

Item No. 7.	Classification: Open	Date: 1 March 2023	Meeting Name: Corporate Parenting Committee
Report title:		Housing and care leavers	
Ward(s) or groups affected:		All wards, care leavers	
From:		Director of Resident Services	

RECOMMENDATIONS

That the Corporate Parenting Committee:

1. Note the data on care leavers housing presented in the report.
2. Note the proposed policy developments outlined in the report.
3. Note the proposed comments regarding the housing elements of the proposed London Care Leavers Compact.

BACKGROUND INFORMATION

4. This report highlights the current position in terms of the approach to responding to the housing needs of former care leavers and the potential changes to approach in the future period.
5. This report also provides some key data on care leaver housing and homelessness which will provide some context.
6. The core legal obligations to care leavers within Housing legislation are outlined in the Housing Act 1996 as amended (part VI – allocations, Part VI homelessness), the Homelessness Act 2002 and the Homelessness Reduction Act 2018. This is supplemented by a Code of Guidance on Homelessness and another Code on Allocations.
7. Fundamentally in terms of homeless duties these confirm that where an eligible person (not subject to certain immigration controls) who is homeless or at risk of homelessness applies they are entitled to assistance to prevent or relieve homelessness. Where this is not possible a homeless main duty exists to provide temporary accommodation, and an offer in discharge of the main duty, whether through the housing register or in the private sector, where the applicant has a priority need for accommodation within the legal definition and is not intentionally homeless.

8. For care leavers and young people the definitions of who has a priority need under the law on homelessness are important. These have three relevant categories:
- (e) a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under [section 20 of the Children Act 1989](#);
 - (f) a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student');
 - (g) a person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a 'relevant student');
9. This means that care leavers between 18-20 years have an automatic priority need when homeless. Care leavers between 21 and 25 years need to be able to demonstrate that they are vulnerable within the definitions in the law on homelessness as a result of their time in care. This involves demonstrating they would be significantly more vulnerable than the ordinary person if homeless, taking into account issues such as the impact, risk of harm or detriment and ability to respond to the consequences. This should also involve a consideration of the support available from a third part, including family and how regular and predictable that support is.
10. In relation to other young people the law states that the primary responsibility for a child in need who requires accommodation, including a 16 and 17 year old who is homeless lies with the relevant children's services authority. The Children Act 1989 (section 20) places a duty on children's services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17 year old would be a child in need. As both children's services and housing authorities have duties towards this group it is essential that services are underpinned by written joint protocols which set out clear, practical arrangements for providing services that are centred on young people and their families and prevent young people from being passed between housing and children's services authorities.
11. In terms of the allocation of social housing, the law lists groups of applicants for housing who should be given a reasonable preference (some priority) for an allocation – this includes the homeless and overcrowded households. This group does not explicitly include care leavers. Authorities are however empowered to create local preference groups who it decides to allocate priority to as a result of local needs in its area. These groups overall must not dominate allocations and overall, allocations must on balance be mostly to the preference groups.

12. In October 2020 the government issued good practice advice for local authorities on joint housing and children’s social care protocols to support the corporate parenting duties on local authorities. A protocol should help children’s services and housing authorities deliver the local accommodation offered to care leavers and prevent homelessness. The protocol can be viewed at the following [Joint housing protocols for care leavers: good practice advice - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers-good-practice-advice)
13. This guidance draws on the obligations in the Homelessness Reduction Act 2017 and on the Children and Social Work Act 2017 to promote a joint response that embeds gradual transition, joint planning (including with care leavers), support and decision making that prepares young people for the realities of independent living.

KEY ISSUES FOR CONSIDERATION

Data

14. The data below provides some perspective on the current picture that illustrates the housing response to care leavers in Southwark.
15. In terms of homeless approaches there are a very small number from care leavers. Table 1 below illustrates this:

	Care leaver aged 18-20 years	Care leaver aged 21+ years	Total homeless approaches, all groups
2020/21	16	62	3883
2021/22	13	40	2855
2022/23	0*	11*	1884

*only includes quarter 1

16. One area where former care leavers can be over-represented is in those sleeping rough. In Southwark the numbers of former care leavers seen rough sleeping are small. Figures over the last 3 months so no on street contacts for former care leavers (from Southwark or elsewhere). Southwark continues to have an active off the street offer for rough sleepers which would see a swift response through outreach and a tailored specialist response to need.
17. Care leavers are in general in band 2 on the housing register, so have an urgent housing priority. This is one of the local priorities built into the housing allocations policy. Table 2 below shows the number of care leaver who were on the housing register at year end during the last 3 years.

