



**Brighton & Hove
City Council**

**HOUSING MANAGEMENT
CONSULTATIVE COMMITTEE
ADDENDUM**

3.00PM, MONDAY, 6 FEBRUARY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

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81. HOUSING ALLOCATION POLICY REVIEW	1 - 28

Housing Management Consultative Committee

Agenda Item 81

Brighton & Hove City Council

Subject:	Housing Allocation Policy Review(HMCC)		
Date of Meeting:	6 th February 2012		
Lead Cabinet Member:	Strategic Director for Place, Strategic Director for People, Cabinet Member for Housing		
Contact Officer:	Sylvia Peckham		
	Name:	Verity Walker	Tel: 293318
	Email:	Sylvia.peckham@brighton-hove.gov.uk verity.walker@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: CAB27244	
Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was that that Consultation process was still on-going. The main consultation was open until 29th January 2012 and the consultation with Tenants open until 14th February 2012 to allow for Area Panels to take place.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The current Housing Register Allocations Policy was approved by Housing Cabinet on 22nd March 2011. Under the current policy young people leaving care (careleavers) are not automatically awarded Band A priority for housing, but are assessed for housing depending on their housing need in the same way as other applicants are assessed. The Allocation Policy however, does give the Lead Commissioner for Housing discretion to award priority in exceptional circumstances. We currently also have a quota system in place with Children's services to grant up to 15 cases Band A status per annum as decided by Children's Services. This housing allocation of 15 is used to meet the Council's strategic objective to reduce the need for children to be looked after and keeping children with their families. This allocation has not been used for the provision of housing for careleavers.
- 1.2 Children's Services (Children & Young Persons Trust), care leavers and their representatives have raised concerns over this and have suggested that automatic Band A status to be reinstated for young people leaving care.

- 1.3 To ensure that we make best use of the limited housing resources as well as ensure that we are moving the right people to the right housing we have therefore reviewed the policy in consultation with the City. A full 12 week consultation with the City from 7th November 2011 to 29th January 2012 has been conducted (A list of those consulted is attached in Appendix 1).
- 1.4 However to include representation from council tenant Area Panels there is an extension to the final date for tenants to feedback and this will be until 19th February 2012, as advised by the Head of Law.
- 1.5 This report brings back the most up to date feedback from the consultation which is attached fully in Appendix 2. The full results of the consultation will be submitted to the Housing Cabinet Member Meeting and full Council before a final decision is made.
- 1.6 Based on the feedback options are set out in para 3.10

2. RECOMMENDATIONS:

- 2.1 That Housing Management Consultative Committee note the feedback and the options and officer recommendations for changes to the Allocation Policy as set out in Para 3.10 and 3.11.
- 2.2 That the HMCC recommends to Cabinet one of the following options in relation to provision for care leavers:
 - a) No change to the current policy;
 - b) Band A
 - c) Band B
- 2.3 In relation to other issues identified that HMCC approves the changes set out in para 3.12.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The policy is based on the principle that it is easily understood, fair and equitable, effective, efficient and legal. In putting the policy into practice, the council has been concerned to treat this matter sensitively addressing both the needs of potentially vulnerable people and also to effectively discharge the Council's housing responsibilities.
- 3.2 Under the previous Housing Allocation policy careleavers who were assessed as not requiring supported accommodation were awarded Band A priority. A joint assessment process, guided by a Joint Protocol agreed between Children's Services and Housing, determined the readiness of a person leaving care to take on an unsupported tenancy agreement.

- 3.3 The feedback from consultation on the current policy was to remove Band A status for Care leavers and instead to assess them based on their housing need. As such, care leavers who did not need supported accommodation, might be offered private rented accommodation, particularly where this might be in the area where the care leaver was already living and they had a network of support amongst a socially mixed community. This reflected a concern that housing some careleavers who may be vulnerable, onto the estates with high concentrations of deprivation, may not be the best environment for them to continue to thrive. Following implementation of the Housing Allocation policy, Children's Services had concerns raised with them by careleavers and their representatives which triggered this further review. In the interim, the Lead Commissioner Housing discretion has been used to award Band A priority to careleavers who would not otherwise have it.
- 3.4 Some of the difficulties in this area are related to the different duties the council has as a Housing Authority and as a Children's Services Authority.
- 3.5 The Allocations Policy, looked at on its own, complies with legal requirements under the Housing Act 1996 and Code of Guidance. The list of people we are required to give reasonable preference to is set out in Appendix 4, there is no requirement to award priority to young people leaving care looking at the council's duty as a Housing Authority (as opposed to a Children's Social Services Authority).
- 3.6 The difficulty arises when one looks at the council's duties under the Children Act 1989. Until recently, the council used the Allocations policy as a way of discharging its housing duties to care leavers under the Children Act. The Children Act 1989, S17(6) and S20 provides the duty to provide accommodation for a Child in Need and, if a careleaver, S23 (b)(8) refers to the need to provide "suitable" accommodation, which is then defined under the Care Leavers (England) Regulations 210. (see Appendix 5). This requires the council to look at the needs and wishes of the careleaver and facilities, and for those aged 18, s23(a)(2) says there should be a careplan that can include accommodation.
- 3.7 The current Allocations policy, taken by itself, is not unlawful. In practice however, as the council is one corporate body, a claim for Judicial Review would include all grounds, including our duties as a children's services authority, and compliance with the law regarding allocations does not provide a defence against a claim under the Children Act. As long as the council complies with its duties under the Children Act regarding the provision of accommodation, there is no requirement or inference that this should necessarily be via the Housing Allocations policy and the council is at liberty to discharge that function by other means if it so wishes. However, if the conclusion was that a council tenancy would be best to meet the persons' needs, then we need to give the careleaver sufficient priority to enable the council to discharge its duties under the Act. .
- 3.8 Under the current Allocation Policy, Care leavers are not automatically awarded Band A priority for housing, but are assessed for housing depending on their housing need in the same way as other applicants are assessed. Children's Services (Children & Young Persons Trust), care leavers and their representatives have raised concerns over their ability to carry out their duty towards young people leaving care in view of the council's significant responsibilities as Corporate Parent.
- 3.9 In carrying out this review we were hoping to include any potential changes resulting from the Localism Act. Unfortunately we haven't been able to consult on

this due to the timing. We have however incorporated general feedback and some minor amendments which are set out in Appendix 3.

