being provided to those who may 'fail' the statutory test of vulnerability in the event that it needs to be applied.
- 2.9 The following sections look in detail at each of the two cohorts.

3. Mental ill Health - Priority Need Definition

- 3.1 This part of the report deals with the cohort of homeless applicants whose 'presenting reason' to be treated as having a priority need is the presence of one or more mental health conditions – it does not include those with such conditions who are separately classed as being in priority need because they have dependent children, although in such cases consideration of mental

health issues will form part of the overall service provided, for example when determining the suitability of temporary accommodation.

- 3.2 The threshold and assessment for establishing vulnerability of applicants with mental health issues dates from the Homeless Persons Act 1977, is included in the current Housing Act 1996, and is unchanged in the new Homelessness Reduction Act which takes effect in April 2018. The definition of vulnerability contained on the Act has been expanded and refined through a number of key legal cases, including *Pereira v LB Camden (Court of Appeal, 1998)* and more recently *Hotak v LB Southwark (UK Supreme Court, 2015)*. It is important to couple an understanding of the legal principles which must be applied with a wider focus on understanding the specific needs of this particular cohort, combined with strengthened partnerships, customised services, and resources to assist in finding alternative accommodation.
- 3.3 When assessing the vulnerability of an applicant citing a mental health condition as the reason they should be assisted and/or regarded as vulnerable within the meaning of the Act, officers are guided by the legislation and case law above and also by the Homelessness Code of Guidance, which details the practical considerations officers are to undertake.
- 3.4 Sections 8.14 to 8.25 of the new draft Code of Guidance lay out the factors and considerations to be made when assessing the vulnerability of an applicant.
- 3.5 Crucially, the Code confirms that *“it is a matter of judgement whether the applicant’s circumstances make them vulnerable”*. However, when determining whether an applicant is vulnerable, the housing authority should determine whether, if homeless, the applicant would be *“significantly more vulnerable than an ordinary person would be if they became homeless”* (this test derives from the *‘Hotak’* case above and supersedes the *‘Pereira’* test previously referenced in the Code). The assessment must be a composite one taking into account all of the relevant facts and circumstances, and involves a consideration of the impact of homelessness on the applicant when compared to an ordinary person.
- 3.6 There are no notable changes in the new draft Code to the definitions of this priority need category, and the guidance remains essentially the same as before – notwithstanding this, the new HRA17 is intended to result in a very different customer experience for single applicants with mental health issues, particularly those who can be thought of as ‘borderline’ cases when considering whether or not they ‘pass’ the statutory test of vulnerability. Since the new framework requires active casework interventions to prevent and relieve homelessness for all eligible applicants, the pivotal nature of the application of the vulnerability test should reduce, with a higher level of service being provided to all cases before the priority need determination is potentially even made.

4. Applications to the Housing Solutions Service – customers with mental health issues

4.1 This section captures the findings of a 'desktop' exercise to establish the numbers and outcomes for this cohort of customers for the twelve months to December 2017, using the service's main database including detailed notebook entries for each case.

