

Report for: Cabinet Member Signing - Special Urgency

Title: Policy on providing accommodation to people who are rough sleeping or at risk of rough sleeping during the Covid-19 pandemic

Report

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Ward(s) affected: All

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1. Haringey Council (the Council) is the Local Housing Authority, and, under the Housing Act 1996, has a duty to provide accommodation to certain homeless people who are eligible for that assistance and have a priority need.
- 1.2. In the context of the Covid-19 pandemic and the lockdown imposed in England, Luke Hall MP, Under Secretary of State at the Ministry for Housing, Communities and Local Government (MHCLG), wrote to local authorities on 26 March 2020 requesting them to provide accommodation to anyone rough sleeping, or at risk of rough sleeping. This became known as the 'Everybody In' approach. The Council therefore used its discretion to provide accommodation to people to whom it did not owe this duty under the Housing Act 1996. In doing so, the Council is likely to have saved lives and improved outcomes for some of the borough's most vulnerable residents.
- 1.3. Since then, in a letter from Luke Hall MP to local authority Chief Executives in England, dated 28 May 2020, MHCLG has requested that local authorities develop exit strategies for those who have been placed in emergency accommodation, and develop locally appropriate strategies to determine who will continue to be provided with accommodation. Further to this, on 29 June 2020, MHCLG issued an update to the statutory Homelessness Code of Guidance for local authorities, instructing them to take into account people who have vulnerabilities making them particularly at risk of serious illness from Covid-19.
- 1.4. Given this change in guidance – from the 'Everybody In' approach, to developing policies which take into account the impact of Covid-19 on vulnerable people, and other local contexts - the Council is re-examining its use of discretion, and is proposing adopting a discretion policy for people who are rough sleeping, in order to continue providing accommodation to the borough's most vulnerable residents.

2. Recommendations

- 2.1. It is recommended that the Cabinet Member

- 2.1.1. Adopts the Rough Sleeping Discretion Policy attached at Appendix 1.
- 2.1.2. Delegates authority to the Director of Housing, Regeneration and Planning, in consultation with the Cabinet Member for Housing and Estate Renewal, to amend this policy to give effect to changes in legislation or statutory guidance, or directives or requests of a similar character issued by Government.
- 2.1.3. Agrees that this policy will terminate on 30 September 2020 unless terminated earlier or extended beyond this date by Cabinet / Cabinet Member decision.

3. Reasons for decision

- 3.1. From 26 March 2020, in the context of the spread of Covid-19, the risks of contracting it and the government imposed lockdown, the Council has provided accommodation to a number of people whom it does not owe a duty to accommodate, exercising discretionary powers. As external factors and conditions change, and as directed by MHCLG, the Council is amending its approach to accommodating people who are rough sleeping to ensure that the most vulnerable continue to be accommodated.

4. Alternative options considered

- 4.1. The first alternative option is to continue with the approach that has been taken since 26 March 2020, i.e. to offer accommodation to anyone in the borough rough sleeping, or at risk of rough sleeping. The reason this option is not recommended is that local authorities have been directed by MHCLG to adopt locally appropriate policies, and the cost of continuing to provide emergency accommodation and welfare support to everyone rough sleeping, or at risk of rough sleeping is projected to cost over £6.8m for a single year, an unplanned and unsustainable cost to the General Fund without additional dedicated funding. Although new funding has been announced by MHCLG it has not been sufficiently detailed to allow the Council to continue with the current approach and given the overall size of the funding pot is £105m to meet the national cost, Haringey's allocation is likely to be insufficient to cover the full cost.
- 4.2. The second alternative option is to return to the approach taken prior to 26 March 2020, i.e. to offer accommodation only to those to whom the Council owes a homelessness duty. The reason this option is not recommended is that this would mean that a number of at-risk people would not be provided with accommodation, and it is likely that they would be disproportionately negatively affected by sleeping rough in the context of the Covid-19 pandemic; additionally it is not in line with the changes to the Homelessness Code of Guidance.

