

Name of meeting: Cabinet
 Date: 24th March 2016

Title of report: Allocation of Supported Living Accommodation

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| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Yes |
| Is it in the Council's Forward Plan ? | Yes |
| Is it eligible for "call in" by Scrutiny ? | Yes |
| Date signed off by <u>Director</u> & name | Jacqui Gedman - 14.03.16 |
| Is it signed off by the Director of Resources? | David Smith - 10.03.16 |
| Is it signed off by the Assistant Director - Legal Governance and Monitoring? | Julie Muscroft - 10.03.16 |
| Cabinet member portfolio | Councillor Cathy Scott - Housing and the Relief of Poverty Councillor Viv Kendrick - Prevention, Early Intervention and Vulnerable Adults |

Electoral [wards](#) affected: All wards
 Ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

- i. The purpose of this report is to seek approval to amend the Kirklees Council's Housing Allocations Policy to include a new section that covers the allocation of all accommodation that has support integral to it (called supported living accommodation, see 2.ii), which includes Extra Care Housing.
- ii. The current Kirklees Council Housing Allocation policy was previously agreed at Cabinet in December 2012. Section 10 'Making Best Use of Council and Specialist Properties' includes at 10e) the allocation of Extra Care Housing. It is proposed that this section is amended and expanded

to cover the allocation of both Extra Care Housing and specialist supported housing for all groups of people.

- iii. The proposed policy and arrangement for allocating this type of 'Supported Living Accommodation' is attached at Appendix A.

2. Key points

- i. There is a growing need for supported accommodation in Kirklees covering all groups of people, for example physical disability, mental health etc. This type of accommodation is required as an alternative to more expensive residential accommodation. This will ensure that people who can live safely and more independently, with appropriate support are able to do so; in turn this will also save the council money by not paying for more expensive accommodation. In addition this can mean vulnerable people have better health outcomes and are able to live in the community for longer.
- ii. Supported Living Accommodation is accommodation for adults who need care and/or support in a safe environment. A fundamental feature is that it is a housing model with a focus on independence and inclusion where the individual has a tenancy agreement and personal care and/or support provision is an integral part. This includes extra care provision in Kirklees.
- iii. Exclusions from this proposal include, general needs housing, retirement living schemes managed by Kirklees Neighbourhood Housing, all adapted properties and specifically designed wheelchair accommodation such as the Excellent Homes for Life properties and Care Quality Commission Registered Accommodation.
- iv. The council is currently working with a number of partners to develop and increase the supply of this much needed accommodation for older people and all disability groups. One example being the current Care and Specialist Supported Housing (CaSSH) developments which are being built by Connect Housing for people with a physical and learning disability, but where Kirklees Council will have 100% nomination rights.
- v. As with the current allocation of Extra Care Housing it is intended that this type of accommodation is allocated by a panel of professionals outside of the current Choose n Move+ system. This panel is made up of people from appropriate care groups, housing and social care assessors. Proposed residents will need to have a housing need as set out in the attached appendix A and will also have an assessed need for the support provided with the specialist accommodation.
- vi. The proposed addition to the Housing Allocations Policy will give a framework for allocating properties in a fair and transparent manner.

3. Implications for the Council

- i. Legal - Kirklees Council's Housing Allocations Policy sets out the way in which we will let council properties and nominate customers to Registered

Providers. The Policy is based upon the Council's statutory duties and will ensure that reasonable preference is given to customers in greatest need.

The allocations policy has regard to part 6 of the Housing Act 1996, as amended by the Localism Act 2011 and the statutory Department of Communities and Local Government codes of guidance on both the Allocation of Accommodation Choice Based Lettings 2008 and the Allocation of Accommodation: guidance for local authorities in England first published in 2012 and updated in 2013.