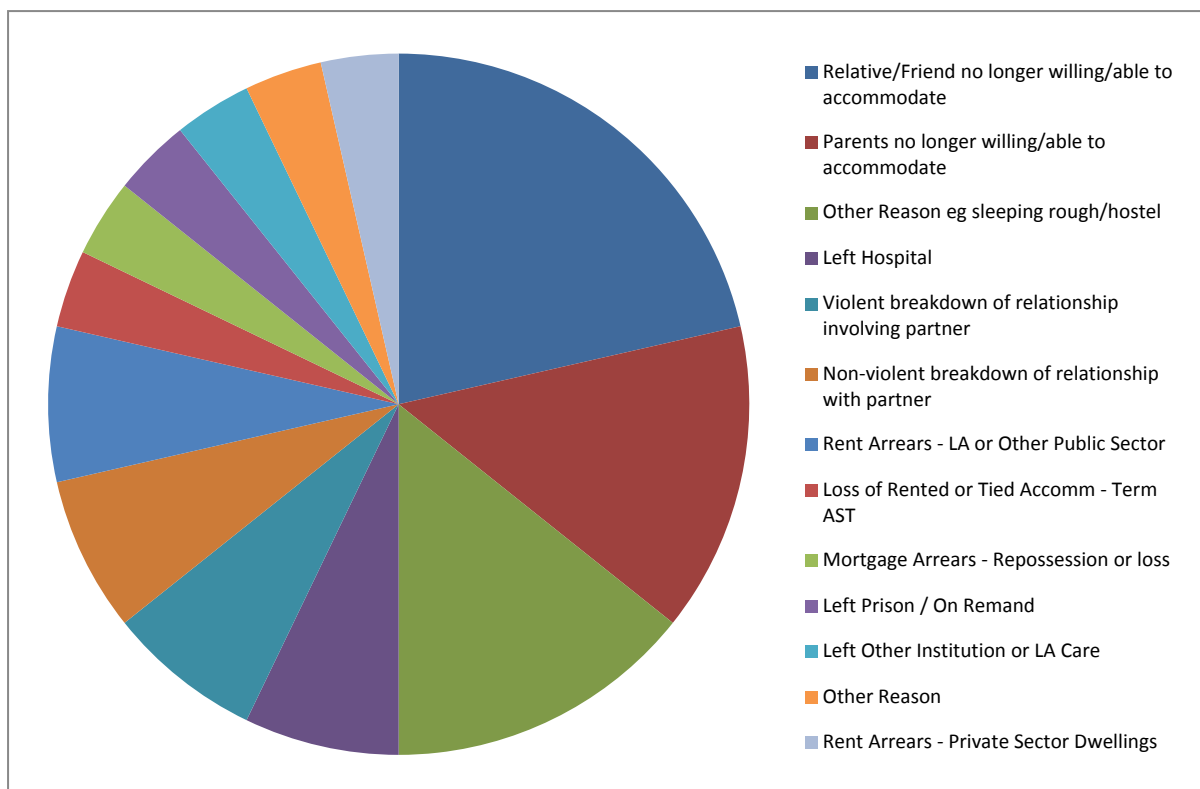
4.2 Mental health as presenting reason for priority need

Between Jan and Dec. 2017 a total of **28** customers approached the service whose 'presenting reason' for being in priority need was vulnerability due to mental health issues (**17** women, **11** men).

Total applicants who approached service	Female Applicants	Male Applicants
28	17	11

The reasons for homelessness were as follows:

Relative/Friend no longer willing/able to accommodate	6
Parents no longer willing/able to accommodate	4
Other Reason e.g. sleeping rough/hostel	4
Left Hospital	2
Violent breakdown of relationship involving partner	2
Non-violent breakdown of relationship with partner	2
Rent Arrears - LA or Other Public Sector	2
Loss of Rented or Tied Accommodation - Term AST	1
Mortgage Arrears - Repossession or loss	1
Left Prison / On Remand	1
Left Other Institution or LA Care	1
Other Reason	1
Rent Arrears - Private Sector Dwellings	1



4.3 Nature of mental health issues recorded include agoraphobia, anxiety, bipolar disorder, depression, dissocial personality disorder, emotional personality disorder, mixed personality disorder, paranoid schizophrenia.

In 10 cases we provided temporary accommodation during the investigative stage – in 6 cases the applicant remained at their approach address. In the other 12 cases customers made other temporary arrangements during the assessment stage.

Temporary Accommodation Provided by Thurrock Council	Applicant remained at application address	Applicant made own temporary accommodation arrangements
10	6	12

4.4 Where temporary accommodation was provided it was in the following categories

- Nil- furnished lets,
- B&B,
- 5 hostels,
- private owned nightly paid accommodation.

Furnished Let	B&B	Hostel	Nightly let	Refuge
0	2	5	3	1

4.5 Following the initial assessment 11 cases were accepted for long-term housing. In 1 case our decision was the applicant was not homeless, and this decision was appealed. In 14 cases our decision that the applicant had no priority need, of which 2 decisions were appealed In 1 case our decision was that the applicant was intentionally homeless. 1 case is still under assessment.

	Number of cases	Cases with subsequent decision appeals
Case accepted for long term housing	11	-
Case decision – not homeless	1	1
Case decision – no priority need	14	2
Case decision – intentionally homeless	1	0
Case still under assessment	1	-
TOTAL	28	3

4.6 On average those cases that were agreed took (57 days from first approach to duty accepted/42 days from application taken to duty accepted) days to

determine.