5. Background

The 'Everybody In' approach

- 5.1. On 26 March 2020, in response to the increased risks faced by vulnerable people during the pandemic, Luke Hall MP (Minister for Local Government and Homelessness at the Ministry of Housing, Communities and Local Government) wrote to all local authorities requesting them to accommodate anyone who was, or was at risk of, rough sleeping. The letter also advised local authorities to focus on others living in accommodation where it would be difficult to self-isolate, such as

dormitory style night shelters and assessment centres. This request from MHCLG has become known as 'Everybody In' and advised that local authorities needed to use alternative powers and funding to assist those who would not normally be eligible for homelessness assistance.

- 5.2. In Haringey, the Council worked with Homes for Haringey and partners across the borough in order to ensure that anyone who was, or was at risk of, sleeping rough was accommodated. As a result, over 500 people were placed in emergency accommodation. This change in approach was noted in a report signed by the Leader on 6 April 2020, outlining financial interventions made by the Council to help the borough and residents with the impact of Covid-19. On 30 April 2020 a report was signed by the Leader including an update on efforts to provide accommodation to everyone in the borough sleeping rough, or at risk of doing so.
- 5.3. The application of 'Everybody In' in Haringey has, at the least, improved outcomes for, and at the most, saved the lives of, a number of Haringey's most vulnerable residents. Indeed, Covid-19 and Luke Hall's directive has enabled the Council to engage with a number of people who are both vulnerable and hard to reach, and ensure that these people have been receiving support from a range of services – as well as accommodation, the Council has been providing those it has placed in emergency accommodation with food and hot meals, and facilitating engagement with health services. The Council has also committed to working with these residents to ensure that they are supported to continue living in settled accommodation once they move on from their emergency accommodation.
- 5.4. The Council has provided accommodation for over 500 individuals since March 2020. Only 33 of these would have been provided with accommodation by the Council had they approached the Council prior to March 2020. Around 50% of those accommodated have drug or alcohol needs; 30% are under 35 years old, 5% under 25 years old. Around 60% of these were not street homeless when they approached the Council. The average cost of an emergency accommodation placement, inclusive of all welfare and subsistence is £65 per person per night.
- 5.5. Haringey's Borough Plan 2019-2023 also commits the Council to ending rough sleeping by 2023: the interventions that have taken place since March 2020 have been significant in helping this target be met. In May 2020, the lowest ever number of people (9) were recorded as sleeping rough.

Recent changes in guidance and direction

- 5.6. While MHCLG has not requested that local authorities stop providing accommodation to anyone who needs it, it has requested that local authorities develop locally appropriate policies and strategies to both move people on from emergency accommodation and to determine who should be provided with accommodation going forward, moving away from the previous blanket approach. The Council has developed an Exit Strategy, to move people on from emergency accommodation to more settled accommodation. There are a number of strands to the Exit Strategy, in order to meet the needs of different groups of people, but broadly its aim is to ensure that those housed by the Council in emergency accommodation from March receive support from the Council to find appropriate settled accommodation.

- 5.7. Further to this, on 29 June 2020, MHCLG issued an update to the statutory Homelessness Code of Guidance for local authorities. Paragraph 8.44 specifies that ‘Housing authorities should carefully consider the vulnerability of applicants from COVID-19’. Paragraph 8.45 specifies that ‘Housing authorities should also carefully consider whether people with a history of rough sleeping should be considered vulnerable in the context of COVID-19, taking into account their age and underlying health conditions’. This represents a move away from the emphasis upon emergency provision and the incorporation of Covid 19 risks as an element of a “new normal”.