3.10 Demand and Supply

Careleavers generally need studios or 1 bed properties. In 2010 the numbers of careleavers seeking housing was 22. In the last year the number of studios and 1 bed properties available was 584, and we have a total of 7495 households waiting for this size property, which comprise: 142 in Band A, 519 in Band B, 5164 in Band C and 1670 in Band D – see 1st row of table below.

Size	Number of properties available	waiting households	by band size A	B	C	D
Studios and 1 bedroom	584	7495	142	519	5164	1670
2 bedroom	231	3181	105	263	1861	952
3 bedroom	82	1386	48	220	816	302
4+ bedroom	10	203	17	59	98	29

Options

Given the feedback received so far and the obligation of the council as a Housing Authority and a Childrens Services Authority, the options are:

- a) Status quo. Although this complies with Housing law it leaves the council open to challenge under the Children Act.
- b) Amend the current arrangements by giving careleavers an appropriate priority.
 - i) Band A. There are a finite number of properties that become available and so there are implications for other client groups by increasing the priority of one group.
 - ii) Band B. This would give a high priority but may not be the best option to give sufficient priority to enable the Council to discharge it's duties under the Children Act.

If option b) is chosen it needs a robust assessment of the needs of the careleaver and a robust support package as set out in Appendix 5 Schedule 2.

3.11 Given the reasons set out above officers recommend option b) either i) or ii)

3.12 With regard to other issues raised as part of the consultation as set out in Appendix 3, officers recommend that these changes are accepted.

3.13 Next Steps

Following the HMCC, the comments from HMCC will be reported to the Cabinet and the subsequent steps will be:

29th January 2012 End of Consultation with the City

19th February 2012 End of Consultation with Tenants

8 th March 2012	Adult Social Care and Housing O&S Committee to consider proposals and make recommendations to Cabinet
15 th March 2012	Cabinet to consider the proposals and make recommendations to Full Council in accordance with the Budget and Policy Framework procedure rules.
22 nd March 2012	Full Council for final approval.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A minimum 12 week consultation process with city stakeholders over the proposed changes has now been completed (it has been extended until 19th February for council tenants so that feedback from all area panels are taken into account when considering final recommendations. Stakeholders include our Communities of Interest, our partner agencies, Age Concern, support agencies, people on the Housing Register, Children's Services, and support providers (a full list is provided in Appendix 2). The Community Engagement Framework and standards have been used in undertaking this consultation. Feedback is set out in Appendix 2. Consultation was undertaken with careleavers / young people in care who were approaching careleaving age and carers. The overwhelming feedback from young people was that in order for them to successfully move into adult life, stable accommodation by virtue of Band A status was necessary. This issue was discussed at the Corporate Parenting Panel of the 14th December 2011, which is made up of representatives from the three political groups. The decision of the Corporate Parenting Panel was unanimous that careleavers should be treated as Band A when they were deemed ready to manage their own accommodation. The panel also had a view that private rented accommodation did not offer the necessary security for young people.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The 2011/2 budget for the Home Move team is £0.337m which mainly consists of staffing costs (£0.284m) and the Home Move Magazine (£0.052m).

The financial implications for this report are dependant on the outcome of the consultation ending on 29th January 2012 and 19th February 2012 for Council tenants. A retrospective review may be required, depending on the outcome of the consultation, to quantify the financial effect on indirect budgets

An amendment to this report is required before it goes to Cabinet/Full Council to show the results of the consultation

Finance Officer Consulted: Neil Smith

Date: 19/01/12

Legal Implications:

- 5.2 As stated in the body of the report, the Council has legal duties both as a local housing authority and as a children's social services authority. The proposed arrangements, taken together, should be such as to enable the Council to discharge both duties, including the Council's obligations to provide "suitable accommodation" to care leavers. If the option of giving care leavers priority B is adopted, then there may be a need to retain residual discretion to the Lead Commissioner for Housing to award priority A if the result of the joint housing and social services assessment is that council housing is the most appropriate accommodation for a particular individual care leaver and there are no other means of securing that outcome.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 1 February 2012

Equalities Implications:

- 5.3 Equalities Impact Assessment has been carried out for the proposed options to change the Policy (Appendix 6).

Sustainability Implications:

- 5.4 The proposals will ensure that better use is made of the housing stock and will contribute to sustainable housing solutions

Crime & Disorder Implications:

- 5.5 None

Risk and Opportunity Management Implications:

- 5.6 There is no risk of legal challenge under Housing law but there is a risk of challenge under the duties toward young people leaving care under the Children Act if the local authority are relying on the Allocation policy to discharge it's duties to Care leavers. The local authority's duty to care leavers is to provide suitable accommodation and it is open to the local authority to determine what and how this is achieved. (Appendix 5)

Public Health Implications:

- 5.7 The report, by addressing the issues of accommodation for Care leavers will effectively contribute positively to their health and wellbeing. However, as there is a finite supply of available housing, there may be adverse implications for other client groups.

Corporate / Citywide Implications:

- 5.8 Limited social housing stock will be used in the best and most efficient way possible and that the city will benefit from clearer communication and updated Local Lettings Plans

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative to the amendments would be for the policy to remain as per the current policy. We currently also have a quota system in place with Children's services to grant up to 15 cases Band A status per annum as decided by Children's services. While the quota was originally set up to address the housing needs of families to avoid a child going into care it is for Children's Services to decide how they wish to use the quota. It isn't fully utilised and could be increased. This would mean that the Allocation policy did not require amendment but would require checks in place to ensure a care leaver was ready to manage a tenancy.
- 6.2 Other councils have adopted allocation schemes in relation to careleavers. We looked at the other councils in East and West Sussex in addition to some London Authorities Croydon, Westminster and Southwark. There is a mixture of priority awarded to careleavers, between Band A (or equivalent) and Band B (or equivalent). Full details are in Appendix 7.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations have been made so that through the Allocations Policy we can ensure that best use is made of the council and RSL housing stock in the City. The policy will be clear, transparent and easily understood and fair to all.

