

DECISION REPORT

Report for: The Leader

Title: Extension of the Contract with Housing Reviews Limited for Statutory Homelessness Reviews Function

Report authorised by: Dan Hawthorn – Director of Housing and Growth

Lead Officer: Alan Benson
Head of Housing Strategy and Commissioning

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration:

- 1.1. The report seeks Leader's approval for an extension of the contract with Housing Reviews Limited (HRL) for the conduct of reviews of allocation and homelessness decisions under Parts VI & VII of the Housing Act 1996. The contract is due to expire on 31 May 2018.
- 1.2. Subject to approval being granted, the contract will be extended for a period of 6 months, commencing from 1 June 2018 to 30 November 2018. The maximum value of the contract will be capped at £50,000 including the proposed extension.

2. Recommendations

- 2.1. It is recommended that the Leader, in accordance with Contract Procedure Rule 16.02, approves an extension to the contract with Housing Reviews Limited for the reviews of allocation and homelessness decisions for a period of 6 months from 1 June 2018 to 30 November 2018 at an estimated cost of £15,000.
- 2.2. The Leader is asked to note that the re-tendering of the homelessness review function is underway, to ensure seamless provision at the end of the life of the current contract.
- 2.3. The Leader is asked to note that a further report will be needed seeking authority to contract out the homelessness review function to the winner of the tender.

3. Reasons for decision

- 3.1. The Council has statutory responsibilities under Parts VI and VII of the Housing Act, which it can either carry out itself, or delegate to third parties

under the terms of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996.

- 3.2. The current contract expires on 31 May 2018; so an extension of the contract to HRL for 6 months is required to avoid disruption in the review process. This will also allow for all reviews contracted to HRL to be determined while Officers begin the tender process. Failure to do so would pose a significant risk to the Council.
- 3.3. The rates for conducting reviews will be fixed for the duration of the contract and the contractor will be paid in arrears upon completing a review.
- 3.4. The cost of employing HRL to carry out the Housing Review function was £19,179 in 2017/18. It is expected to cost approximately £15,000 from 1 June to 30 November 2018, depending on the number of reviews requested. The cost of carrying out the function within the Council would be approximately £50,000 per annum. Employing the external provider will therefore deliver significant savings to the council.

4. Alternative options considered

- 4.1. ***Asking HRL to continue undertaking reviews beyond the term of the contract:*** If the contract with HRL is not extended for 6 months while re-tendering is taking place, HRL will not be authorised to carry out reviews on behalf of the Council and any reviews conducted by HRL would be open to legal challenge. As the contract is due to expire officers are working on re-tendering the contract and will submit a further report for approval.
- 4.2. ***Bringing the reviews function back in-house:*** If the contract was not extended, all cases currently allocated to HRL would have to be passed back to the council immediately to complete. The Council does not have sufficient staffing in place to deliver the statutory reviews function 'in house' from 1 June 2018, when the contract expires. Previous attempts to recruit staff to deliver this function have been unsuccessful. The lack of capacity to complete these reviews would result in delays, increased costs and likely further legal challenges. However, the potential for bringing the reviews function in-house will be reviewed again as part of the re-tendering process.

5. Background information

- 5.1. The duties of Local Housing Authorities to a person who applies as homeless are governed by Part 7 of the Housing Act 1996. The Authority must make such inquiries as are necessary to satisfy themselves whether the applicant is eligible for assistance and what, if any, duty is owed to them. The applicant has the right to request a review of any such decision and decisions relating to the suitability of accommodation offered to them in discharge of the duty owed. If the applicant is dissatisfied with the decision on review, they may appeal to the county court on a point of law. The review of the decision must be conducted by someone who is independent of the original decision and (if an officer) senior in terms of rank or grade to the officer making the original decision.
- 5.2. The Council previously had a dedicated officer on a PO4 grade to carry out these reviews. As part of budget savings in 2012/13, the Housing Reviews and Service Improvement Officer post was deleted from the staffing structure. The Corporate Committee Report advised that deletion of the post would provide a significant saving and that Community Housing Services would use the provisions of an external provider to undertake some of the statutory reviews, while others would be absorbed into the service using existing resources. The arrangement continued when the homelessness function was contracted out to Homes for Haringey on 29 September 2014.

