

## Report to the Cabinet

Meeting to be held on Thursday, 9 July 2020

### Report of the Head of Service Policy, Information and Commissioning (Live Well and Age Well)

#### Part I

Electoral Division affected:  
(All Divisions);

#### Maximising Occupancy in Supported Housing - Consultation Outcome (Appendices 'A' and 'B' refer)

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#### Executive Summary

Cabinet is presented with a report following an eight-week public consultation on a revised policy and procedures for conducting reviews of vacancies in Supported Housing. The consultation sought public views on the proposed approach to conducting these reviews and the procedures that will guide decisions about non-viable supported housing. As a result of the consultation a number of changes have been made to the policy, which is now presented to Cabinet for approval.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

#### Recommendation

Cabinet is asked to:

- (i) Note the consultation findings, as set out at Appendix 'A'.
- (ii) Approve the revised policy and procedures governing reviews of vacancies in Supported Housing as set out at Appendix 'B'.

#### Background and Advice

The county council routinely reviews its adult services policies, procedures and guidance, and identifies key policy documents for development and/or revision as part of a phased programme to ensure effectiveness, value for money, and compliance.

On 7 November 2019, Cabinet approved an eight-week public consultation of a revised policy, procedures and guidance document on:

- **Maximising Occupancy in Supported Housing**

The document proposes a revised policy and procedures to update the existing *Under Occupancy in Supported Tenancies and Protocol to Review Tenancies* internal policy. It is aligned with the county council's [Housing with Care and Support Strategy](#) and seeks to expand choice and opportunity for existing and potential tenants.

Supported Housing provides housing, support and care services as an integrated package and is designed for people who need ongoing support to live independently.

As of the end of 2019, there were in the region of 700 properties classed as 'supported tenancies' across Lancashire, with approximately 160 of those properties carrying one or more vacancies (approximately 225 vacancies in total according to 2019 figures). Vacant tenancies place a financial strain on the remaining tenants and sometimes on the housing and support provider, and on the resources of the county council.

The number of vacancies in supported housing looks set to rise as some households will not meet the needs of an ageing population; tenants will pass away as they age, new tenants will move in but do not want to be there, some tenants will move out and as alternative options are developed some tenants will choose to move on to alternative solutions, leaving former co-tenants behind.

Strenuous efforts continue to be made to find suitable people to fill these vacancies. Many have been vacant for a considerable length of time with no realistic hope of ever filling the vacancy.

The consultation which was conducted online, ran from 30 January to 25 March 2020 and was open to the general public. The consultation findings are set out at Appendix 'A'.

The revised policy, procedures and guidance document set out at Appendix 'B' sets out the county council's proposed approach to reviewing Supported Housing where there are vacancies, and the procedure that will guide decisions about non-viable schemes. The proposals provide a mechanism to review the sustainability of Supported Housing schemes and decommission schemes that are no longer viable.

[Details of the Cabinet decision to approve the consultation can be found here.](#)

## **Summary of Consultation Report and Revised Policy**

The county council received 27 responses to the consultation.

This report details a diverse range of views received by the county council during the consultation period, which cover a number of issues related to the proposed review

process. It includes verbatim responses regarding the proposed approach for reviewing Supported Housing households as well as anonymised data on the demographic characteristics of respondents and the organisations they represent, where applicable.

In response to the question: *Overall, how strongly do you agree or disagree with this proposed approach for reviewing Supported Housing households?:*

- 38% of respondents either strongly agreed (19%) or tended to agree (19%) with the proposed approach;
- 7% neither agreed or disagreed with the process; and
- 7% tended to disagree with a further 48% strongly disagreeing with the proposed process for conducting the reviews.

Responses received during the consultation can be broadly categorised as follows:

1. Those that acknowledge the county council's rationale for revising the principles and procedures governing any review of a Supported Housing vacancy, including suggestions from the public which are already covered by the proposed policy.
2. Suggestions that would improve or clarify the proposed policy and have therefore been added to the revised policy set out at Appendix 'B'.
3. Misperceptions about historic or current arrangements or comments unrelated to the issue under consultation.

## **Summary of consultation responses**

The first category includes responses:

- Agreeing that the county council has an interest in managing the rent and support costs due on a vacant tenancy and in ensuring support provided to an entire household is appropriate and proportionate.
- Acknowledging that individuals living in under-occupied properties must cover the cost of missing tenants and will therefore have less income or that long-term vacancies create an issue of financial sustainability for all stakeholders.
- Noting that living in under-occupied tenancies has a negative impact on well-being and agreement that the county council must maximise the use and adaptability of existing properties, filling vacancies where possible in a flexible way that can meet people's changing, complex needs.
- Recognising that, through Care Act assessments and reviews, the county council already takes account of the person's living situation and their wishes and preferences.
- Related to issues of consent and following the best interest's process under the Mental Capacity Act and complying with human rights legislation.
- Encouraging the county council to ensure any review looks at identifying housing to meet the person's needs and providing choice.
- Supporting the county council's plans for more "apartment-style living" that give people the opportunity to have their own home, reducing shared living

space while retaining the benefits of shared support or activities, all of which may surmount compatibility issues between tenants.