SUPPORTING DOCUMENTATION

Appendices:

1. List of people and organisations consulted
2. Feedback
- 2(a) Allocations Policy Consultation – Response from Housing Adaptations Service & Children's Disability Services
3. Minor Amendments
4. Code of guidance for local housing authorities 2002 - Allocation of Accommodation CHAPTER 5 Allocation Scheme, Reasonable preference
5. Duties under the Children Act relating to accommodation
6. Equality Impact Assessment
7. Allocation Schemes and priority for care leavers in other Local Authorities.

Documents in Members' Rooms

None

1.

Background Documents

None

Appendix 1 List of people and organisations consulted.

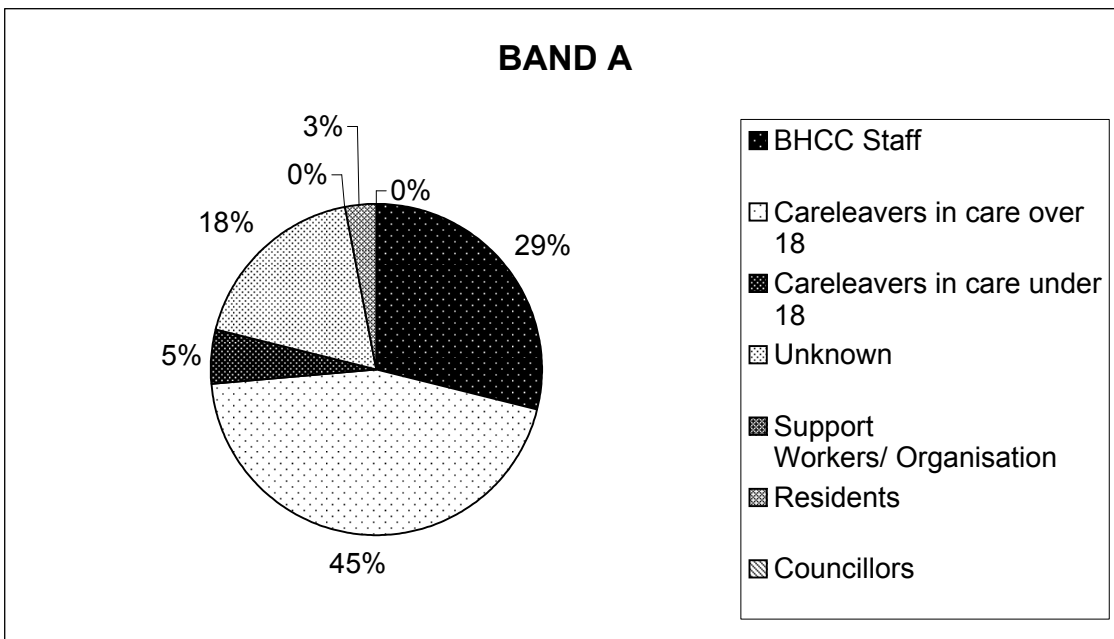
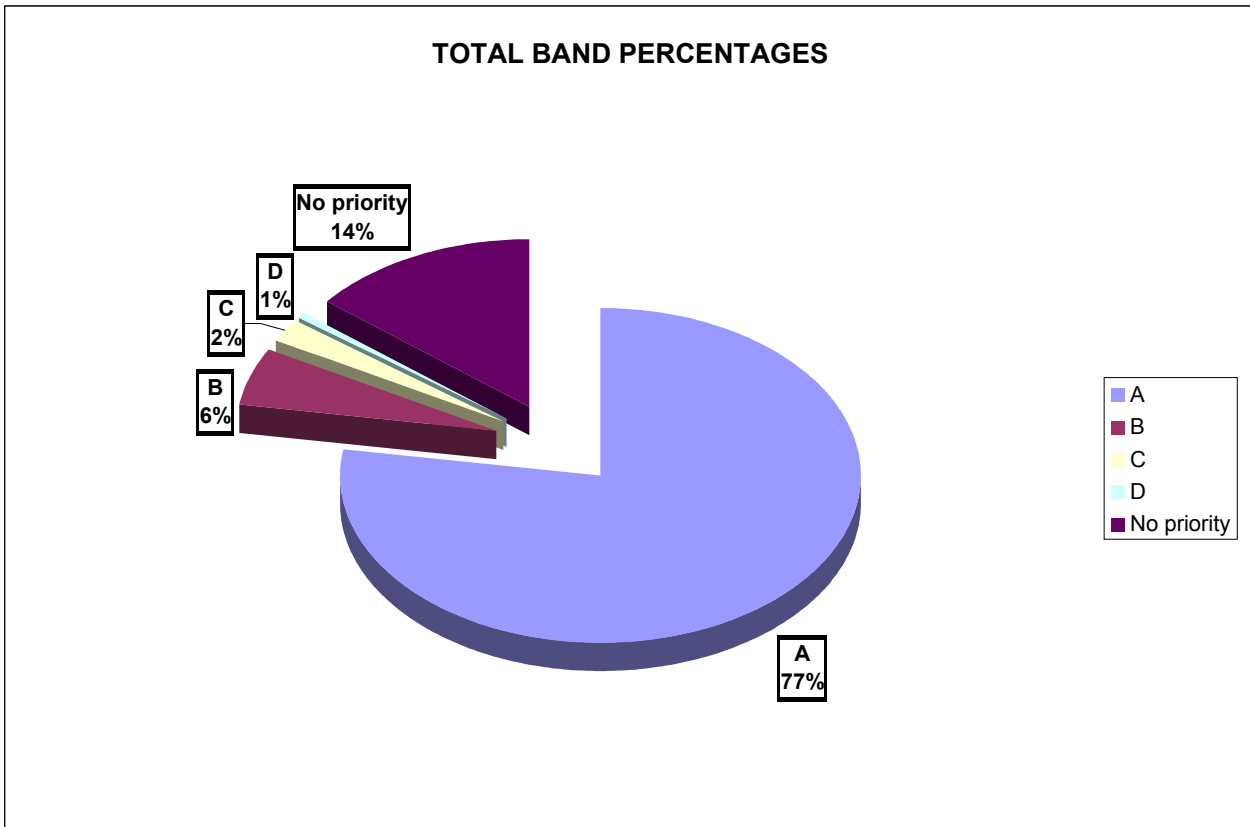
Who has been consulted and how:

