

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 21 July 2014	<b>Decision Taker:</b> Cabinet Member for Housing
<b>Report title:</b>		Homelessness Prevention Eviction and Procedure/Protocol	
<b>Ward(s) or groups affected:</b>		All Wards	
<b>From:</b>		Strategic Director of Housing and Community Services	

## RECOMMENDATION

1. That Southwark Council adopts the Preventing Homelessness & Eviction Protocol & Procedure set out in Appendix 1.

## BACKGROUND INFORMATION

2. It is vital for the council to have an effective homelessness prevention strategy. This has become increasingly apparent as we are experiencing a rise in homelessness and a rise in the use of expensive and inappropriate bed and breakfast accommodation to house homeless households. The use of Bed and Breakfast accommodation has increased more than threefold since March 2013, and is projected to cost the authority £6 million in 2014/2015.
3. The aim of this report and the attached preventing homelessness and eviction protocol and procedure, is to establish a clear set of processes to be adhered to in the event of rent recovery action leading to potential eviction in those cases arising from the under-occupancy charge, benefit cap or other related financial exclusion issues.
4. The attached report will help to ensure that all partner agencies involved in supporting the under-occupancy charge, benefit cap, universal credit and financial inclusion household are aware of this protocol.
5. The main purpose of this protocol and procedure is to reduce incidents of homelessness, particularly for vulnerable people. The protocol also aims to help those becoming social housing tenants for the first time, sustain their tenancies.
6. The Protocol enables all staff involved in the process to see what actions are expected from each organisation in helping prevent vulnerable people losing their homes.
7. The protocol and procedures encourage a multi-agency approach to supporting applicants/customers people through any process of transition, for example from homelessness to temporary accommodation, from temporary accommodation to permanent accommodation, and in finding ways to support vulnerable residents and to sustain their tenancies.

8. The protocol and procedure is also to be operated to assist partner agencies and their tenants in Southwark to ensure no tenant is evicted due to the introduction of the Welfare Reforms unless the steps contained within this Protocol are followed.
9. This protocol and procedures applies to tenants who are affected by the under-occupancy charge, more commonly known as bedroom tax, the Benefit Cap and the Wider Welfare Reforms. In order for this protocol to apply, tenants must have entered arrears since the under-occupancy charge introduction and/or the introduction of the under-occupancy charge must have specifically exacerbated a tenant's inability to pay off existing arrears.
10. Southwark Council and Housing Associations will take every measure to prevent evictions as a result of the under-occupancy charge, benefit cap, universal credit or financial exclusion. This protocol sets out the actions Southwark Council and Housing Associations will take to support tenants affected by the under-occupancy charge, benefit cap, universal credit and financial exclusion.
11. Southwark Council and Housing Association providers will have requested a Discretionary Housing Payment for a tenant in hardship who engages with the service in order to prevent the eviction from taking place, or as a minimum advised the tenant to apply.
12. Southwark Council and Housing Association providers will not authorise an eviction warrant if the tenant is seeking help from an appropriate advice agency e.g. Citizens Advice Bureau, Southwark Homelessness and Housing Options service, the Sustain Team for council tenants, the Southwark Law Centre, the Housing Association's internal Financial Inclusion service.
13. Southwark Council and Housing Association providers will ask the tenant to set up and maintain a realistic and affordable payment plan whilst other options are being explored.
14. Southwark Council and Housing Association providers will have done a referral to the Financial Inclusion Team and or the Sustain Team for council tenants before approving the eviction warrant, who will establish if a Credit Union Account can be set up; if DHP is possible; if re-housing is possible; make referral for detailed debt management advice or provide budgeting/maximising Income advice.
15. Southwark Council and Housing Association providers will suspend eviction action if a tenant has been approved for priority banding to move (even though they have arrears) and is actively bidding for properties. Two months is considered a reasonable period for this. The level of arrears that will be tolerated will be determined by the individual provider.
16. A decision to evict a tenant will have been discussed and made at a senior level of the organisation involving a number of senior managers.
17. Provide information to the Financial Inclusion team or the Sustain Team for Council tenants through agreed mechanisms for families at risk, to ensure that all the possible options/actions to prevent homelessness have been taken.
18. The attached report explains, the roles and responsibilities of all agencies who

sign up to this proactive and robust protocol and will highlight the positive work the council is undertaking in this area.

