

<b>Subject:</b>	<b>Review of Evictions from Emergency and Short-term Temporary Accommodation</b>		
<b>Date of Meeting:</b>	<b>16<sup>th</sup> September 2020</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods and Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sylvia Peckham</b>	<b>Tel: 01273 29</b>
		<b>Louise Lowery</b>	
	<b>Email:</b>	<b>Sylvia.peckham@brighton-hove.gov.uk</b>	
		<b>Louise.lowery@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 In February 2019 Policy, Resource & Growth Committee agreed that £0.250m be added to the council's 2019/20 budget proposals for one year only in order to expand the options for providing support for people in emergency and temporary accommodation to have a positive impact on evictions which were at a high level. In February 2020, Budget Council approved an on-going budget of £0.260m for this welfare support service.
- 1.2 It was requested that the performance of the support team (Welfare officers) in relation to the impact on the rate of evictions is regularly reported to Housing Committee.
- 1.3 On average the team have been involved in helping avert the potential eviction of 35 people each month. They are supporting an average of just under 500 households at any one time but this has risen to over 600 during Covid 19. The preventions have been where residents have been served a warning notice due to service charge arrears or other breaches of the licence agreement which the welfare officer team have then resolved.
- 1.4 This report sets out the performance to date. In 2019/20 the percentage of placements that resulted in eviction rose to 10.84% of all placements made which may be the result of a more robust recording system. Between April and the end of July 2020, evictions were just under 10% of all placements made despite the increased number of placements and the changes to how support had to be provided during Covid 19.
- 1.5 In April 2019 we changed the way we were recording evictions. Previously we were relying upon the reporting information accommodation providers submitted as part of their contractual obligations. However in 2019 we implemented a change to start recording information separately and developing our own recording system to ensure every eviction was captured albeit on a manual

spreadsheet. It would therefore appear that in previous years there has likely been under reporting due to the way information was recorded.

## **2. RECOMMENDATIONS:**

- 2.1 That Housing Committee notes the performance and evictions reported.
- 2.2 That Housing Committee supports the measures the council is incorporating in future contracts for emergency and temporary accommodation to minimise the risk of evictions, and intends to keep this matter under annual review.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 In response to concerns regarding evictions from short term and emergency temporary accommodation, the Welfare Officer Team was set up in January 2018. The purpose was to act as an intermediary between accommodation providers and residents to ensure any issues with the accommodation were addressed in a timely manner and to resolve any issues between the parties. Initially the team comprised two welfare officers which were subsequently expanded later that year to create a team of six plus a senior Welfare Officer.
- 3.2 The aim of the service was to support homeless households living in short term and emergency temporary accommodation to minimise evictions. All households accommodated are linked in with the service at the time that the placement is made. Households are provided with details of the welfare officer assigned to them and who they can contact if they require assistance during their stay. At any one time prior to the current Covid 19 pandemic, we had approximately 500 households in emergency and short term temporary accommodation (425 in contracted accommodation and around 70 in spot purchase accommodation). During the pandemic this has increased to approximately 600 households as we have an average of 200 households in spot purchase.
- 3.3 Prior to the Covid-19 pandemic and emergency measures put in place in response, the duty welfare officer met with each household at the point accommodation was allocated, providing their contact details; basic information about services available in the locality of the accommodation and ensuring that households had access to basic needs such as food and laundry. Regular welfare checks were carried out at all of the short term and emergency temporary accommodation properties Which comprise in the region of 10 blocks plus separate spot purchase accommodation in the city and outside the city in Newhaven and Eastbourne. This entailed knocking on the door at each room and asking each person that answered whether they require any assistance. Where there was no answer a note was left in the room with the contact details of the service.
- 3.4 Since the lockdown following the Covid-19 pandemic, new households are first contacted within 24 hours of their being placed into emergency accommodation. Thereafter, households are contacted every two to three weeks by phone, depending on preference. In addition they are able to phone their Welfare Officer as issues arise. If we receive no response to a call there will be a follow up call.

After a second non response the welfare officer will contact the accommodation provider to arrange for a check to be made on the household. All households are given the contact details of the welfare team so that they are able to contact them if they feel they need support. As we are unable to give out welfare packs we text contact details of relevant services as required. Welfare packs contain information relating to services local to the accommodation such as launderettes, shops, churches, food banks, GPs in addition to some basic provisions.