Where a negative decision was made the average assessment time was (31 days from first approach to negative decision/22 days from application taken to negative decision) days.

Overall average took (43 days from first approach to duty accepted/31 days from application taken to decision) days.

	Agreed Cases	Negative Decisions	All cases
Average working days from first approach to duty decision	57	31	43
Average working days from application submission to duty decision	42	22	31

- 4.7 A total of 14 cases were referred to Nowmedical for a recommendation on vulnerability. In 4 cases the recommendation was to accept a priority need and the final decision was to accept.

In 10 cases Nowmedical recommended no priority need. In 4 of these 10 cases (40%) the service accepted a duty despite the recommendation being 'non priority'.

	Cases sent to NowMedical for recommendation	Cases where duty was accepted following NowMedical recommendation
Priority Need Recommendation	4	4
Non-Priority Need Recommendation	10	4

Total	14	8
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- 4.8 Of the 14 cases where a negative decision was made, 3 requested a review. In the 2 cases which were reviewed due to negative priority need decisions, both decisions were upheld. In the 1 case which was reviewed due to a negative homelessness decision, the original decision was overturned.

	Negative Decisions – Not Appealed	Negative Decisions - Appealed	Total Negative Decisions	Decision upheld following appeal	Decision overturned following appeal
Non-Priority Need Decision Appeal	11	2	13	2	0
Not Homeless Decision Appeal	0	1	1	0	1
Total	11	3	14	2	1

4.9 Medical Assessments- Clinical input

Where appropriate the service uses Nowmedical Ltd, a private consultancy staffed by qualified clinicians including mental health practitioners, to provide an independent assessment of whether an applicant meets the vulnerability test set out above. This enables the service to make the overall composite assessment taking into account both the views of the applicant's own GP, consultant, etc. and the views of an independent medical adviser, along with all the other relevant information on file bearing on vulnerability. This approach is endorsed in the Code of Guidance and has been found valid in multiple Court cases as a means for authorities to balance all the medical considerations relevant to an application.

All staff in the service are aware that the Nowmedical assessment is advisory only and cannot be treated as effectively the decision on the case, which is for the local authority to make. This principle was clearly set out in the case of *R v Lambeth ex p. Carroll (1988)*, where the decision was overturned on the basis that the Council had fettered its discretion by 'rubber-stamping' the

medical opinion obtained on the case rather than genuinely reaching its own decision with regard to the medical advice. It is important to note in this context that although Nowmedical Ltd, is a private organisation, the payments it receives from Thurrock are made per assessment, and based on workload, quality and expertise rather than their substantive views in individual cases.

When assessing the vulnerability of applicants the housing staff refers to the Mental Health team based at Grays Hall. This is usually for applicants with diagnoses of an enduring mental health condition who have accessed the secondary services and with an allocated clinician. The process and structure of the mental health service means that applicants presenting with milder forms of mental health conditions are referred to seek the assistance of their Primary Health Trust professionals such (GPs)

5. Applicants having left accommodation because of violence

5.1 This part of the report deals with the sub-section of homeless applications made by customers whose 'presenting reason' for being homeless or threatened with homelessness is that they are subject to domestic violence at the time of their approach for assistance.

5.2 Section 8.35 of the Code of Guidance states *"A person has a priority need if they are vulnerable as a result of having to leave accommodation because of violence from another person, or threats of violence from another person that are likely to be carried out. It will usually be apparent from the assessment of the reason for homelessness whether the applicant has had to leave accommodation because of violence or threats of violence."*

5.3 DV/DA as presenting reason for homelessness

Between Jan and Dec. 2017 a total of **30** customers approached the service whose 'presenting reason' for homelessness was domestic violence (29 women, 1 men). 23 had dependent children and 7 were single. Their outcomes are captured below.

Total applicants who approached service	Female Applicants	Male Applicants	Applicants with Dependent Children	Single Applicants
30	29	1	23	7

5.4 In 11 cases we provided temporary accommodation during the investigative stage – in 11 cases applicants remained in the refuge where they were living at the time of their approach. In the other 8 cases customers made other

temporary arrangements (and we were satisfied they were not at risk at the address)

Temporary Accommodation Provided by Thurrock Council	Applicant remained in refuge	Applicant made own temporary accommodation arrangements
11	11	8

- 5.5 Following the assessment 23 cases were accepted for long-term housing. In 21 cases they had a priority need through their children – in 2 cases they were vulnerable on other grounds (medical etc). In 3 cases our decision was no priority need as they were not vulnerable as a result of dv. 3 cases are still under investigation and a final decision is yet to be made.