Table 2 – care leavers on the housing register

Year end	No's registered
2020/21	116
2021/22	124
2022/23	106*

*As at January 2023

18. Lettings to care leavers can be seen in table 3 below. The table also shows lets allocated to those with move on priority. This contains applicants who are moving on from supported housing options and have priority in band 2 to support their move on. There may be some care leavers in this group, alongside other young people in need and other supported housing clients. In these cases all clients were in band 2 and most successfully bid for their property, with only 1 direct offer.
19. 82% of care leavers were registered for less than 3 years before receiving an offer, but only 2 care leavers waited less than a year before receiving an offer. The longest waiting time was 5 years and 12 care leavers in total waited for 3-5 years to receive an offer.

Table 3 – Lets to care leavers & supported move on Nov 21-Oct 22

	Care leavers	Supported move on
Total no rehoused	66	49
Lets to studio's	57	0
Lets to 1 beds	1	39
Lets to 2 beds	8	10

20. The 66 care leaver offers amounted to 6% of all offers on the register during this 12 months. 81% of all available studios were allocated to care leavers, 0.3% of 1 beds and 2% of available 2 bed homes.
21. Table 4 shows lets to all categories and demonstrates the proportion of lets to care leavers compared to other groups. This is a 12 month snapshot of lettings from November 21 to October 22.

Table 4 – lets November 21-October 22

Priority reason	Number of lets
Accessible housing register	68
Care leaver	66
Emergency landlord transfer	48
Fostering/adoption	2
"Good tenant" award	6
Homelessness	203
Preventing homelessness – discharge	94
Moderate medical	6
Supported housing move on	49

Overcrowding	94
Reduced priority	3
Regeneration	76
Severe medical	26
Social Welfare	120
Sheltered housing	66
Social Services Family Priority	5
Statutory overcrowded	52
Tenant transfer	7
Under occupier	47
Waiting list (b4 no priority)	24
Total	1062

General housing context

22. Overall housing market conditions are currently extremely challenging. Levels of homelessness in London (and more widely) are rising as the private sector market particularly becomes less affordable. In Southwark and in London local housing allowance levels are out of step with market rates for accommodation. 1 in 4 private sector landlords is reported to be exiting the market and the prices for what remains are increasingly expensive.
23. Significant levels of homelessness are coming from the loss of a private sector home and there is less supply available to prevent homelessness and the need for temporary accommodation. Good quality temporary accommodation is also becoming scarcer and costing more to secure. Across London boroughs are having to resort to bed and breakfast provision in much greater volumes than has been seen for many years and standards are challenging. Southwark currently has over 3,600 households in temporary accommodation. Over 2/3rd of provision is procured from the private sector, with the remainder temporary lets on housing estates in Southwark, often areas of longer term regeneration.
24. Unfortunately available social housing supply is also shrinking. Southwark has one of the largest council housing stock levels nationally and has an ambitious affordable housing programme. Despite this, with over 16,000 households on the register and the number of homeless approaches and households in temporary accommodation, demand is very significant. Supply has been diminishing in recent years and there is a growing gap between supply and demand. Table 5 below shows the declining level of lets by bedsize over the last 5 calendar years.

Table 5 – social housing lets by bedsize, last 5 calendar years

Year	Studio	1 bed	2 bed	3 bed	4 bed	5+ bed	other	Total
2022	55	297	321	169	26	2	13	883
2021	49	297	295	149	41	5	3	839
2020	45	350	280	145	28	3	2	853
2019	55	349	375	215	45	3	1	1043
2018	78	480	555	268	67	7	7	1462

25. This context presents a challenging position in terms of meeting housing needs for all groups and across all bedsizes, although larger families present the most difficult need for the council to meet through a social offer and in the private sector where local housing allowance levels are most out of step with market rates.

Policy development and operational practice

26. In this context, preventing homelessness is particularly important. Joint work between housing and children's social care needs to prioritise avoiding homelessness for care leavers through working together to ensure there is a clear pathway to meet needs whether through supported accommodation, social housing or the private rented sector.
27. What is clear from the data however is that the needs of all those who want social housing cannot necessarily be met given the supply and demand imbalance and a range of options need to be considered. For care leavers however the current housing allocations scheme recognises tangible disadvantages experienced by care leavers and the need to support them through providing high levels of priority on the housing register. This is recognised by the band 2 priority afforded to this group.
28. The council has been in a process of reviewing the housing allocations policy for some time. The existing scheme has been in place since 2013. In early 2020 a draft new policy was presented to Cabinet for permission to launch public consultation. This took place but a new policy did not immediately come forward for approval. A decision has been taken to commence a further redraft to enhance the proposals and take account the changed housing market conditions, supply and affordability challenges, cost of living issues and the impact of covid since the original draft came forward. This redraft will be subject to further consultation before a final draft is brought forward to Cabinet later in 2023/24.
29. It had been proposed to make a number of changes to the existing policy in respect of care leavers. In particular
- Currently former care leavers are put forward only for studio units unless a medical assessment recommends a one bed or the former care leaver has children and therefore requires a family sized home. There are several issues with this approach. The number of

available studio/bedsit units coming up for let each year is increasingly modest and on its own unlikely to meet demand. There is also an anomaly in that those moving on from supported units can register for a studio and one bed. It was therefore proposed to enable care leavers to bid for both bed sizes.