6. Contribution to strategic outcomes

- 6.1 Priority 5 of the Council's Corporate Plan has as its second objective to prevent homelessness and support residents to lead fulfilling lives. This can only be achieved if the Council is able to discharge its full statutory responsibilities on homelessness, including conducting statutory housing reviews.

7. Statutory Officers comments

7.1. Procurement

- 7.1.1. The contract extension sought is in line with the Contract Standing Order (CSO) 10.2.1 which provides for an extension of the contract subject to satisfactory outcomes of contract monitoring.
- 7.1.2. Whilst the rates for conducting reviews will be fixed for the duration of the contract, its also cheaper than providing in-house service and delivers better value of money.
- 7.1.3. The Service Commissioner to ensure that the Provider holds appropriate level of insurance covers through out the contract period.
- 7.1.4. Given that the Local Authority has statutory duty to provide this service under the Housing Act 1996, as amended by the Homelessness Act 2002, Strategic Procurement supports this contract extension recommendation.

7.2. Finance

7.2.1. The existing contract with Housing Reviews Limited for the conduct of reviews of allocation and homelessness decisions will expire on 31 May 2018. An extension of the contract to HRL for 6 months is required to avoid disruption in the review process.

7.2.2. This report recommends to extend the contract for a period of 6 months (1st June 2018 to 30th November 2018). The total contract sum will be around £15,000 and this can be contained within the 2018/19 Housing Demand budget (H22029/24115).

7.3. **Legal**

7.3.1 The Assistant Director of Governance has been consulted in the preparation of this report and makes the following comments. The Council has statutory functions under Parts VI and VII of the Housing Act 1996 in relation to allocation of social housing and assistance of the homeless; they include the function of carrying out reviews of decisions under those parts under s202 of the Housing Act.

7.3.2 By the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 (“the Order”) the Council is permitted to contract out those functions (including the review function) to a third party, provided that any such contract is (i) for no more than 10 years, and (ii) subject to revocation forthwith by the Council.

7.3.3 The terms of the contract as intended to be extended comply with the Order. The contract is non-exclusive; Homes for Haringey officers continue to be authorised to carry out reviews pursuant (currently) to the management agreement dated 7 September 2011 as varied with effect from 29 September 2014 and extended from 1 April 2016.

7.3.4 By Article 10.06 power to authorise contracting out of Council executive functions is reserved to the Leader, or to Cabinet with the Leader’s agreement. The Part VI and VII review functions are executive functions.

7.3.5 The Assistant Director of Corporate Governance sees no legal reasons preventing the Leader from approving the recommendations in the report.

7.4. **Equality**

7.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

7.4.2 Residents in receipt of Haringey services are typically vulnerable and in need of help. Residents from all protected groups are vulnerable to becoming homeless, which includes women and girls, older people, children & young people, BAME communities and disabled people. One way that they are protected is through the statutory decision making responsibilities given to Local Authorities. By authorising the extension of the contract with HRL , the Council is ensuring that these residents continue to receive the services they are entitled to, which protect and assist them.

7.4.3 Cabinet took into consideration the Council's public sector equality duty when on 15th March 2016 it (with the Leader's agreement) authorised entry into the new Management Agreement including contracting out of all the Council's permitted homelessness and allocations functions. This includes eliminating discrimination, harassment and victimisation based upon the protected characteristics when delivering the function. The present decision raises no new equalities considerations.

8. Use of Appendices

N/A

9. Local Government (Access to Information) Act 1985

9.1. Appendix 1
Minutes from signing of previous decision:

<http://www.minutes.haringey.gov.uk/ieSearchResults2.aspx?SS=housing%20reviews%20limited&DT=3&ADV=0&CA=false&SB=true&CX=8850226&PG=1>