Priority Need – Dependent Children	Priority Need – Other Reason (Eg Medical)	No Priority Need	Still under assessment
21	2	3	3

- 5.6 On average those cases that were agreed took (29 days from first approach to duty accepted/24 days from application taken to duty accepted) days to determine.

Where a negative decision was made the average assessment time was (27 days from first approach to negative decision/26 days from application taken to negative decision) days.

Overall average (29 days from first approach to duty accepted/24 days from application taken to decision) days.

	Agreed Cases	Negative Decisions	All cases
Average working days from first approach to duty decision	29	27	29

Average working days from application submission to duty decision	24	26	24
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- 5.7 Where temporary accommodation was provided it was in the following categories 2 furnished lets, 5 B&B, 0 hostels, 3 nightly lets, 1 refuge.

Furnished Let	B&B	Hostel	Nightly let	Refuge
2	5	0	3	1

In 1 case the case was referred to another borough for a reciprocal offer in that area.

- 5.8 The Housing Solutions service has an established holistic process for assessing applicants who have experienced violence in the form of Domestic Abuse, based on the professional input at every stage of the Housing Safeguarding team working alongside caseworkers in Housing Solutions. This partnership approach goes beyond what is required in legislation and the Code of Guidance and is intended to ensure that customers in this situation receive a comprehensive response, rather than one which is overly focussed on the Council's legal duties under housing law at the expense of full consideration of the customer's safety and wellbeing.
- 5.9 The established protocol for assessing and assisting customers fleeing Domestic Abuse (DA) covers Council tenants and all members of the public for whom Thurrock Council has a duty of care. The process is governed by the Anti-Social Behaviour, Hate Crime and Domestic Abuse Strategy and the Domestic Abuse Policy Statement. Key to the strategy is determining the level of risk as early as possible to ensure an appropriate response. The level of risk is subject to change based on further disclosure from the client. A risk assessment should be reviewed following any further disclosure from the customer.
- 5.10 The Housing Safeguarding Team and Housing Solutions Team jointly assess the support and housing needs of all applicants approaching because of Domestic Violence.

6. Current Housing Solutions Team Structure

- 6.1 The team structure consists of 10 Housing Solutions Officers (HOS) and 2 Housing Solutions Team Managers.

Officers operate in the pilot model conducting either prevention functions or statutory homelessness assessments. The job descriptions detail the requirement to have knowledge of the current legalisation, case law and code of guidance. It focuses on the ability to interact with applicants offering advice and assistance. There is currently no requirement to have specialist qualifications, experience or skills in dealing with the different cohorts of applicants presenting to the service.

6.2 Current management of demand

- Applicants contacting the service through telephone and in person are routed to the Customer Services Centre; they generate a 'contact slip' for action by the housing solutions team.
- A duty roster is in place for Housing Solutions Officers to lead in processing daily contact slips from customer services and assess applicants presenting as homeless on the day. The equivalent of 2 FTE cover these functions on a daily basis, other officers conduct casework of allocated cases.
- If threatened with homelessness applicants are offered a Housing Options interview appointment to meet with an officer who will complete an initial housing needs assessment, drawing a personalised housing plan with agreed timescales for review by both officer and applicant.

Officers work through the cases prioritising where possible those with impending homelessness.

The current practise limits the opportunity to conduct detailed and focused prevention casework with specific cohorts.

7. Housing options for single applicants

7.1 Currently all single applicants with mental health issues approaching the Housing Solutions service can be offered the following prevention options, either before they become homeless or in the event of a negative decision which means they will not be directly provided with accommodation by the service:

- Sign posting to Open Door service a third sector agency working with lettings agents who provide shared accommodation for applicants over 35 years. Direct referral to private sector agents providing shared accommodation for single applicants from 35 years.
- Offer of deposit/advance rent to secure self-contained accommodation in the private rented sector for those over 35
- Housing Register application awarded band 4 which is a relatively low priority on the Housing Register but offers good long term prospects for a successful bid. The current average waiting time for sheltered

accommodation for applicants aged 55 plus is 2 months, the success rate is based on an the applicants flexibility for different property types and area of choice.