The Council’s proposed new approach

- 5.8. In these circumstances, the Council will need to amend the approach it has taken to determine who will be housed. The Rough Sleeping Discretion Policy has been developed to guide to approach the Council will take. Further changes in guidance or legislation, or further requests from Government for a change of approach, may well occur in the short to medium term; in these circumstances the Rough Sleeping Discretion Policy will be amended to reflect these.
- 5.9. The Rough Sleeping Discretion Policy identifies the key circumstances in which discretion may be applied. This policy concerns people who are not covered by the Council’s existing duty. The Rough Sleeping Discretion Policy provides for accommodation to be provided to certain CHAIN verified people. CHAIN – Combined Homelessness and Information Network – is a multi-agency database recording people sleeping rough in London, commissioned by the Mayor of London and delivered by St Mungo’s, and helps to ensure that people sleeping rough are receiving the most appropriate support from local authorities and other agencies. The circumstances in which discretion may be applied are as follows:
- 5.9.1. Where someone is CHAIN verified, is eligible for assistance but would not ordinarily be considered to have a priority need, the Council will consider whether they are currently at additional risk if they were to contract Covid-19. This would include people who have been told to shield, people with health conditions leading to a greater risk of serious illness from Covid-19 infection, and people who have characteristics that have been linked to a higher risk of serious illness from Covid-19 infection, including race.
- 5.9.2. Where someone is CHAIN verified but is ineligible for housing assistance due to, for example, their immigration status (including those formally designated as having no recourse to public funds (“NRPF”)), the Council will consider whether they would have had a priority need or have been considered at increased risk, as described above and will carry out individual statutory assessments to identify what powers are available (see 8.11). The Council will then, subject to that assessment, offer a placement supported through a funding settlement from MHCLG for implementing the ‘Suspension of Derogation’ which removes restrictions affecting EU-Nationals entitlement to support if affected by rough sleeping.
- 5.9.3. Where someone is identified as part of the MEAM30 cohort; a group of thirty vulnerable adults experiencing multiple disadvantage homelessness, who are supported by the Haringey “Making Every Adult Matter” partnership.

5.9.4. Only people with a local connection to the borough will be accommodated, with the exception of CHAIN verified people who have been found bedded down in the borough on two or more occasions within the last 12 months. Those without a local connection to Haringey will be referred on to the relevant local authority as soon as possible.

Cost

- 5.10. The change of approach means that the Council is likely be offering accommodation to more people than it was prior to March 2020, but fewer than have been accommodated since March 2020. This will therefore represent a reduction in cost from the current position, but an additional cost from the pre-March position.
- 5.11. It is difficult to accurately estimate the increased cost because the number of people presenting will fluctuate. However, a current estimate is an increased cost from the pre-March position of £298,350 over 3 months.
- 5.12. Similarly, it is difficult to accurately estimate the reduction from the existing “Everybody in” position. However, a current estimate of adopting the proposed policy is a reduction in cost of £2,211,300 over 3 months.

6. Contribution to strategic outcomes

- 6.1. This policy helps meet the priorities and outcomes of Haringey’s Borough Plan 2019-2023, in particular the outcome to ‘work together to prevent people from becoming homeless, and to reduce existing homelessness’ and specifically the objective to ‘aim to end street homelessness by 2022’.

7. Statutory Officer Comments

Finance

- 7.1. This report is proposing to adopt a temporary discretionary policy for housing a smaller cohort from the existing “everybody in” policy adopted to house people who are rough sleeping due to Covid-19. This represents a reduction, from the time the policy is adopted, of accommodating 150 people per month to an estimated 24 people per month.
- 7.2. This report does not address the existing costs of accommodating individuals currently in hotels and hostels under the “everybody in” policy.
- 7.3. If this policy is adopted, it is estimated that the total cost of accommodation for the recommended duration period of the policy will be £421,200.
- 7.4. The table below sets out the comparative accommodation costs pre-March, the cost of the recommended policy duration, and the cost of the current “everybody in” policy.

	Policy end in 3 Months with Move-on after 3 months
Pre-march position re priority need – 7 new people accommodated per month	£122,850
New proposed position re priority need – 24 new people accommodated per month	£421,200
Continuing with ‘everybody in’ – 150 new people per month	£2,632,500

- 7.5. The Leader’s report on 30th April and the 16th June Cabinet report allocated £2.0m and £2.0m respectively totalling £4.0m allocated to temporary accommodation for people who are rough sleeping.
- 7.6. This report is not seeking to increase the existing allocations for rough sleeping. It is expected that the total allocation will cover move on and associated staffing costs not factored into the above table.
- 7.7. At the end of July 2020, a total of £2.3m would have been spent on providing temporary accommodation for rough sleeping during this COVID period.