Who we consulted with	How we consulted	When
Housing Commission staff	email	16.11.11
Housing & Social Inclusion Staff	email	16.11.11
Sheltered Team	email	16.11.11
All Cllrs	email and have met face to face with a few	17.11.11
All RSL partners	via email and several telephone conversations	17.11.11
Local MPs	email	17.11.11
Choice Based Lettings tenant group	Meeting	17.11.11
(also meeting with Terry Parkin)	Meeting	7.2.11
Own work, BHCC and tenant involvement	Twitter and Facebook pages	17.11.11
DWF, BME & LGBT	email and attended groups	17.11.11
City Assembly	attended myself	19.11.11
Terry Parkin, John Barradell, Andy Whippy, Dermot Anktell, Kate Wigggett, Chris Brunstrom, Claire Blakemore, Barbara Bates, Nigel Hancock, Miranda Wareham, Sylvia Peckham, Simon Court, Jugal Sharma, Geoff Raw	Email	17.11.11
Consultation portal	Consultation portal	16.11.11
Older peoples working group	email and Jamie to attend next group as last one missed due to sickness	17.11.11
612 households emails or sent consultation (408 Homeseekers and 204 Transfers) randomly taken from the housing register	email & letter	21.11.11
Terrance Higgins Trust, Disability Fed, Age UK, MIND, RNIB, RIND, Blind Association, BHT, Brighton and Sussex universities, Shelter, Emmaus, RISE and the DV working group, all YMCA's, Surveyors network, CMHT, Community Base, The Gender	email and telephone conversations	21.11.11

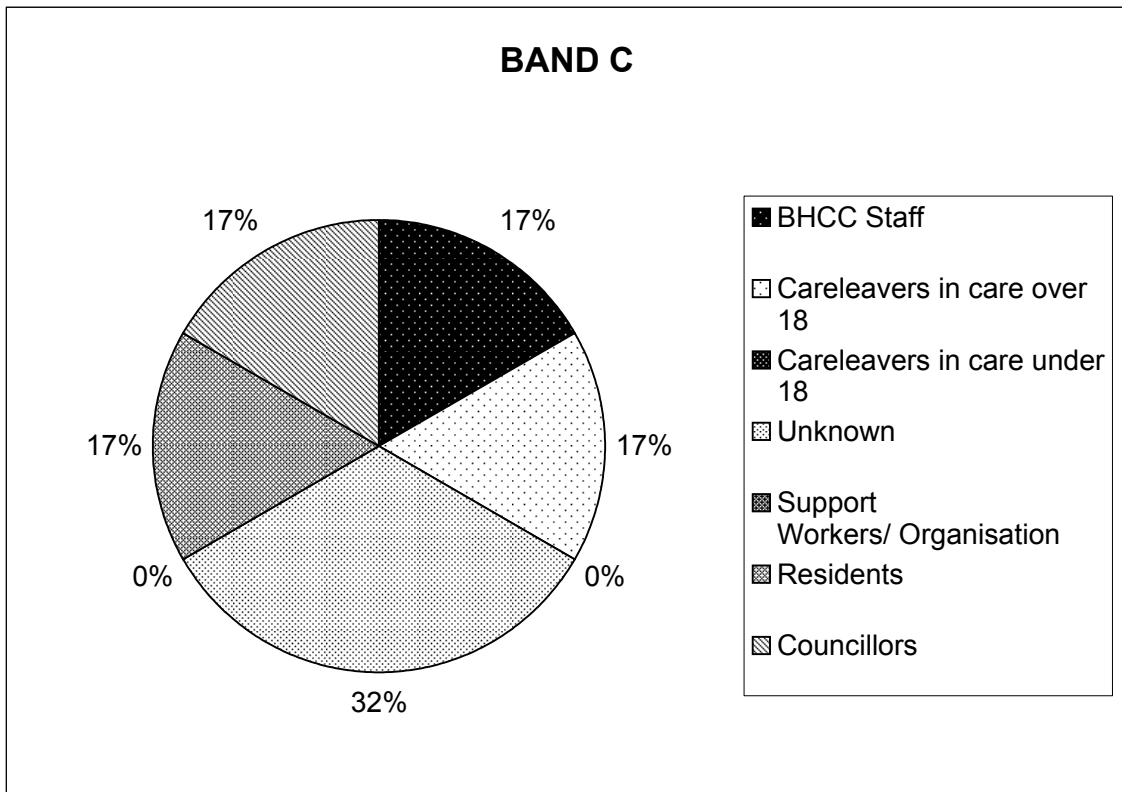
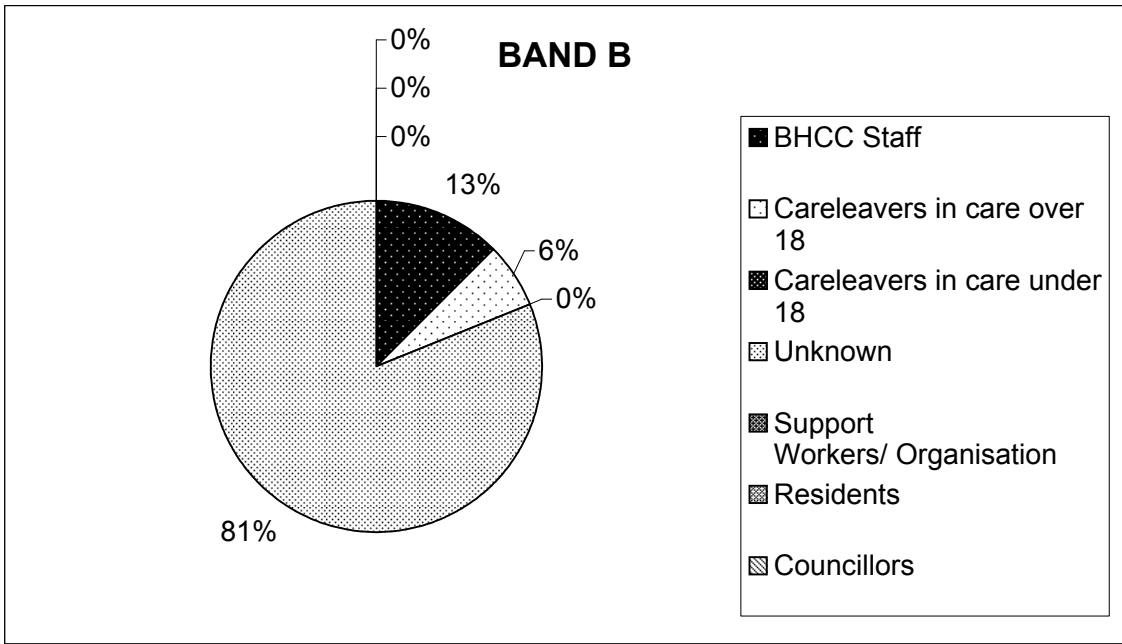
Who we consulted with	How we consulted	When
Trust, Rainbow foundation, MOSIAC, Assert, Brighton women's centre, Autism Sussex Ltd, Clockwork Tower Sanctuary, Scope, Stop over outreach, Jobcentre, Brighton Deaf Centre, SDA for the Deaf, Mencap, PALS at Royal Sussex Hospital, Crisis, Grace Eyre, Oxfam, Samaritans, Martletts		
Sheltered Choice Based Lettings Group (Charles Penrose and Bryan Balchin) met with and will be taking to SHAG	face to face	7.12.11
All area panels will be attended up to and including 14.2.12 and the response from this will be taken into account even though it is after the official close date (this has been agreed by head of Law)	meeting	Up to 14.2.12
Was placed on the Wave for ALL council staff and will be again in the New Year.	Wave	Ongoing
It has also been asked that all staff and anyone who has received the consultation it is passed on to friends, family, colleagues etc so that it is spread as far as possible.	Word of mouth	Ongoing