- Referral to night shelters for emergency accommodation- operating in neighbouring boroughs.(Basildon, Colchester, Chelmsford)

8. Considerations for future service delivery

8.1 The review of the service coupled with the new ways of working within the pilot operating model substantiates the awareness that in order to better manage the demand the anticipated demand, the service would be most effectively organised around two key strands of activity a) targeted prevention for selected cohorts and b) service improvements and efficiencies.

8.2 The two selected cohorts for the new service design and approach to manage/reduce demand are:

- Single males/females between 25-45 years old –the anticipated greatest driver of new demand post Homelessness Reduction Act implementation.
- Single applicants with identified mental health/complex needs- greatest driver of current demand as reason for priority need for this group.

8.3 The developed service provision for these cohorts would allow the provision of specific prevention tools, partnership and pathways to be formulated around the groups driving demand into the service, rather than a 'one size fits all' solution.

8.4 As part of the new service design, a dedicated lead officer would in post to offer the specialist support to identify and implement a comprehensive pathway of housing options for single applicants with a strong focus on meeting the needs of those with an identified mental health condition, particularly those considered to be 'border line' often not meeting the threshold of the composite assessment to be determined as vulnerable within the meaning of the Act.

9. Homelessness Reduction Act - considerations for service design

9.1 The government did not utilise the opportunity to change the statutory assessment framework. HRA17 maintains its position on the framework for assessment, whilst there is a move away from conducting and establishing the 5 statutory tests (Eligibility, Homelessness, Priority Need, Intentionality and Local Connection) at the first point of approach, applicants who are homeless on approach are expected to meet the same tests in order to trigger the duty to be accommodated on an interim or long term basis.

9.2 There is ongoing commitment to increase the staff knowledge of mental health disorders/conditions which would aid in undertaking of assessments and ultimately tackling the root of the issues presented by applicants.

9.3 It is anticipated that an increased partnership and joint working arrangements between the Mental Health and Housing services would provide the platform for providing the specialist support and assistance required for this cohort.

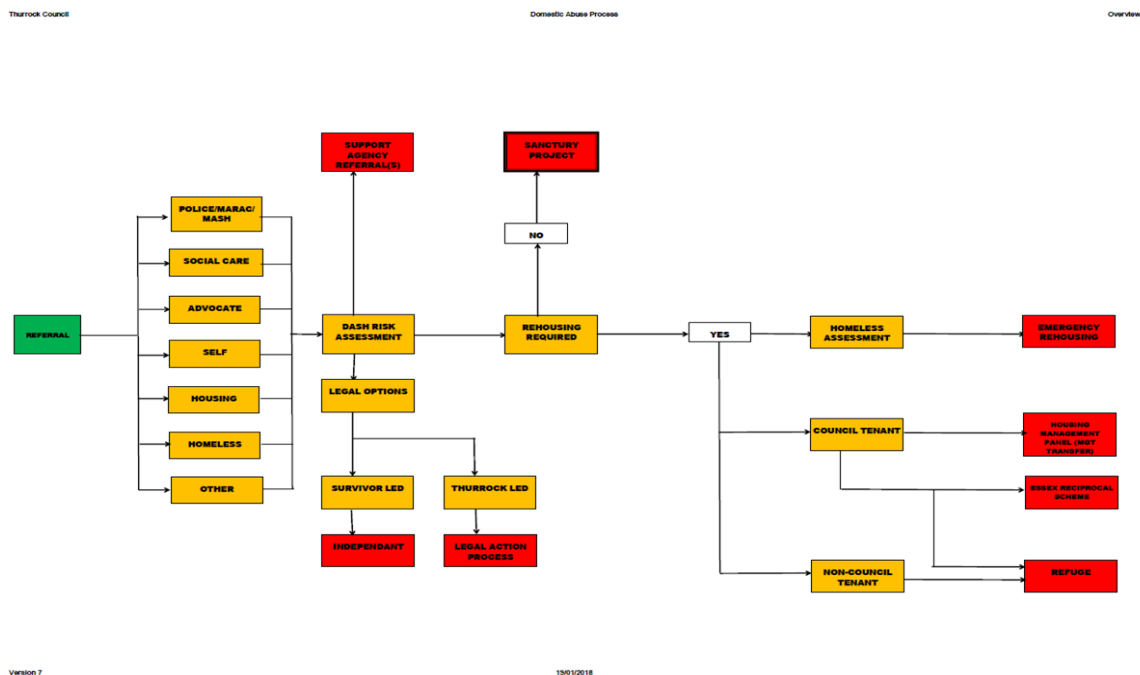
9.4 The consideration is for an in-house mental health clinician to be co-located with housing staff to provide advice, insight, knowledge and support staff in assessing the vulnerability of applicants. This will enable robust and efficient assessments at first point of contact.