In framing this policy amendment the authorities' public sector duty under section 149 of the Equalities Act 2010 has been given due regard. Under section 149 the council must have "due regard to the need to –
a) eliminate discrimination; harassment, victimisation, and any other conduct that is prohibited by or under the Act;
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ..". Section 149(7) sets out 7 protected characteristics namely, age, disability, gender reassignment, pregnancy and maternity, race, religion, or belief, sex and sexual orientation. An Equalities Impact Screening has been completed. This shows that this change will have no negative impact on the protected characteristic groups; it is felt that this policy change is beneficial to those groups.

The Housing Act 1996 (sections 166A 13 and 168 1, 2 and 3) requires the local housing authority to consult with registered providers, which have nomination rights, on major policy changes and bring to the attention of other persons likely to be affected any major policy alterations. As in this case the change relates to the allocation of a very small percentage of the Council's overall housing stock (140 Extra Care flats from over 22,000 properties) and to a small number of existing and new specialist supported housing schemes owned by Registered Providers in the district the proposed alterations to policy are not considered to be major and as such formal consultation is not required.

Registered Providers currently developing supported accommodation schemes in partnership with the council as part of the Care and Specialist and Supported Housing Scheme are aware of the proposed policy changes. If approved the Housing Allocation Policy will be amended to reflect the changes and will be published on the Council's website.

- ii. Finance - This type of accommodation will save the council money by providing a less expensive option than residential care. It will also increase a person's independence and help prevent dependency and the need for more expensive interventions.
- iii. An Extra Care allocations panel is currently established. The role and terms of reference for this group, including membership and officer delegations, will be amended to cover all specialist supported accommodation and care groups.

4. Consultees and their opinions

- i. Adult social care colleagues representing the various care groups; learning disability, mental health, older people and physical and sensory impairment have all been consulted and are in agreement with this approach.

5. Next steps

- i. Amend the Housing Allocation Policy to reflect the approved changes and publish the revised policy.
- ii. Amend the terms of reference, membership and officer delegations of the Extra Care Allocation Panel to accommodate consideration for all care groups.

6. Officer recommendations and reasons

- i. That the addition to the Housing Allocation Policy (set out in Appendix A) be approved to ensure the allocation of supported accommodation is carried out in a consistent manner.
- ii. That authority to make future minor amendments to the Housing Allocations Policy in order to comply with legislation, guidance and case law, provided it is not a major change of policy under section 166 (13) of the Housing Act 1996, is delegated in consultation with the Portfolio Holder to the Assistant Director - Place.

7. Cabinet portfolio holder recommendation

- i. The portfolio holder, Councillor Cathy Scott, is in agreement, for the report to proceed to Cabinet and would recommend, that the addition to the Housing Allocation Policy be approved, to ensure the allocation of supported accommodation is carried out in a fair, transparent and consistent manner.
- ii. That authority to make future minor amendments to the Housing Allocations Policy is delegated, in consultation with the Portfolio Holder to the Assistant Director - Place.

8. Contact officer and relevant papers

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Relevant papers; the Kirklees Council Housing Allocation Policy,
<http://www.kirklees.gov.uk/community/housing/pdf/housingallocationspolicy.pdf>
Appendix A, Supported Living Accommodation - Allocations Policy

9. Assistant Director responsible

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Appendix A

Supported Living Accommodation Allocations Policy

1 Introduction

- 1.1 Supported Living Accommodation, for the purpose of this policy, is accommodation for adults who need care and/or support in a safe environment. A fundamental feature is that it is a housing model with a focus on independence and inclusion where the individual has a tenancy agreement and personal care and/or support provision is an integral part. This includes extra care provision in Kirklees.
- 1.2 The purpose of this document is to set out the policy for the allocation of Supported Living Accommodation in Kirklees and is a generic document covering all care groups. This policy sits under and forms part of, the Council's Housing Allocations Policy.
- 1.3 The Care Act 2014 places a duty on Councils to involve people in decisions made about them and their care and support. Throughout the Supported Living Accommodation Allocations process, the Council will provide an independent advocate, if required, as per their duty under the Care Act.