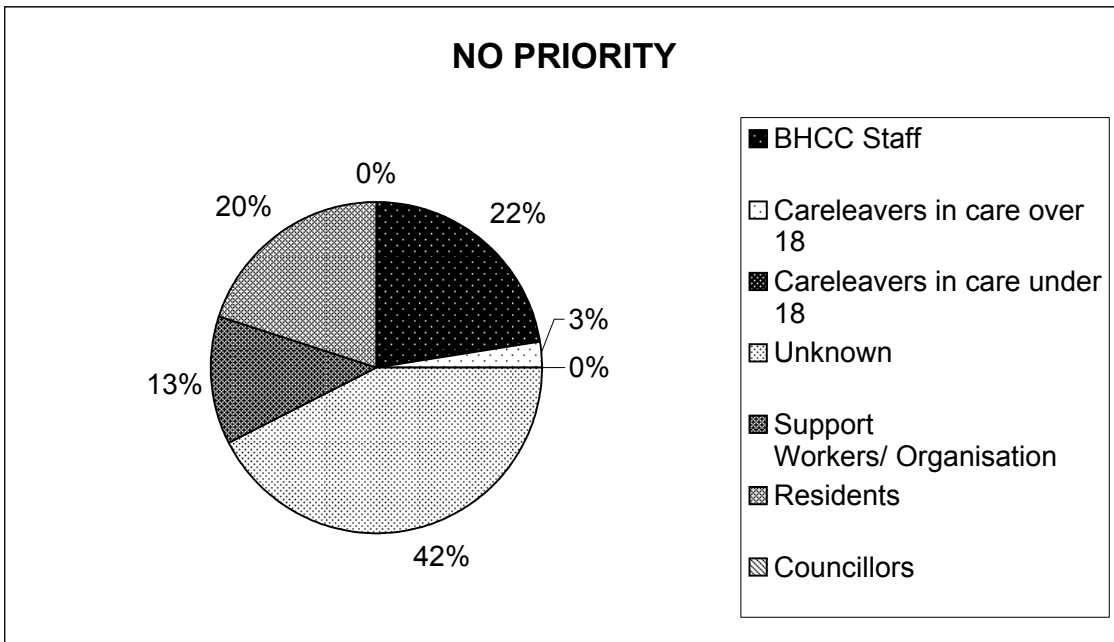
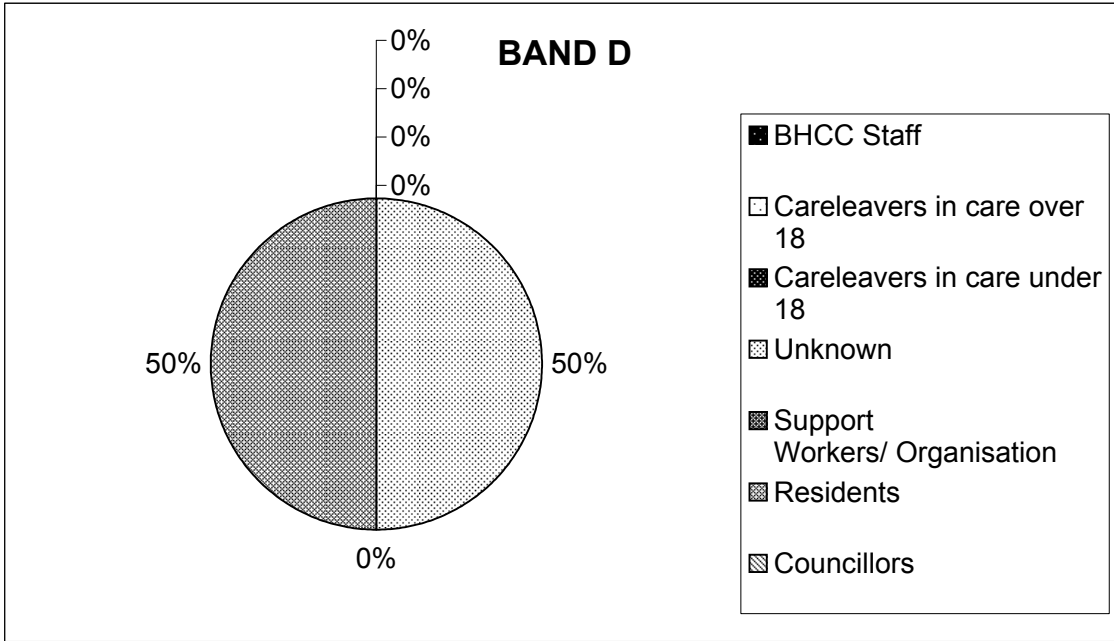
ALLOCATIONS POLICY CONSULTATION

