

HOUSING CABINET MEMBER MEETING

Agenda Item 41

Brighton & Hove City Council

Subject:	Allocations Policy		
Date of Meeting:	19 October 2011		
Report of:	Geoff Raw, Strategic Director - Place Terry Parkin, Strategic Director - People		
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Key Decision:	No		
Wards	All		
Affected:			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The current Housing Register Allocations Policy was approved by Housing Cabinet on 22nd March 2011 and implemented in early May 2011.
- 1.2 Under the new policy, Care leavers are not automatically awarded priority for housing, but are assessed for housing depending on their housing need in the same way as other applicants are assessed. CYPT (Children & Young Persons Trust), care leavers and their representatives have raised concerns over the new approach and, in view of the Council's significant responsibilities as Corporate Parent, this report proposes a further review of the Allocations Policy.
- 1.3 In undertaking the Review we would also like to use the opportunity to consult on the anticipated changes to Allocations following the Localism Bill. Therefore this report is to consider a review of the Allocation policy including consultation with the City. A further report will then be brought back to HMCC and Housing Cabinet with final recommendations for implementation following this Consultation

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing be recommended to approve the undertaking of a Review of the current Allocation Policy. Following the Review, recommendations will be brought back to HMCC and Housing CMM.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1.1 Housing & support for care leavers is a key strategic priority for Housing Commissioning encompassed in Housing Strategy, Supporting People Commissioning Strategy & Homelessness Strategy.
- 3.1.2 A Joint Protocol has been in place for some years between Housing and CYPT to assess and provide for the housing needs of Care leavers. A large proportion of Care leavers are not ready for independent accommodation and are referred

into one of several supported housing projects for young people that we have developed.

- 3.1.3 When Care leavers are assessed as ready for independent accommodation either following a stay in supported accommodation or direct from Care, under the new policy they are banded according to their housing need and so could be in any of the bands A-D.
- 3.1.4 The current concern is that since the revised policy came into force, this change in banding may disadvantage care leavers and a review has been requested to consider reinstating the position under the previous Allocation Policy for Care leavers to be awarded Band A priority for Social Housing once they have been assessed as ready for independent accommodation.
- 3.1.5 It is proposed that consultation is undertaken with our partner RSLs (registered Social Landlords) in accordance with the legal requirements and also with those bodies recommended to be consulted under the Code of Guidance, namely Social Services departments, health departments, supporting people teams, Connexions partnerships, relevant voluntary sector organisations and other recognised referral bodies should be consulted. In addition, following the Council's Community Engagement Framework, we will be carrying out full consultation with all our Communities of interest and will include care leavers and their representatives.
- 3.1.6 A final Report for decision on recommended changes following consultation will be brought back to HMCC and Housing Cabinet Member Meeting. allowing for the recognised standard minimum consultation period of 12 weeks.
- 3.1.7 Pending the outcome of the Review, the Lead Commissioner Housing, in consultation with the Strategic Director People and Strategic Director Place, will consider exercising his discretion in relation to the banding for care leavers as they arise on a case by case basis. This will be reported to HMCC and Housing Cabinet as per the current policy.

4. CONSULTATION

- 4.1 There is a legal requirement to consult with partner RSLs on major changes to an Allocation policy, and the Code of Guidance suggests that in addition Social Services departments, health departments, supporting people teams etc are consulted. To comply with the Community Engagement Framework, we will also consult with all our communities of interest, including care leavers and their representatives. This consultation will take a minimum of 12 weeks to ensure the Consultation is robust. Full details of the consultation and the responses will be contained in the final report.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Financial Implications.
There are no direct financial implications arising from the recommendation made in this report. The recommended changes as highlighted in appendix 1 will be managed within existing budgets

Finance officer Consulted: Neil J Smith Senior- Finance Officer Date: 24.06.11

5.2 Legal Implications

Under section 167 Housing Act 1996, the council as a local housing authority is required to have an allocations scheme for determining priorities and as to the procedure to be followed, in allocating housing accommodation. Local housing authorities must not allocate housing accommodation otherwise than in accordance with their allocation scheme. Although there is no specific right to housing under the European Convention on Human Rights or Human Rights Act 1998, there is within the Court system an increasing focus on Human rights issues.

The Leaving Care Act 2000 provides for specific duties to children leaving the care of local authorities. The Act provides that it is the duty of local authorities to give care leavers "assistance of any kind to the extent that his welfare requires it". It is clear in law that this includes accommodation and that, as corporate parents, the authority's responsibilities for the welfare of care leavers are high. The proposed review will specifically consider the Council's support for care leavers.

Under the Housing Act 1996 there is a legal requirement to consult with partner RSLs on major changes to an allocation policy, and the accompanying code of guidance recommends that Social Services departments, health departments, supporting people teams, Connexions partnerships, relevant voluntary sector organisations and other recognised referral bodies should be consulted. In addition, it is proposed that the review will also include consultation with care leavers and their representatives. The review of the allocations policy as set out in this report will need to be informed by the consultation responses.

Equalities must also be considered in any service provided by a public body. This consideration will be assisted by the Equalities Impact Assessment.

Legal officer Consulted:– Elizabeth Culbert 29th June 2011 #1515

5.3 Equalities Implications

Equalities Impact Assessment has been carried out for the proposed changes to the Policy (Appendix 3).

5.4 Sustainability Implications

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

5.5 Crime & Disorder Implications

None.

5.6 Risk and Opportunity Management Implications

There are risks that careleavers placed in Council flats will not be able to manage a tenancy, resulting in Anti Social behaviour and /or the tenancy failing. This can be mitigated as CYPT are required to provide on-going support to Careleavers.

5.7 Corporate / Citywide Implications

Limited social housing stock will be used to house vulnerable young people in areas where there are high concentrations of multiple deprivation.

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. This would mean that Careleavers would be assessed for housing in the same way as everyone else and not afforded high priority purely based on their status as Careleavers. They would then be assisted to obtain accommodation in the private rented market when they are ready to manage independent accommodation. This option does not address the concerns that have been raised in relation to the Council fully meeting its duties as a Corporate Parent.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations have been made so that we can review the Allocations Policy with regard to Careleavers in particular, who have been assessed as able to manage a tenancy, can be afforded the highest priority for Social housing.
- 7.2 We will also take opportunity of this Review to consult on potential changes to Allocations contained in the forthcoming Localism Bill.