

## **LOCAL GOVERNMENT AND HOUSING COMMITTEE**

### **REVIEW INTO EXCLUSION FROM SOCIAL HOUSING – CONSIDERATION OF THE FINAL REPORT**

#### **PURPOSE**

1. The 'Review into Exclusion from Social Housing' Report, published in July 2001, was produced by Joy Kent, a post-graduate student from the Housing Management Centre at Cardiff University and on secondment to the National Assembly.
2. The Committee considered the report at its 4 July meeting (LGH-10-01). The Committee welcomed the report as it was concerned that a number of groups had limited access to social housing, in particular families fleeing domestic violence, ex- offenders and young people. Following this meeting the report was published for consultation.

#### **TIMING**

3. This report has been prepared to inform the Committee of the responses following the consultation process. In all twenty- four responses were received – eight from local authorities, ten from Registered Social Landlords and six from other housing organisations. In summary the respondents generally accepted and welcomed the report and its recommendations. There were some useful detailed comments that will be taken into account when developing the Assembly's detailed policy towards exclusions.

#### **DECISION**

4. The Committee is invited to note the contents of the report.

#### **INTRODUCTION**

5. This report was produced by Joy Kent, a post-graduate student from the Housing Management Centre at Cardiff University and on secondment to the National Assembly. The review was undertaken in response to a recommendation made by one of the Task Groups involved in developing the National Housing Strategy for Wales which suggested that further research was needed into the extent, nature and effect of restrictive practices in the allocation

of social housing.

6. The objective of the report was to inform National Assembly policy development on access to social housing, and on the contribution of social housing to the Assembly's key themes of tackling social disadvantage, promoting sustainable development and ensuring equality of opportunity.

7. It aimed to do this through determining the main issues surrounding exclusions policies; examining the current policies and practices of social landlords in Wales and identifying restrictions on access to social housing; and detailing examples of good practice.

8. The review used a combination of quantitative and qualitative methods;

- An examination of the policy documents forwarded to the Assembly by 28 Registered Social Landlords (RSLs) and the housing departments of the 22 unitary local authorities (LAs);
- The use of semi-structured interviews to record the comments of key stakeholders in order to gain a deeper understanding of how policies are operated in practice;
- Telephone and face to face interviews
- A review of existing literature and research.

9. The review made 27 recommendations to social landlords (see Annex 1) underpinned by the objective of providing a quality service to all applicants and existing tenants.

10. In summary the review suggested that suspensions rather than exclusions should be used and that these should incorporate a clear process that provides applicants with both the reasons for the suspension and a programme to resolve any issues (such as previous rent arrears). The suspension should also incorporate a time period that shows when the suspension will end, assuming the agreed conditions are met.

11. The review also recommended that social landlords should identify and consider any relevant circumstances in which previous problems with a tenancy occurred, and either provide the necessary support for an applicant to successfully manage a future tenancy, or ensure that other agencies are involved to assist the applicant resolve these issues.

12. The review also recommended that social landlords pursue the establishment of closer working relationships with other agencies/bodies and organisations, for example, establishing Risk Assessment Panels or other mechanisms for information sharing, in order to take a more strategic approach to meeting housing and support needs.

13. The report was presented to the Local Government and Housing Committee in July 2001 prior to being issued for wider consultation. The Committee welcomed the report as it was concerned that a number of groups had limited access to social housing, in particular families fleeing domestic violence, ex- offenders and young people.

14. Members felt that further support was required to assist those experiencing difficulties in accessing housing and that this would best be achieved via multi- agency working.

15. Members also felt that early intervention in the form of mediation was a more favourable measure with which to deal with behavioural problems, as well as feeling that tenant organisations had the potential to make a valuable contribution to tackling exclusion from social housing.

16. There was also concern expressed that the policies and practices adopted by local authorities to tackle rent arrears might be incompatible with those aimed at tackling exclusion from housing. It was felt that it was important for local authorities to have sufficient regard for the consequences of policy enforcement, particularly the potential increase in homelessness.

## **RESPONSES TO THE REPORT**

17. In all twenty- four responses were received – eight from local authorities, ten from Registered Social Landlords and six from other housing organisations. In summary the respondents generally accepted and welcomed the report and its recommendations. There were some useful detailed comments that can be taken into account when developing the Assembly's detailed policy towards exclusions.

18. The main points from these responses are contained in Annex 2.

-

## **THE NEXT STEPS**

19. The Welsh Assembly Government proposes to:

- Revise and update Regulatory Requirements for Registered Social Landlords
- Revise and reissue a Code of Guidance for local authorities on allocations and homelessness
- Develop a National Homelessness Strategy, taking into account the requirements of the

recently passed Homelessness Act, and building upon the work and recommendations of the Homelessness Commission

20. These policies will clearly set out the Assembly Government's policies towards homelessness and its prevention and the policy towards exclusions is clearly an integral part of these policies. As part of the development of these policies all of the issues raised and comments made will be taken into account.

21. It is intended that these policies will be developed over the coming months and we will ensure that the Committee is kept informed of developments in all these areas.