Band	TOTALS	%	BHCC Staff	Careleavers in care over 18	Careleavers in care under 18	Unknown	Support Workers/ Organisation	Residents	Councillors
A	220	77.5	59	91	11	37	0	6	0
B	16	5.6	2	1	0	13	0	0	0
C	6	2.1	1	1	0	2	0	1	1
D	2	0.7	0	0	0	1	0	1	0
No priority	40	14.1	9	1	0	17	5	8	0
TOTAL	284	100%	71	94	11	70	21	16	1









ALLOCATIONS POLICY CONSULTATION- RESPONSE FROM Housing Adaptations Service & Children's Disability Services

Thank you for inviting us to respond to the consultation. A group representing Housing Adaptations Service & Children's Disability Services met to review the proposed changes. We would like to make specific comments on the following sections of the policy as they apply to disabled people and families with disabled children and mobility standard properties:-

Working Households
Positive Contribution

We would also like to comment on the policy re allocation of Sheltered properties- although this is not specifically covered in the document.

Working Households and positive contribution

It is acknowledged in the policy that disabled people are more likely to face difficulties in finding and maintaining paid or unpaid work- and this is reflected in a number of national indicators.

However a policy that gives priority to disabled people who are in paid employment or undertaking voluntary work discriminates against those people who are most disabled and least able to undertake any of these activities, including people with very profound physical and learning disabilities and family/household members who are providing care. These are often the households who have the highest priority need to move e.g unable to access essential facilities such as a toilet or bathroom, unable to get out of the property to access the community and where there is no potential to adapt the property. The exclusion of people who are full-time carers of a disabled household member under the positive contribution policy e.g. a [single parent with one or more disabled children](#) also potentially discriminates against those in greatest need.

From a housing perspective, the application of the policy to mobility standard properties mitigates against the Council making best use of accessible and adaptable housing stock.

There is a critical shortage of family size accessible and adaptable homes in the City particularly of Mobility 1 and 2 properties, with very few new build properties of this type and size being delivered. Recent feedback from Homemove to the Major Adaptations Panel reported that there had been no 3 bed Mobility 1 properties available in the past year, with 43 people on the register requiring this type of property (MAP minutes 14th December 2011). This means that people (and their households) who are very disabled are likely to have a considerable wait for a suitable property and under this policy could be waiting even longer.

This has major implications for both Adaptations and Social Care budgets as there remain statutory duties to meet needs and reduce risk to disabled people and their carers.

One consequence is that difficult decisions have to be made in Major Adaptations Panel as to whether to adapt properties that may not meet the current tenant's long-term needs and cannot be adapted to provide a mobility standard property for future tenants.

Appropriate housing for families with disabled children often reduces the burden on the council's social care budgets as there is less family breakdown and less respite required. It is also the case that the privately rented market is rarely an option for disabled people/families as it is rare to find a landlord that will guarantee a long enough tenancy for an expensive adaptation to be worth the investment.

Sheltered housing

We would also like to highlight our concerns about the current policy of giving priority to existing sheltered tenants within the same block or for a move to another block. Again this seems to discriminate against those who may be in highest priority need, particularly if the property meets a mobility standard. It also mitigates against being able to offer under-occupiers who wish to move into sheltered accommodation a range of options.

Appendix 3 Minor Amendments

Wording change to:

From:

Full Time Carers

If the prime applicant(s) provide care in an area of the City, the priority may be applied for in the area in which they provide care. Carers must have been providing for a continuous period of at least 6 months up to the point of application and the same at point of offer.

To:

Full Time Carers (outside of your current household)

If the prime applicant(s) provide care to someone outside of their current household in an area of the City where they have placed a bid (with a 1 mile radius of the place of care), the priority may be applied for in the area in which they provide care. Carers must have been providing for a continuous period of at least 6 months up to the point of application and the same at point of offer.

From

Income caps

In order to ensure those households most in need benefit from the council's Working Priority, income caps will be applied according to the size of property needed.

For those who need a property of 2 or more bedrooms the cap will be £35,000pa gross income to include all forms of income to the household.

For households requiring studio or 1 bed property, the cap will be £17,000 pa gross to include all forms of income to the household.

To

Income caps

In order to ensure those households most in need benefit from the council's Working Priority, income caps will be applied according to the size of property needed.

For those who need a property of 2 or more bedrooms the cap will be £35,000pa gross income to include all forms of income to the household.

For households requiring studio or 1 bed property, the cap will be £17,000 pa gross to include all forms of income to the household.

Please note that any benefits received will not be taken into account on the above amounts, these figures are based on gross income only.