3.5 Where it is apparent that a household requires additional support, then the welfare officer will respond accordingly. This includes ensuring households are linked in with local support groups and if necessary referring to specialist support agencies. Where there are serious concerns for a person's safety or wellbeing, a safeguarding alert with Adult Social Care or Children's Services will be raised or in extreme situations the emergency services called. The main areas of support offered are outlined in more detail in paragraph 3.7 below.

3.6 A weekly drop-in service was also provided at some of the properties where there were the facilities to do so, i.e. office space or a separate room where people could meet with a Welfare Officer without an appointment and could raise any issues or concerns. However this had to be paused during lockdown. We are now considering how to recommence this service safely with appropriate risk assessments.

3.7 The main areas of support provided include:

- Providing assistance with a range of financial matters. This includes supporting people with benefit claims, liaising with the Department of Work and Pensions, assisting with Local Discretionary Social Fund applications (LDSF) and assisting households to manage their budgets.
- Referrals into and liaison with relevant support services such as the commissioned substance misuse service, Justlife who provide a range of practical support to people in emergency accommodation and Adult Social Care.
- Assistance to register with a GP and in accessing other health services.
- Negotiating with accommodation providers to resolve repair issues or manage service charge debts.
- An Information pack is provided regarding what is available in the locality of their accommodation and a move-in pack consisting of some basic provisions is provided if necessary. These are arranged through Justlife. Following Covid 19 we now ascertain what support is required when talking to the household and would follow up with a text or email the contact details of services or contact the services directly as appropriate. We are reviewing how quickly we can safely resume re-offering the welfare pack.
- Assisting people to move to alternative long-term accommodation options. This includes enabling people to move into the private rented sector and assisting people to bid on Homemove.
- Supporting people when moving to alternative accommodation by assisting access to furniture through Estate services when Local Discretionary Social Fund is not available.

**Monthly average performance matrix to support around 500 households ( pre-Covid 19)**

<b>Activity level</b>	Total number ( relating to separate actions not the different number of households supported)
Telephone calls to households to follow up visits etc	197
Letter drops at accommodation advising of the service and how to make contact	221
Texts to households to arrange appointments	112
Home visits ( no answer)	369
Home visits ( successful)	218
Office visits	83
<b>Areas of work and assistance offered:</b>	
Referrals to other support services	85
Service charge advice	57
Advice and assistance in resolving repairs and maintenance of accommodation.	171
Benefits/budgeting advice	45
Successful interventions following concerns raised by providers and where warnings have been issued	35
Safeguarding concerns noted and raised ( not necessarily formally with social services)	31
<b>Move on from emergency accommodation</b>	
Assisted households to bid on Homemove	6
Advice given about private rented housing options	89
Assisted to move from emergency accommodation to longer term TA	32

See Appendix 1 for definitions for each of the above categories.

- 3.8 It was reported to Housing Committee in September 2019 that there had been a total of 39 evictions between 01/04/18 to 31/03/19 which was 3.7% of all placements made in that period. The total number of placements in that period was 1040.
- 3.9 In April 2019 we changed the way we recorded evictions as the previous method was not as robust as required. Previously we were relying upon the reporting information accommodation providers submitted as part of their contractual obligations. However in 2019, following feedback from members, advocates and residents we implemented a change to start recording information separately to the performance indicators providers submitted and developed our own recording system to ensure every eviction was captured albeit on a manual spreadsheet. It

would therefore appear that in previous years there has been under reporting due to the way information was recorded.

Whilst the table below indicates an increase compared to those recorded in the previous two years, the numbers are not comparable due to the difference in the way information is collected as explained above. The experience of the service is that evictions have not increased and rather the difference in figures is explained by the more robust and consistent way that the information is now recorded. It is not clear that welfare officers have been able to provide the kind of support that would lead to a reduction in evictions and refer to 3.18 which advises that emergency accommodation will always be difficult for people to manage in particularly when they need supported accommodation to meet their need. We will continue to review in consultation with the Temporary Accommodation Action Group and the Homeless Reduction Operational Board, how this support could be more effective.

3.10

Period	Number of placements*	Number of evictions	Percentage of those accommodated who were evicted
01/04/17 to 21/03/18	996	33	3.3
01/04/18 to 31/03/19	1040	39	3.7
01/04/19 to 31/03/20	1706	185	10.84
01/04/20 to 31/07/20	970	96	9.89

\*It should be noted that these are the total number of placements made and not the total of different households accommodated and it will include transfers of households from one property to another.

