

Report for: Leader Signing – 4th October

Item number: 3

Title: Extension of Contract with Housing Reviews Limited

Report authorised by : Tracie Evans, Chief Operating Officer

Lead Officer: Beverley Faulkner, Advice & Homelessness Prevention Manager

Ward(s) affected: All

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 The Council's contract with Housing Reviews Limited ("HRL") which contracts out conduct of reviews of allocation and homelessness decisions under Parts VI and VII respectively of the Housing Act 1996 ("the Act") expires on 31 October 2016 (following extension authorised by the Leader on 20 May 2016). A further extension is required for the reasons set out below and the Leader's authority is required.

2. Cabinet Member Introduction

- 2.1 In July 2015 Cabinet commissioned a review of the Future Housing Delivery Model for Haringey. The report of the review group was presented to Cabinet in September 2015 and led to a decision by Cabinet to award a new ten year Management Agreement to Homes for Haringey (HfH), which was subsequently approved by the Cabinet on 15 March 2016.
- 2.2 For the principles of the review to be fully effective and the benefits delivered to residents, it is important that there is no disruption to the delivery of Homelessness Services. The recommendation of this report is required to allow a continuation on current services.

3. Recommendations

It is recommended that the Leader:

- 3.1 Authorises the extension of the contract with HRL (and consequent contracting out of reviews of allocations and homelessness decisions as set out in that contract) until 31 October 2017.

4. Reasons for decision

- 4.1 The Council has responsibilities under Parts VI and VII of the Act that it can only delegate to third parties under the terms of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996. The existing authorisation to contract out statutory Part VI and Part VII reviews expires on 31 October 2016. The Council has a statutory duty to carry out these functions or to contract them out to a third party.
- 4.2 HfH intends to bring the reviews function back in-house and the transformed service has provision for a Reviews Manager in the structure. This post was advertised externally with a closing date of 7 August 2016. Unfortunately, the recruitment did not lead to any candidates being shortlisted for interview and as such the recruitment has been delayed.
- 4.3 Once the Reviews Manager has been recruited and in a position to take over responsibility for conducting all reviews no further reviews will be passed to HRL. It will however be necessary to provide for a run-off period to allow HRL to complete all reviews passed to it to avoid disruption in the review process. A further extension until 31 October 2017 will allow for all reviews contracted to HRL to be determined and for the recruitment of a Reviews Manager in HfH. As the contractor is paid per review there are no financial implications in regard to approving an extension of this length.

5. Alternative options considered

- 5.1 If the contract with HRL is not extended, HRL will not be authorised to carry out reviews on behalf of the Council or HfH and any reviews conducted by HRL would be open to legal challenge.
- 5.2 The lack of quality candidates for the vacant Reviews Manager post means that HfH cannot yet bring this function back in-house.

6. Background information

- 6.1 On 1 May 2014, the Leader granted authority for the Council to enter into a contract with Housing Reviews Limited, from 1 May 2014 to 30 April 2016. Clause 3.2 of this contract allows for the further extension of the contract for an unspecified period.
- 6.2 On 20 May 2016 the Leader of the Council (partially retrospectively) approved a six month extension to the contract expiring 31 October 2016. It was envisaged that by this date the function would be delivered from within HfH by a newly created Review Manager post. The recruitment to this role has been delayed by a lack of quality candidates. A further one year extension will provide HfH time to recruit a high calibre individual and will additionally provide some resilience in the event that the same does not meet expectations during their probationary period with HfH.
- 6.3 By this contract, the Council pursuant to its powers under the Local Government Contracts Act 1997 and the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 authorises HRL to carry out housing reviews on the Council's behalf.

- 6.4 The contract value from 1 May 2014 to 30 April 2016 was less than £50,000.00 and the cost of a one year extension will not exceed £25,000.00.
- 6.5 The transformation and related restructure of Housing Demand was delayed for a number of reasons, including the delayed TUPE transfer of 143 staff formerly seconded from the Council and this has impacted on the timetable for recruitment of new staff. Therefore, authorisation is sought to extend the HRL contract for 12 months by which time recruitment should be completed and any reviews contracted out before the Reviews Manager takes over responsibility for completion of all reviews will be determined.

7. Contribution to strategic outcomes

- 7.1 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 statutory responsibilities in terms of conducting statutory housing reviews.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance and Procurement

- 8.1.1 The cost of carrying out this statutory function will be recorded against Housing Demand budgets. This cost will be included in the period 6 forecast for Housing general fund which is currently projecting a significant overspend.
- 8.1.2 The Head of Procurement notes the content of this report and the rationale for the extension to the current contract.
- 8.1.3 The Head of Procurement supports the recommendation.

8.2 Legal

- 8.2.1 The Assistant Director of Governance has been consulted in the preparation of this report and makes the following comments.
- 8.2.2 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.
- 8.2.3 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.
- 8.2.4 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.

8.2.5 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.

8.3 Equality

8.3.1 The Council has a public sector equality duty under the Equalities Act (2010) to have regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

8.3.2 Residents in receipt of Haringey services are typically vulnerable and in need of help. 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.

8.3.3 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. The present decision raises no new equalities considerations.

9. Use of Appendices

9.1 None

10. Local Government (Access to Information) Act 1985

Cabinet Member Signing 1 May 2014 – Contracting Out of the Homelessness Review Function

Cabinet Member Signing 20 May 2016 – Statutory Homelessness Decisions