Remove the following paragraph so that there is no discretion but that each circumstance is covered by a criteria in the policy. This will ensure the policy is tighter.

Lead Commissioner for Housing Discretion for other exceptional circumstances not covered by this scheme

From time to time a situation may arise that is not adequately reflected in this Allocations Scheme but the needs or circumstances are exceptional and significant. Where a case is considered exceptional but the applicant does not meet any of the Banding criteria or it is felt that a higher Banding than the one awarded is more appropriate then the Lead Commissioner for Housing in Brighton & hove City Council reserves the right to override this scheme and allow an applicant to have a higher priority than they would be entitled to under the Scheme. These cases will be few in number and will be closely monitored and reported on to ensure that the duty to achieve Reasonable Preference overall is not compromised. Lead Commissioner for Housing Discretion can also be used to block an allocation or to make a direct allocation of a property in circumstances not predicted by this scheme but where the Council is satisfied someone has unfairly taken advantage of the scheme to the detriment of those in housing need. Again, these cases will be monitored and will be few in number.

All of the above cases will be taken to Housing Management Consultative Committee on a yearly basis to review the numbers submitted, the outcome of the cases and brief reason for the case being submitted via this route.

Appendix 4

Code of guidance for local housing authorities 2002 - Allocation of Accommodation

CHAPTER 5

Allocation Scheme

Reasonable preference

“5.8 In framing their allocation scheme so as to determine priorities in the allocation of housing, housing authorities must ensure that reasonable preference is given to the following categories of people, as set out in s167 (2) of the 1996 Act:

- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds; and
- (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

5.9 It is important that the priority for housing accommodation goes to those with greater housing need. In framing their allocation scheme to give effect to s.167(2), housing authorities must have regard to the following considerations –

- a) the scheme must include mechanisms for:
 - i) ensuring that the authority assess an applicant’s housing need, and for
 - ii) identifying applicants in the greatest housing need

- b) the scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.167(2), over those who do not;

c) the reasonable preference categories must not be treated in isolation from one another.

Since the categories can be cumulative, schemes must provide a clear mechanism for identifying applicants who qualify under more than one category, and for taking this into account in assessing their housing need;

d) there is no requirement to give equal weight to each of the reasonable preference categories. However, housing authorities will need to be able to demonstrate that, overall, reasonable preference for allocations has been given to applicants in all the reasonable preference categories. Accordingly it is recommended that housing authorities put in place appropriate mechanisms to monitor the outcome of allocations; and

e) a scheme may provide for other factors than those set out in s 167(2) to be taken into account in determining which applicants are to be given preference under a scheme, provided they do not dominate the scheme at the expense of those in s.167(2). (See para. 5.25 below)
Otherwise, it is for housing authorities to decide how they give effect to the provisions of s.167(2) of the 1996 Act in their allocation scheme.

Allocation scheme flexibility

5.25 While housing authorities will need to ensure that, overall, reasonable preference for allocations is given to applicants in the relevant categories in s167 (2), these should not be regarded as exclusive. A scheme should be flexible enough to incorporate other considerations. For example, housing authorities may wish to give sympathetic consideration to the housing needs of extended families. However, housing authorities must not allow their own secondary criteria to dominate schemes at the expense of the statutory preference categories. The latter must be reflected on the face of schemes and be evident when schemes are evaluated over a longer period.

Appendix 5: Duties under the Children Act relating to accommodation

Children Act 1989 23 (b) (8)

“(8)The responsible local authority shall safeguard and promote the child’s welfare and, unless they are satisfied that his welfare does not require it, support him by—

- (a)maintaining him;
- (b)providing him with or maintaining him in suitable accommodation; and
- (c)providing support of such other descriptions as may be prescribed.

(9)Support under subsection (8) may be in cash.

(10)The [F4“appropriate national authority] may by regulations make provision about the meaning of “**suitable accommodation**” and in particular about the suitability of landlords or other providers of accommodation

Careleavers (England) Regs 2010

Part 4

(9) (2) For the purposes of section 23B(10), “**suitable accommodation**” means accommodation—

- (a)which so far as reasonably practicable is suitable for the relevant child in the light of their needs, including any health needs and any needs arising from any disability,
- (b)in respect of which the responsible authority have satisfied themselves as to the character and suitability of the landlord or other provider, and
- (c)in respect of which the responsible authority have, so far as reasonably practicable, taken into account the relevant child’s—
 - (i)wishes and feelings, and
 - (ii)education, training or employment needs.

SCHEDULE 2 Regulation 9

Matters to be considered in determining the suitability of accommodation

1. In respect of the accommodation, the—
 - (a)facilities and services provided,
 - (b)state of repair,
 - (c)safety,
 - (d)location,

(e) support,

(f) tenancy status, and

(g) the financial commitments involved for the relevant child and their affordability.

2. In respect of the relevant child, their—

(a) views about the accommodation,

(b) understanding of their rights and responsibilities in relation to the accommodation, and

(c) understanding of funding arrangements.”

Appendix 6 Equalities Impact Assessment

<p>Aim of Policy / Scope of Service:</p> <p>Equality Impact Assessment for Careleavers – Review 2012 Analysing what would be the impact of proposed changes to the Allocations policy for care leavers in particular and the different assessments combinations.</p>	
<p>Different Groups included in scope Care leavers. Others on the Housing Register who would potentially be affected by a change.</p>	

	Impact	Potential actions to minimise negative impact and maximise positive impacts
<p>1- if Care leavers were assessed as Band A</p>	<p>(+) Highest priority enables them to be re-housed promptly to a secure tenancy (+) secure tenancy will provide stability (leaving care is challenging and confusing time for many young people). (-) Don't always have the support, if needed, which will help them manage independent accommodation. (-) There is a finite supply of housing. (-) It will impact on other applicants in band A that need one bedroom property for reasons such as: * Overriding medical * TIS * Witness protection nominations * Accepted Homeless</p>	<p>ACTION:</p> <ul style="list-style-type: none"> * support package from Children's services coupled with that from housing officer should be provided to careleaver when they first move into social housing * Life-skills course provision * Monitor the impact on other groups to assess which groups adversely affected * For those careleavers that could benefit for other type of accommodation: <ul style="list-style-type: none"> - Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented

	<ul style="list-style-type: none"> * Transfer needing a permanent decant * Private sector nomination * Priority transfers * Lead Commissioner of Housing discretion * Non statutory successors * Retiring council and HA employees <p>(-) Less dynamic housing list. More people in Band A will mean that people in lower bands have reduced opportunity to obtaining a property.</p> <p>(-) Some care leavers could benefit from other type of accommodation that is not Council o HA.</p> <p>(+) (-) To treat all the Groups in the same measure. (positive for careleaver and negative for other applicants which assessment is based on their housing need)</p>	<p>sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an area of the city they had been living in.</p> <ul style="list-style-type: none"> - Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation - Assistance with deposits, guarantors
<p>2- if assessed as band B</p>	<p>(-) careleavers would have reduced opportunity in obtaining a property than if they were in Band A</p> <p>(-) They will compete with other applicants in band B needing one bedroom property for reasons such as:</p> <ul style="list-style-type: none"> * management transfers * major medical * Ex tenants returning from institutions * Multiple needs * Unsatisfactory Housing conditions (Category 1 hazard) <p>(+) careleavers would have increased opportunity to obtaining a property than people in lower bands.</p> <p>(-) There is a finite supply of housing.</p> <p>(-) Don't always have the support, if needed, which will help them manage independent accommodation.</p> <p>(+) likely to be re-housed fairly quick under the scheme</p> <p>(+)(-) To treat all the Groups in the same measure</p>	<p>ACTION:</p> <ul style="list-style-type: none"> * support package from Children's services coupled with that from housing officer should be provided to careleaver when they first move into social housing * Life-skills course provision * Monitor the impact on other groups to assess which groups adversely affected * For those careleavers that could benefit for other type of accommodation: <ul style="list-style-type: none"> - Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleaver to remain in an area of the city they had been living in.

		<ul style="list-style-type: none"> - Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation - Assistance with deposits, guarantors
<p>3- if assessed as band C</p>	<p>(-) careleavers would have reduced opportunity in obtaining a property than if they were in Band A or band B</p> <p>(-) They will compete with other applicants in band C needing one bedroom property for reasons such as:</p> <ul style="list-style-type: none"> * Homeless on T.A, short hold tenancy * minor medical * unsanitary housing conditions * Multiple needs * To give or receive support <p>(-) unlikely to be re-housed promptly which could impact negatively on their health and wellbeing, unless they are working in which case up to 50% of all available properties</p> <p>(-) There is a finite supply of housing.</p> <p>(+) careleavers would have increased opportunity to obtaining a property than people in band D</p>	<p>ACTION:</p> <ul style="list-style-type: none"> * Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an area of the city they had been living in. * Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation * Assistance with deposits, guarantors * Life-skills course provision * Monitor the impact on care leavers * support from housing officer should be provided to careleaver when they first move into social housing
<p>4- if assessed according to their housing need</p>	<p>(-)(+) Treated as all other applicants in the same measure</p> <p>(+) Dynamic housing list</p> <p>(-) some careleavers will have not priority need and it will be very unlikely for them to be re-housed under Homemove.</p> <p>(-) the health and wellbeing of careleavers may be</p>	<p>ACTION:</p> <ul style="list-style-type: none"> * Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an

	<p>impacted if suitable accommodation can not be provided.</p>	<p>area of the city they had been living in. * Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation and help raise aspirations. * Assistance with deposits, guarantors * Life-skills course provision * Monitor the impact on care leavers</p>
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Lead Equality Impact Assessment Officer:
Head of Service
Cabinet Member for Housing:

Elena Castells
Sylvia Peckham
Councillor Liz Wakefield

Date
Date
Date

25.01.2012

Appendix 7: Allocation Schemes and priority for care leavers across Sussex and other Local Authorities.

Of the schemes looked at most use banding either A-D or 1-4.

Name of Authority	Priority	Comments
<u>Sussex Councils:</u>		
Arun District Council	B	“as authorised by Housing Services manager
Worthing District Council	A	“evidenced with relevant care plan, references where appropriate and plans in place to meet future care or support needs”
Horsham District Council	B	Need agreed careplan that has been discussed and approved through young person panel.
Mid Sussex District Council	A	12 weeks to bid successfully or Homemove bid on applicant’s behalf. If refuse offer, lose Band A status and banded according to housing need.
Lewes District Council	A	
Crawley Borough Council	B	
Eastbourne Borough Council	A	
<u>Unitary Authorities</u>		
Southwark Council	2	
Croydon Council	2	“is genuinely prepared for a move to indept living including life skills to manage a tenancy including a rent account. Careleaver is in need of either a long term or medium term tenancy support package, rather than short term which has been assessed and is in place.
Portsmouth City Council	2	“nominated by head of safeguarding subject to pre-agreed quota of tenancies.”
Medway council	B	Move on from care or leaving supported housing
Shropshire Council	B (Gold)	Move on from supported – no mention of care leavers
Barnet Council	B	Careleavers: <ul style="list-style-type: none"> - need to possess lifeskills to manage a tenancy including a rent account. - Support package is in place. - Careleaver is in need of either long term or medium term tenancy support

Name of Authority	Priority	Comments
Bedfordshire Council	3 (C)	
Northumberland Council	A (Priority Band)	
Cornwall Council		Priority decided by a Welfare Panel
<p>Westminster City Council - they award points rather than a banding system. They have a quota system in place and if agreed by the Children Act Accommodation Panel for a social housing tenancy they will be awarded 400 points. Only those needing to be decanted from a council tenancy and Cash Incentive scheme (ie. tenants wanting to downsize) are awarded higher points for studio and 1 bed accommodation.</p>		
<p>Southampton Council – we couldn't find any reference to careleavers in their scheme.</p>		