### **KEY ISSUES FOR CONSIDERATION**

19. The main purpose of this protocol and procedure is to reduce incidents of homelessness, particularly for vulnerable people. The protocol also aims to help those becoming social housing tenants for the first time, sustain their tenancies.
20. This protocol and procedures applies to tenants who are affected by the under-occupancy charge, more commonly known as bedroom tax, the Benefit Cap and the Wider Welfare Reforms. In order for this protocol to apply, tenants must have entered arrears since the under-occupancy charge introduction and/or the introduction of the under-occupancy charge must have specifically exacerbated a tenant's inability to pay off existing arrears.
21. Southwark Council and Housing Associations will take every measure to prevent evictions as a result of the under-occupancy charge, benefit cap, universal credit or financial exclusion. This protocol sets out the actions Southwark Council and Housing Associations will take to support tenants affected by the under-occupancy charge, benefit cap, universal credit and financial exclusion.

### **Policy implications**

22. The Southwark Preventing Homelessness & Eviction Protocol & Procedure provides a seamless framework between the Housing Allocations scheme, the Tenancy Agreement, Tenants Handbook, and Rent Arrears recovery policy to promote sustainable tenancies going forward.
23. The outcomes are aimed to deliver a reduction in evictions from council and Housing Association accommodation and also achieve a reduction in the number of customers approaching the council as homelessness.

### **Community impact statement**

24. As well as being In line with the council's Fairer Future Principles, the Southwark Preventing Homelessness & Eviction Protocol & Procedure further contributes to the Council Plan.
25. The recommendations contained in this report, if adopted, will result in a more equitable, customer-focused and transparent system for all tenants of council and Housing Associations.
26. In order to ensure that no group is disproportionately disadvantaged a review will take place during the winter of 2014, to make sure that there has been no detrimental impact on all protected characteristics that are outlined in legislation.
27. Southwark Council's Homelessness and Housing Options Service, provides advice and potential housing solutions to all residents in housing need and those residents that could be affected by the welfare reforms. Therefore, tenants affected by the welfare reforms would be provided with a customer focused housing advice/money advice service to offer potential housing solutions to address the residents housing needs in addition to hopefully preventing evictions in all sectors of housing. The Sustain team also provides advice support and

assistance to Southwark Council tenants and this protocol promotes the work of the Sustain team and its work.

### **Resource implications**

28. The Southwark Preventing Homelessness & Eviction Protocol & Procedure do not present any additional resource requirements for Southwark Council or Housing Association partners.
29. There are no additional financial or staffing implications placed on the council or Housing Association partners if the attached procedure and protocol is adopted.

### **Legal/Financial implications**

30. The legal implications associated with the adoption of this Homelessness Prevention and Eviction protocol comply with the council's duties associated with Welfare Reform, the Tenancy Agreement and the Housing Allocations scheme.

### **Consultation**

31. Southwark Council conducted an extensive consultation exercise with Housing Association partners to establish the Southwark preventing homelessness and eviction protocol and procedure. During December 2013, the attached preventing homelessness and eviction protocol was distributed to all Housing Association partners and officers also attended a meeting with Housing Association partners who attend the SOUHAG liaison meeting to discuss the protocol.
32. In January 2014, a further meeting was conducted with a small working group made up of representatives from SOUHAG to discuss the protocol and agree changes and also agree a further consultation framework.
33. Southwark Council commenced a new consultation exercise with all Housing Association partners from the 4<sup>th</sup> February 2014, to the 28 February 2014, and the attached document represents the agreed and final version of the protocol.
34. Southwark Council attended a further SOUHAG meeting on the 2 April 2014, and the attached document was approved, subject to final written confirmation from all Housing Association partners. This written confirmation from all Housing Associations attached to the protocol was obtained on the 30 May 2014.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

35. The report indicates that the proposed preventing homelessness and eviction protocol and procedure is to apply to all tenants who get into rent arrears as a result of the introduction of welfare reforms. Other relevant protocols and procedures also apply to tenants so affected and to other tenants who are in arrears of rent; in particular the Pre-action protocol for possession claims based on rent arrears under court rules, which applies to all rent arrears possession claims made by any social landlord and the council's own rent arrears policy and procedures. If adopted, the protocol and procedure in Appendix 1 should be operated in conjunction with other relevant protocols and procedures.

## Strategic Director of Finance and Corporate Services

36. This report outlines the new Protocol and Procedure for preventing Homelessness & Eviction. Any requirement for training and development of staff to ensure success of the new standard will be contained within existing resources. Consultation has taken place across divisions within Housing and Community Services to consider this.
37. At this stage it is not expected that there are any additional resources needed in the future. However, this will be considered as part of the annual budget setting process if required.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
N/a		

## APPENDICES

No.	Title
Appendix 1	The Southwark Preventing Homelessness & Eviction Protocol & Procedure

## AUDIT TRAIL

<b>Lead Officer</b>	Richard Selley, Head of Customer Experience	
<b>Report Author</b>	Ian Swift, Group Services Manager Homelessness and Housing Options	
<b>Version</b>	Final	
<b>Dated</b>	21 July 2014	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes/	Yes
<b>Date final report sent to Constitutional Team</b>	21 July 2014	