## **ANNEX 1**

The review recommended that all social landlords;-

- implement 'active' suspension policies rather than exclusions that incorporate a clear process which provides applicants with both the reasons for suspension and a programme to resolve any issues with a time period which shows when the suspension will end, assuming agreed conditions are met.
- regularly review policies and procedures to ensure that they are in line with current legislation and meet any changes in local needs.

- regularly review policies to ensure that differences reflect an identifiable need in specific local circumstances whilst not disadvantaging vulnerable applicants.
- share information with other agencies and providers on social issues being faced in areas in which they provide housing. Information sharing should include their intended responses to perceived problems (taking into account regulatory and statutory requirements) and the impact of policies and practices on neighbouring organisations.
- periodically review their policies and procedures from the view point of clients ensuring that the application process is accessible to all and is not discriminatory.
- clear information on the application process and decisions made, including the applicant's right to appeal and action required by the applicant to remedy the situation.
  
- review their current practices and ensure that records are maintained on the numbers of exclusions/suspensions, the reasons for them and the options/support made available to the applicant to enable them to access suitable housing.
- wherever arrears have been accrued with a previous tenancy, a procedure is followed where the reasons for this are explored and due consideration given to the reasons behind it, for example relationship breakdown, mental illness, physical disability, a custodial sentence etc.,
- ensure that policies make it clear to applicants that the reasons behind any arrears will be taken into account when deciding on whether to restrict access;
- where arrears have resulted from, for example, marital breakdown, a custodial sentence, alcohol/drug problems etc. appropriate support is recommended where necessary, or policies allow for a change in circumstances to be taken into account.
- Establish a risk management approach alongside procedures aimed at safely housing with support rather than excluding is established;
- Explore alternative responses, such as the early involvement of organisations like Mediation Wales,
- Review policies and procedures to reflect the changes to the priority homeless categories, ensuring that where the applicant meets the new priority requirements, a

decision to restrict access based on previous anti-social behaviour is based on a thorough investigation of present and past circumstances.

- Review policies and procedures to ensure that where the applicant meets the new priority requirements, a decision over whether to restrict access due to previous anti-social behaviour is based on a thorough investigation of present and past circumstances.
- That the finding of appropriate housing is aimed for, taking into consideration factors such as changes in circumstances, the nature of the crime and the safety of both the community and the applicant.
- pursue the establishment of closer, integrated working relationships with other agencies/ bodies and organisations such as:
  - Social Services;
  - the Probation Service;
  - voluntary and representative organisations such as Shelter Cymru, NACRO, TPAS Cymru, CIH Cymru, Disability Wales, Mediation Wales, Welsh Women's Aid, Barnardos, The Welsh Refugee Council etc;
  - other housing providers, especially those providing supported housing; and
  - the police.
- Establish working relationships and procedures that facilitate multi-agency working with support agencies, supported housing providers and voluntary bodies etc. to ensure that applicants are given assistance in accessing appropriate accommodation.
- assist the applicant in accessing support from other agencies;
- Establish procedures by which they can maintain contact with the applicant, such as through working with a support agency.
- Periodically review their policies and procedures to ensure that they do not make it

unacceptably difficult for those with good reasons for applying for housing in the area such as those fleeing domestic violence, harassment (racist or otherwise) to access affordable housing.

- Review their policies and procedures to ensure that applicants are able to be explicit over their requirements and that their reasons for refusing an offer are considered carefully and without prejudice;
- Ensure that prospective tenants (for example BME applicants) are not penalised for refusing accommodation in areas with which they are not familiar and which they fear may leave them isolated or prey to harassment; and
- Review their current service to homeless applicants, ensuring policies and procedures are appropriate based on a consideration of the quality of service being provided to this most disadvantaged group.
- Ensure that current activities, policies and procedures:
  - are in line with current legislation (including the extended priority homeless categories);
  - meet the needs of younger applicants; and
  - facilitate multi-agency working to ensure that appropriate accommodation and support is available.
- Pursue good working relationships with those involved in the administration of housing benefit.
- Develop risk assessment procedures through multi-agency working involving all relevant stakeholders, including non-housing professionals, with the appropriate skills, training and qualifications to carry out a full risk assessment that meets the needs of the client, community and housing provider.
- Assess local housing needs, and ;
  - where appropriate, develop local lettings strategies to meet current needs;
  - consider the significance for BME households of the size and type of accommodation available and/or planned; and
  - consider a flexible approach for the best use of existing stock.
- Review allocation procedures to ensure that access and choice is maximised for all applicants, including those accepted as homeless and applicants with no fixed address.

## **ANNEX 2**

### **Cardiff County Council**

The recommendations were broadly supported, however, there were significant resource issues that needed to be addressed before some of the recommendations can be achieved. The Council agreed that local context needed to be considered in some areas, for example in rural areas where there is more scope to offer greater choice.

### **Ceredigion County Council**

There were many useful thoughts and examples of good practice that, together with member's views on problems created by arrears and housing benefit resulting in exclusion will form a basis for a general review of the council's Allocation Policy, once new legislation and guidance is in place.