3.12 Further Detail figures is contained in Appendix Two which follows on from Appendix one.

3.13 Figures show that for the part year between 1st April 2020 and 31<sup>st</sup> July, a higher number of placements were made as a proportion of the previous year. (970 against pro rata based on previous year would be in the region of 568). This is due to the response to the Covid-19 emergency and the Government requirement to provide accommodation for rough sleepers and those at risk of rough sleeping. In addition some people will have been placed several times as we have had to move people according to what accommodation we had available and what needed replacing eg the moves from initial acquired hotels to University of Brighton halls of residence. This does not include those verified rough sleepers placed in the Care & Protect accommodation ie, where they have been divided into different groups depending on their risk if contracted Covid 19 and provided with separate accommodation aligned to that risk.

3.14 Of the 96 evictions between 01/04/20 and 31/07/20, 52 people were replaced into other emergency accommodation. The housing duty was discharged in only 11 cases and the remaining did not re-present to us following eviction. Due to the

pandemic, alternative accommodation has been offered to all people who would otherwise be rough sleeping or at risk of rough sleeping.

- 3.15 There is a perception that the complexity of the support needs of many of the occupants is increasing and/or that there is an increase in the number of people who have support needs.
- 3.16 It is noted that in the 2019/20, 188 people placed into emergency accommodation were assessed as needing supported accommodation.
- 3.17 There are currently 11 people living in emergency accommodation waiting for supported accommodation. This may be under represented as the list has been paused temporarily while we focus on those accommodated under Covid 19. It may also be that people in emergency accommodation might require more floating support rather than supported accommodation. Needs assessments for supported and floating support will be updated and reported to the Homeless reduction board.
- 3.18 In terms of evictions, these reflect that people are not managing in such environments despite the support being provided. The accommodation contracts cover how we expect providers to manage Anti-Social Behaviour (ASB). The list in the report demonstrates the reasons people are being evicted some of which are serious ASB and drug use. Essentially emergency and temporary accommodation is not the answer for many people and so we need to move towards it being only for an emergency and to do that we need to look much more broadly at what we can do to prevent homelessness; and then at what the supported pathway should be so that we can move people into what they need speedily. For those who can manage a tenancy albeit with some support, we could move into private rented accommodation which is a large sector.
- 3.19 Working in partnership with providers and support services to manage more positive move on and reduce evictions we can report to the Temporary Accommodation Action Group (TAAG) on progress and identify other areas that working together the group can make a difference. The TAAG comprises accommodation providers, support services, activists, residents, members and officers.
- 3.20 If safeguarding concerns are raised this is always formal and will be investigated by either Adult Social Care or Children's services.
- 3.21 With regard to those who are evicted, most are re-accommodated and this is particularly so under current Covid-19 provisions unless we have exhausted all accommodation for example where we have clients who have been evicted from all accommodation we have access to and/or present serious risks to others.
- 3.22 The figures in Appendix 2 and the report show that of the 96 who have been evicted between April and July, 52 were re accommodated. We do not currently have IT systems that can track what happens to people once they have left the Housing Needs Service and so it is not possible to report what subsequently happens to people who are evicted and not replaced into other emergency accommodation, for example if someone is evicted and we cannot re-accommodate them or they leave and don't contact us again, we have no way of

knowing if they are staying at friends/ family or find somewhere to rent etc. It is only if they subsequently become a rough sleeper and are then recorded by the street outreach service on their IT system (BThink) that as a council we could try and cross check. This is possible but very resource intensive as it would be a manual reconciliation to go through the records and cross check one system against the other.

3.23 We are starting to review the whole model and approach to homelessness to use the resources better and differently following the current Covid 19 emergency. This is a significantly and timely piece of work which will be overseen by the Homeless Reduction Board.

3.24 We will be re-commencing the re-procurement of emergency and short term accommodation in October with a view to having contract in place for April 2021. This work was paused in March at the start of the Covid 19 emergency lockdown. In developing the specifications we incorporated the recommendation agreed by Policy and Resources Committee in November 2019. Attached separately is a charter for emergency accommodation developed by Justlife who are an organisation providing support to some people in emergency accommodation. Some aspects of the charter are not relevant as we have developed a specification for self-contained accommodation which will not have separate service charges. Members may wish to note the work undertaken by Justlife in developing this charter with the aim of improving the accommodation offer to those who need emergency accommodation.