- It was also proposed to enable care leavers moving into the private rented sector to prevent homelessness to retain priority as a care leaver on the register.
30. It is likely these proposals will continue to form a part of the revised scheme that will be consulted on. Any further proposals around supporting care leavers can be considered as part of the consultation.
 31. The Housing Solutions Service also continue to work with Children's Social Care and Commissioning on move on from supported housing provision through the register and support into other housing options.
 32. A protocol and joint working arrangements exist to support this partnership. In light of the 2020 best practice document from Government on joint working protocols it would be beneficial to review protocols and ensure they reflect best practice and can be effectively implemented.

Pan London Care Leavers Compact

33. London Council's Housing Directors and Heads of Housing Needs have entered conversation with the Association of London Directors of Children's Services and the London Innovation and Improvement Alliance about the housing elements of a proposed Pan London Compact.
34. This compact is being developed to create a common agreed offer on a number of fronts from London authorities. The Housing elements focus:
 - Council tax exemption (not a housing area in Southwark)
 - Intentional homelessness exemption
 - Automatic priority need decision up to 25
 - Access to rent deposit schemes
 - Joint Housing and Children's Services protocols in place.
35. Housing and Modernisation is committed to contribute to the London conversation on the compact. In relation to the "asks" Southwark's current position is as follows:
 - There is no exemption from intentional homelessness decisions but few are ever made in practice
 - The law creates a vulnerability test for care leavers 21-25. This test is used in Southwark but few care leavers are ever found

not to meet this test

- Care leavers are furnished with access to rent deposit schemes to support a pathway into the private rented sector
- A protocol is in place but may benefit from review.

Policy framework implications

36. The Housing Allocations policy recognises the importance of enabling access to a proportion of social housing allocation for care leavers, alongside other pathways to meet housing need.
37. The priority afforded is a local priority given there is no legal priority to prioritise care leavers through the reasonable preference categories defined in law.
38. The review of this key council policy is likely to recommend this priority continues and further refinements are made to ensure a suitable level of offer, alongside the other housing options available to meet need.
39. Consultation and equalities analysis of new policy proposals will ensure the impact of proposals on young people and care leavers are considered, assessed and mitigated.
40. During 2023 a proposed new Homelessness and Rough Sleeping Strategy will be brought forward to replace the existing policy. Care leavers will be identified within the Strategy as a vulnerable group to which the Strategy needs to respond.

Community, equalities (including socio-economic) and health impacts

41. This report provides information for the board and flags proposals coming forward in future policy and strategy work during 2023/24. As a result there are no specific equalities, health of community impacts arising for this report.
42. The policy and strategy proposals coming forward in the next year will have substantial equalities, health and community impacts which will need to be dealt with in the reports that support them. The services delivering the services underpinned by these policies and strategies have equalities impact and other community considerations as an integral part of decision making and assessments and day to day operations.

Climate change implications

43. There are no specific climate change implications of this information report.

Resource implications

44. There are no specific financial implications of this information report.

However the costs associated with responding to homelessness and housing need are significant to the council, particularly in relation to the provision of temporary accommodation. Any proposals taken forward in relation to care leaver housing will need to be clearly costed and the financial risks of proposals assessed and evaluated.

- 45. There are no staffing implications of this report.
- 46. There are no direct legal implications of this report.
- 47. Housing duties to care leavers are outlined at point 6-13 of this report.

Consultation

- 48. No direct consultation has taken place related to the content of this report but consultation on the new Housing Allocations Policy and Homelessness and Rough Sleeping Strategy will be undertaken.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<p>New Homelessness and Rough Sleeping Strategy</p> <p>Web link: The protocol: Joint housing protocols for care leavers: good practice advice - GOV.UK (www.gov.uk)</p>	<p>Resident Services Housing and Modernisation London Borough of Southwark</p> <p>160 Tooley Street, London, SE1 2QH</p>	<p>Cheryl Russell Director of Resident Services/ Karen Shaw Head of Housing Solutions Karen.shaw@southwark.gov.uk</p>

AUDIT TRAIL

Lead Officer	Cheryl Russell, Director of Resident Services	
Report Author	Karen Shaw, Head of Housing Solutions	
Version	Final.	
Dated	31 January 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive – Governance and Assurance	No	No
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 February 2023