2 Exclusions

- 2.1 General needs housing, retirement living schemes and those which are adapted or wheelchair designed/accessible properties.
- 2.2 Private or other Specialist Housing where Kirklees Council do not have nomination rights.
- 2.3 Care Quality Commission (CQC) Registered Accommodation

3 Eligibility

- 3.1 A Supported Living Allocations Panel will exist to oversee all applications for Supported Living Accommodation in Kirklees and determine the eligibility of each Applicant against the Supported Living Accommodation Eligibility Criteria.
- 3.2 The Supported Living Allocations Panel will include representatives from Social Care, Housing Services and where appropriate, scheme/care providers.
- 3.3 Applicants for Supported Living Accommodation in Kirklees must meet the following Basic Eligibility Criteria:
 - 3.3.1 The individual must have eligible care needs under the Care Act 2014 as determined by the Council and;
 - 3.3.2 The individual must have a housing need as determined by the Council - this can include:
 - The need to move out of residential accommodation due to closure or change in registration
 - Prevention of a crisis and their current situation breaking down
 - Part of planned pathway step approach that will lead to better outcomes for the individual and a potentially cost effective solution for the Council
 - Safeguarding considerations
 - Improving mental health and wellbeing including social isolation

- 3.4 In addition to the basic criteria each Supported Living Accommodation scheme will have additional eligibility requirements dependent on what onsite care and support each scheme will provide or specialise in.
- 3.5 Additional eligibility criteria for each scheme (and the reasons for this) will be agreed and documented by the Council prior to any Supported Living Allocation Panel meetings taking place.
- 3.6 Applicants who do not meet the basic or additional criteria for Supported Living Accommodation and therefore not added to the Supported Living Accommodation Register, will be notified by the Council of the decision in writing and reasons why, will be recorded by the Supported Living Allocations Panel.

4 Appeals/reviews of decisions

- 4.1 Individuals can appeal against a decision, made by the Council, not to add their name to the Supported Living Accommodation Register. They must do this within 21 days of receiving the decision.
- 4.2 Appeals will be dealt with by at least 2 Senior Managers from the Council who were not involved in the Supported Living Allocation Panel, one of whom will be a housing representative.
- 4.3 The individual will be notified of the appeals decision in writing, together with reasons, within 28 days of receipt of the appeal.
- 4.4 The individual will be informed if Senior Managers need to defer the appeals decision pending further information.
- 4.5 If the person is still not satisfied this can then be pursued through the appropriate stage of the Council's corporate complaints procedure.

5 Empty Properties

- 5.1 Where there is no tenancy or the existing resident has given notice, the Council will be responsible for working with the Registered Providers of each Supported Living scheme to minimise any void periods and to ensure vacancies are considered by the Supported Living Allocations Panel.
- 5.2 It is important that void periods are kept to a minimum in order to reduce unnecessary costs for the Council and avoid long waiting periods for prospective tenants.
- 5.3 The following considerations, in order of priority, will be taken into account when prioritising individuals for empty properties:
 - 1) The specialist nature of the accommodation provided
 - 2) Consideration to the mix of tenants including level of care and support needs
 - 3) Where there is a statutory duty including ordinary residence
 - 4) Consideration of alternative more cost effective options
 - 5) Individual risks
 - 6) Length of time on the Supported Living Accommodation Register

6 Tenants no longer eligible for Supported Living Accommodation

- 6.1 Where an occupant of Supported Living Accommodation no longer meets the eligibility criteria for the scheme, the Council will work with Registered Providers, the tenant and their family to support and incentivise a move to more suitable accommodation. This will ensure best use of Supported Living Accommodation in Kirklees.

6.2 Incentivising a no longer eligible tenant to move out of Supported Living Accommodation can include:

- Providing help and support to find alternative more suitable accommodation
- The tenant can apply to the Council's housing register and consideration will be given to award B and B (Care and Support) to assist their move into more independent accommodation, with support if appropriate.