Legal

- 7.8. The Assistant Director of Corporate Governance has been consulted in the drafting of this report.
- 7.9. The Council’s duty to accommodate the eligible homeless at the point of presentation as such is limited to those whom the Council has reason to believe are homeless and have priority need, and whom the Council is not satisfied are intentionally homeless (s188 Housing Act 1996).
- 7.10. The Council does however have a “relief” duty (ss189A and 189B HA96) to assess those who have become homeless (irrespective of priority status or intentionality) and assist them in obtaining accommodation according to an agreed personal homelessness plan. The Council is not required to provide accommodation in discharge of that duty; but it does have a power to do so (s205(3) HA96). It is this power that the Council has been exercising, and proposes to continue to exercise in accommodating those who are eligible but to whom it owes no duty to provide accommodation.
- 7.11. The Council has no duty to accommodate those who by reason of their immigration status are not eligible for assistance (s185 HA96).
- 7.12. The Council does however have power to accommodate non-eligible households with children in need under s17 Children Act 1989 and also households that do not meet the requirements for care and support under the Care Act 2014 but where the provision of accommodation is necessary to avoid breach of their human rights (s1 Localism Act 2011). The exercise of these powers is subject to the outcomes of individual assessment to be undertaken by the relevant services.
- 7.13. The Council is entitled to review its use of its powers from time to time. In so doing it must take account of the impact of any changes upon those in favour of whom it is

exercising its powers, but it is also entitled – required - to ensure that its limited available resources are used to best effect in a changing situation.

- 7.14. This Council would normally undertake consultation before adoption of new policy. This policy however reflects a change to a policy which was favourable to those affected and was itself adopted without consultation. The policy after the proposed amendment still treats all those affected more favourably than before the original policy was adopted. Consultation would in any event be impractical on the timescales involved. In these circumstances, there is no legitimate expectation that the Council will consult on this amendment.
- 7.15. Under the Council's Constitution policy and key decisions must be made by Members (either the Leader, Cabinet or a Cabinet member upon delegation by the Leader). It is open to Members to delegate authority to make the changes specified at Recommendation 3.1.2. Amendments requiring policy decision will be made by members in the normal way.

Procurement

- 7.16. Strategic Procurement notes the report and confirms there are no procurement implications from the proposed change in policy.

Equalities

- 7.17. 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.
- 7.18. 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.
- 7.19. The proposed decision is to adopt the Rough Sleeping Discretion Policy. Those affected by the decision are people in Haringey who are street homeless or are at risk of becoming street homeless. Among this group, men are significantly over-represented. BAME people, people from countries other than the UK, older people, and people with long-term health conditions are also significantly represented among people who are street homeless in Haringey. The profile of known people who sleep rough in Haringey is detailed in the Equalities Impact Assessment attached to this report.
- 7.20. The objective of the proposed decision is to enable ongoing support for people who the Council does not have a duty to accommodate, but who are at higher risk of COVID-19. We know from national data that BAME people, and Black people in particular, are more at risk, as well as men, people with disabilities, older people, and

people from minority religious groups including islam, judaism, sikhism, and hinduism. The data on risk to COVID-19 is set out in the Equalities Impact Assessment attached to this report.

- 7.21. Implementation of the policy can reasonably be expected to reduce the risk of COVID-19 faced by people who are vulnerable to it. In this way, the Council is acting to prevent health inequalities among people who share protected characteristics. As such, the proposed decision represents a measure to advance equality of opportunity and prevent indirect discrimination on the basis of protected characteristics.

8. Use of appendices

Appendix 1: Rough Sleeping Discretion Policy

Appendix 2: Equalities Impact Assessment

Appendix 3: Exit Strategy

9. Local Government (Access to Information) Act 1985