10. Partnerships

10.1 The teams work with a variety of other agencies to deliver a response service in Domestic Abuse, including the following:

- a) Police
- b) Thurrock Multi Agency Risk Assessment Conference (MARAC)
- c) Multi Agency Safeguarding Hub (MASH).
- d) Children's Services / Adult Social Care
- e) Changing Pathways, the third sector provider commissioned by Thurrock to provide support to women experiencing domestic violence
- f) Other advocacy organisations such as National Women's Aid and other local refuges.
- g) Other statutory partners e.g. environmental protection – noise nuisance service.

The below table illustrates the process of referrals and assessment of an applicant with Domestic Abuse.



- 10.2 The Housing Safeguarding team provide specialist support and advice when assessing the need of an applicant. The team members hold the relevant qualifications and are all trained as Independent Domestic Violence Advocacy (IDVA) officers, capable of completing risks assessment and support/safety plans to assist an applicant.

The plan includes:

- a) An identification of the required relevant support agencies.
- b) An applicant's housing circumstances and their legal standing in the home.
- c) Their immediate safety and that of their household members.
- d) The possible legal options.
- e) Other areas of concern such as sexual abuse, child protection and adult safeguarding.

10.3 Summary of 'Exit Interview'

For the purpose of this report an exit survey was conducted with previous customers to gain their views on the experience of the service. A sample of 5 applicants were identified, of which only 1 accepted to participate in the survey.

At the time of writing this report further surveys are underway. It is anticipated that a larger pool of participants will complete the survey to give a broader view and feedback for the service review.

The table below details the questions and the customer responses.

Survey Questions	
Question	Response
How were you dealt with by staff at the reception desk	Everything was fine
How long did you have to wait before first being seen	1 week, first made a phone call then approached
Did you understand the process when you made your application	yes it was explained
Was it explained to you why the Council needed the information we requested	yes when I first spoke with an officer
Did you know the name of the officer who assessed your application (Caseworker)	Yes
How quickly were you given accommodation	had to wait, but cannot remember – long time ago

Did the officer show empathy when dealing with you	Yes, very supportive
How do you think we could improve our service in future for other people in your situation	Good service helped a lot

11. Reasons for recommendation

- Required as part of statutory service to provide homelessness service, assessing needs and providing resolutions.

12. Consultation

- None

13. Impact on Corporate Policies, Priorities, Performance and Community Impact

- None

14. Implications

14.1 Financial

Implications verified by: **Julie Curtis**
HRA and Development Accountant

There are no direct financial implications as a result of this report. Any impact on the costs associated with the service will be closely monitored and forecast using the recently established finance model.

14.2 Legal

Implications verified by: **Chima Obichukwu**
Housing Solicitor/Team Leader

The preparations and systems in place to deal with the implementation Homelessness Reduction Act 2017 are adequate and legally compliant. The Homelessness Reduction Act 2017 does not abolish the existing statutory framework but imposes an earlier duty to prevent & relieve homelessness to all approach the Council especially vulnerable persons.

14.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

The redesign of the new MHCLG data collection and Housing Solutions service has been shaped by the Homelessness Reduction Act to enable the effects of the Act to be monitored. The proposal seeks to directly formulate a service which addresses the needs of vulnerable individuals and does not directly discriminate or disadvantage other cohorts. We will continue to monitor trends for adverse impacts on the protected characteristics and review any deviance from local data by conducting a Community Equality Impact Assessment into the proposed service.

14.4 Other implications

- None

15. Background Papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Homelessness Reduction Act 2017
- Homelessness Code of Guidance 2017

16. Appendices to the report

- None

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