### **Newport County Borough Council**

The report was timely and appropriate in terms of research and policy changes taking place in Newport. The council fully supported both the contents of the document and the recommendations made.

### **Neath Port Talbot County Borough Council**

The council was in general agreement with the report and the recommendations made.

### **Powys County Council**

The council very much welcomed the report and concurred with the majority of recommendations contained within the report. The council also felt that it would form an invaluable basis for a review of their own policies and practices in relation to waiting list management and the allocation of housing.

### **City and County of Swansea**

The council welcomed the report and its recommendations and will attempt to implement the recommendations in the near future.

### **Vale of Glamorgan County Borough Council**

The bulk of the recommendations are consistent with the council's established Allocations policy and, as such, were fully supported.

### **Wrexham County Borough Council**

The report made interesting reading but would, if adopted, present a few challenges for local authorities in managing their stock. Concerns were raised at the removal or perceived removal of local authority powers.

### **Charter Housing Association**

The report provided an interesting overview of the restrictive practices adopted by social landlords in the registration of applicants for housing. It gave a useful focus to the broader issues involved around exclusion, rather than concentrating solely on exclusions due to anti – social behaviour, that tended to be the issue at the forefront of most people's minds when exclusion is mentioned.

### **Clwyd Alyn Housing Association**

The association supported the view that policies and procedures should be regularly reviewed to ensure that they are in line with current guidance and legislation.

### **Cymdeithas Tai Clwyd**

The association welcomed the report and its recommendations.

### **Gwalia Housing Group**

The group broadly agreed with, and endorsed the recommendations made in the report.

### **Gwerin Housing Association**

The report viewed exclusion as a problem to be overcome and it did not accept that it was a valid tool to preserve and sustain communities. There was a need to separate the two strands of exclusion that were combined in the report.

### **Newydd Housing Association**

The association would discourage the Assembly from taking a very prescriptive approach. The recommendations in the report were helpful and contributed to debates on the issue.

### **Pembrokeshire Housing Association**

The association broadly welcomed the report as a useful contribution to inform the debate on the review of its joint housing register.

### **Pontypridd and District Housing Association, Cynon Taf Housing Association and Rhondda Housing Association**

The associations broadly supported the recommendations in the report, however, implementation of them would be resource intensive and additional/pilot funding by the Assembly would be necessary if these are to effectively be applied.

### **Cardiff Gypsy Sites Group**

All the recommendations of the report could, and should, be applied to local authority Gypsy Traveller Caravan Sites as "social accommodation".

### **Welsh Federation of Housing Associations**

The Federation believed that the report has identified and analysed the key issues and problems surrounding exclusions and restrictive practices employed by social housing providers in Wales.

It fully endorsed the recommendations made in the Executive Summary and has encouraged its members to follow similar guidelines when developing and implementing such practices. The use of case studies as examples of good practice was also helpful and clarified any potential ambiguities over what constituted good/best practice.

The Federation does, however, feel a more robust analysis could have been achieved, if applicants who had been refused accommodation had been interviewed or surveyed in some way.

This would have enabled the Assembly to develop a more accurate picture of practice on the ground as well as what applicants perceive as justifiable exclusions.

### **Chartered Institute of Housing**

Members felt that the report represented a comprehensive and considered analysis of the current situation and issues being faced by those involved in allocating social housing, and the inclusion of examples of good practice with contact details was seen as useful.

Although universal support was given by members to the recommendations that addressed issues of accessibility and indirect exclusion, there were differing responses to the overall issue of exclusions policies - some members felt that restricting access served to only relocate people with support needs rather than solve problems, while others felt there was a need to distinguish between indirect exclusion - which it was felt all providers should be working to eliminate - and direct exclusion as part of a clearly defined policy aimed at securing sustainable communities.

The inter-agency/departmental approach was universally welcomed and the point was made that often those in the greatest need for social housing were also those with multiple support needs and therefore close co-operation between providers and support agencies was required if such applicants were to successfully maintain a tenancy.

It was pointed out that accommodating applicants with high support needs in the way the report advocates requires considerable additional funding for health and social service

partners as well as housing providers.

## **Shelter Cymru**

Shelter Cymru urged the Welsh Assembly Government to strongly oppose the use of exclusions in the new Code of Guidance on allocations and homelessness.

Shelter Cymru believed that the Code should re-emphasise that housing and supporting vulnerable households is the most effective way of ultimately reducing anti-social behaviour and contributing to sustainable communities.

It is also proposed that the new Code offers a model active suspension policy which should be adopted by all Welsh local authorities which has as key principles that:

- No household in housing need in Wales should be permanently denied access to social housing; and
- Households who become vulnerable or at risk during a 'suspension' period should be allowed immediate access to social housing.

## **TPAS Cymru**

The organisation fully endorsed both the conclusions and the recommendations contained in the report.

## **Welsh Tenants Federation**

The organisation endorsed the report and was in general agreement with its contents but believed that the needs of applicants must be balanced with the needs of existing tenants.