3.25 Reasons for evictions

In general most evictions are a result of anti- social behaviour issues due to allowing friends into the property and substance misuse. Some of this may be a reflection on the relaxation of lockdown and having more households who we do not have statutory duties towards and whose needs may require additional support. Prior to eviction, providers have to issue warnings to residents and to inform our Welfare Officer team so that we can work with those residents to try and resolve issues. As set out in paragraph 1.3, this enables us to avert approximately 35 evictions per month. Providers are required to provide evidence of what measures they have taken to try and resolve issues with the household and what warnings have been issued. In cases of more serious ASB or violence, the provider will evict with immediate effect.

3.26 Below are some examples of the reasons for evictions:

- arrested by police for a serious offence
- cannabis smoking and visitor violations, had previously been warned
- Broke into another flat and stole food and mobile phones (on CCTV)
- Repeatedly obstructing urgent maintenance work, disturbing other residents, bad state of room  
visitors, drinking, smoking
- constant intoxication, disturbing and verbal abusive to other residents,
- visitors and visitors' anti-social behaviour including spitting at resident, not social distancing, unauthorised dog in the accommodation
- smoking drugs at hotel entrance, rude to staff,
- visitors, noise complaints, police called to noisy fight, damages

- possession of weapon (knife) on display in room, police called as client heard to be damaging furniture loudly
- visitors including banned previous resident, arguing with manager
- extensive damage to property and major disturbance to whole neighbourhood, threw fire extinguisher at staff
- noise complaints, visiting other residents, offensive language, disturbing neighbours

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Work is underway to explore how support is provided safely across various tenures i.e. emergency and short-term accommodation, and also longer term temporary accommodation and council tenancies following the current Covid 19 emergency, as there are significant issues that relate to how services are provided going forwards. We are undertaking appropriate risk assessments and will be consulting with a variety of services and organisations as part of reviewing the approach going forwards.

#### **5 COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Engagement is carried out through the Temporary Accommodation Action Group which comprises current and former residents; various support agencies, council members and other homelessness services. Since the start of the current Covid 19 emergency, this has been more challenging and we are considering how we can safely achieve this going forwards.

#### **6 CONCLUSION**

- 6.1 The percentage of evictions was more robustly monitored in 2019/20 and reflected that just over 10% of all placements ended in eviction. Going forwards as the impacts of Covid will remain for some time we will be reviewing how we best provide support to people to minimise evictions. The welfare officers are having a positive impact in supporting people and resolving issues to avoid evictions. Despite lockdown restrictions and changing the method of support to telephone calls only, evictions have remained at just under 10% of all placements. This is despite the high increase in overall placements. As lockdown restrictions have eased we are planning and undertaking risk assessments to allow for welfare officers to recommence face to face support where this is safe to do so.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 In February 2020, Budget Council approved a budget of £0.260m for this welfare service as an on-going budget commitment.
- 7.2 In February 2020, budget council also agreed £0.300m investment for increasing the service specification for emergency short term accommodation. Given the financial position of the council, and the forecast overspends in the Housing

General Fund service, the council will need to consider this level of investment in the context of the budget savings required to set a balanced budget for 2021/22

*Finance Officer Consulted: Monica Brooks*

*Date: 07/09/2020*

Legal Implications:

- 7.3 This is a for note report and as such detailed legal advice is not required. The Welfare Officers are not a service which is required by statute and is entirely within the gift of the Council as to whether it is provided. If it is the committee's decision that this is a service better provided external to the Council there will be requirements under standing orders and the service would have to be properly procured.
- 7.4 Of note is the type of behaviours which lead to eviction. These may well create health and safety issues for accommodation providers and other service users.
- 7.5 It is also noted that many of those accommodated will be under licence arrangements. As such they are not covered by the Protection from Eviction Act 1977. This reduces the requirements relating to eviction – often no Court order is required.

*Lawyer Consulted:*

*Name Simon Court*

*Date: 01.09.2020*

Equalities Implications:

- 7.6 None

Sustainability Implications:

- 7.7 None

Brexit Implications:

- 7.8 none

Public Health Implications:

- 7.9 In response to the pandemic and in line with advice from Public Health England, accommodation was provided for all verified rough sleepers and those becoming homeless who would otherwise be rough sleeping. This was to minimise the spread of infection and to safeguard rough sleepers who are considered to be amongst people at high risk if they contracted Covid-19. Many people we have provided emergency and short term accommodation for would not be owed a statutory housing duty. This is reflected in the significant increase in the number of placements since April 2020.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Definitions of reporting categories.
2. Tables of Eviction and numbers of properties
3. Justlife's charter for emergency accommodation