The second category includes responses:

- Exhorting the council to introduce more options and flexibility in Supported Housing.
- Suggesting improvements to service user's access to the council's Housing and Support Forum and how individuals are matched with an available tenancy.
- Requesting improved communication and clearer processes for engagement.
- Encouraging recognition of the importance of the quality and suitability of a person's physical housing in meeting their social care needs in addition to the level of care provided in these settings.
- Recommending that the county council ensures that anyone involved in a review is formally made aware of their rights to an advocate.
- Supporting the county council's decision not to cover the cost of voids in future or to work with providers on new settings where this issue would represent a risk to the council.

Following the consultation, the county council acknowledges these recommendations and has amended the policy, as set out at Appendix 'B', accordingly.

The third category includes responses:

- Containing misperceptions about Supported Housing, which involves not merely a "brick and mortar" element but a staffing component as well, and the county council's role in assessing, arranging, managing or funding this element via various means. The county council reiterates that it does meet support costs and is responsible both for ensuring costs are proportionate and that the design of operational management is appropriate.
- Suggesting greater landlord responsibility for voids lettings and a larger role for landlords in identifying tenants' needs. Landlords are not in a position to carry out care and support assessments or to allocate the appropriate resources for that support, which could lead to problems of compatibility, both in terms of personalities and support needs.
- Recommending creation of an open database of vacancies or wider advertising of vacancies, which is restricted by data protection legislation.

## **Conclusion**

Lancashire County Council is committed to continuing Supported Housing as a staple part of its care and support offer. The council is proposing new models of Supported Housing to address historic shortcomings and issues with the existing stock of housing. These models will do more to meet people's demands to live in properties they want to live in and that meet their needs. The revised policy for reviews of Supported Housing supports a move to a better model of Supported Housing, creating new, fully accessible settings where people will be appropriately supported to remain safe and independent even as their needs change over time.

The county council funds care and support in these settings and has a statutory responsibility to ensure that this represents a good use of public funds and that the county council can support everyone with needs. As the proposed policy clearly states, the potential impact of a move to suitable alternative accommodation must be assessed on an individual basis and must consider all of the circumstances surrounding the proposed move.

## **Consultations**

The outcome of the public consultation on the proposed revised policy for reviewing Supported Housing tenancies is detailed above and in Appendix 'A'.

## **Implications:**

This item has the following implications, as indicated:

- Workforce

Our support for Lancashire residents is guided by the county council's adult social care policies, procedures and guidance. The accuracy and relevance of these documents is essential to support practice and the delivery of high quality services. These documents have been reviewed and cleared by the county council's legal team before being presented to Cabinet following a period of public consultation.

- Equality and Diversity

Policies and procedures guidance documents are primarily intended as a guide for social care employees in applying the law and attendant regulation and guidance and for ensuring delivery of quality care and support. It is an intrinsic requirement that these are applied objectively and fairly to all people with protected characteristics (age, disability, gender reassignment, sex/gender, race, religion or belief, sexual orientation, pregnancy and maternity and marriage or civil partnership status) and that, where necessary, reasonable adjustments are made to assist disabled people to participate in the process, or that other steps are taken to meet the requirements of the Equality Act 2010.

Furthermore, in line with the Public Sector Equality Duty, each policy, procedures and guidance document has been considered by the Equality and Cohesion Manager and a short appendix added to highlight the aims of the Public Sector Equality Duty and protected characteristics in a proportionate manner. It is intended that this will provide staff with a bespoke summary of how each policy, procedures and guidance document may impact on groups with protected characteristics and that this is a proportionate means of showing due regard in relation to each individual policy, procedures and guidance document.

The revised policy, if applied in a person-centred, objective and fair way, is designed to provide consistency in how reviews are carried out and should contribute positively to meeting the aims of the Public Sector Equality Duty. It is acknowledged, however, that any process which could potentially impact where a person lives will bring with it concern and uncertainty for the individual and their families. The revised

policy will ensure that factors such as a person's ability to participate in public life and ability to participate fully in the process are central to its application.

- Financial

As of the end of 2019, there were approximately 160 supported tenancies (out of approximately 700) across Lancashire carrying one or more vacancies and approximately 225 vacancies in total. Vacant tenancies place a financial strain on the remaining tenants and sometimes on the housing and support provider, and on the resources of the county council.

Strenuous efforts continue to be made to find suitable people to fill these vacancies. Many have been vacant for a considerable length of time with no realistic hope of ever filling the vacancy. The proposals in the consultation document (Appendix 'B') creates a mechanism to review the sustainability of Supported Housing and decommission schemes that are no longer viable to minimise under-occupancy and utilise public resources more effectively.

## **Risk management**

Any decision by the council that a supported household is 'non-viable' would only be made having considered all circumstances, working closely with the individual and family (or their representative or advocate as appropriate), the relevant Housing Provider, Funding Provider and Care Provider. All factors will be taken into consideration when making any decisions that are in the best interests of people living in existing supported housing, and exploring if alternative accommodation is more suitable.

In the event of any move, the county council will strive to ensure a smooth transition for an individual from their current accommodation into suitable alternate accommodation. Should a tenant not consent to such a move then it may be necessary to work with the relevant landlord to seek a possession order through the courts. This will include a demonstration by the county council that suitable alternative accommodation is available and that the relevant legal test is met.

Where the tenant lacks mental capacity and is objecting to the move, the best interest process will be followed. If the move is considered to be in the tenants best interests then an application to the Court of Protection will be made.

Many aspects of the law state that the county council should develop and maintain policies in relation to a number of subject areas covered by legislation. The county council may be at risk of future legal challenges if the recommendations to develop policy documents are not taken forward.

## List of Background Papers

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None		
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Reason for inclusion in Part II, if appropriate
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