



**Community and Wellbeing
Scrutiny Committee**
23 November 2016

**Report from the Strategic
Director Community Wellbeing**

Wards affected: ALL

Housing Needs: Supporting Vulnerable Households

1.0 Summary

- 1.1 The Local Government Ombudsman (LGO) issued a joint report against the London Boroughs of Brent and Ealing on 8 August 2016. The report relates to the Housing Needs Service's and Brent Housing Partnership's handling of a BHP tenant's request for urgent rehousing due to domestic violence. Ealing further delayed in processing the case when it was referred to them.
- 1.2 Although the LGO acknowledged that there was no evidence of a systemic failure to provide housing advice and services to victims of domestic violence, the LGO justified the issuing of the report because the case highlights the importance of effective partnership working between councils when they are dealing with a vulnerable person.
- 1.3 The LGO report was presented at the Audit Committee in September 2016, and Members requested a follow up report to come to the Community and Wellbeing Scrutiny Committee, which addresses the issues identified in the complaint report. This report details how the Housing Needs Service responds to issues of particular vulnerability such as domestic violence.

2.0 Recommendations

- 2.1 That the committee note the analysis of how the Housing Needs Service, working in partnership with other agencies, support households with particular vulnerability such as domestic violence, and have implemented the recommendations of the LGO report.

3.0 Background

3.1 The Housing Needs Service consists of three operational teams

- Housing Options Team
- Care and Support Team
- Accommodations Services Team

3.2 The primary function of the Housing Options Team is to prevent households from becoming homeless, either by helping the household to retain their current accommodation (when this is appropriate) or by assisting the household to secure alternative suitable accommodation in the private rented sector.

3.3 Where it is not possible to prevent homelessness, the Housing Options Team will assess what duties the Council may have, under the Housing Act 1996, Part 7, (the Act) to secure suitable accommodation for the homeless household.

3.4 The Act contains 5 legal “tests” that the household must satisfy before a legal duty to provide accommodation is triggered. These tests are:

- The household is eligible for assistance – as defined by the Act
- The household is homeless – as defined by the Act
- The household has a priority need– as defined by the Act
- The household is not intentionally homeless
- The household has a local connection with Brent

3.5 If the household meet these five tests – the main rehousing duty is triggered, and the Council has a statutory duty to secure suitable accommodation for the household.

3.6 The statutory definition of a person who would meet the Priority Need Test is set out within the Act. For example, a homeless person with children will automatically be in priority need. A single, homeless person aged 16 or 17 (or under 21 and have been looked after at any time when between the ages of 16 and 18) will automatically be in priority need. A single person may also be in priority need, if they are 'vulnerable', in the words of s189 the Act, as a result of:

- Old age
- Mental illness
- Mental handicap
- Physical disability
- Having been in care (and now 21 or over)
- Having been in the armed forces
- Having been in custody
- Having fled actual or threatened violence or
- Other special reason

3.7 The words "other special reason" ...show that vulnerability arising from other causes (e.g. being a refugee) must be considered by the Local Authority Homeless Service

4.0 Defining Vulnerability

4.1 'Vulnerable' in the Act means being "significantly more vulnerable than the ordinarily vulnerable as a result of being rendered homeless. All people are at risk of harm from homelessness but the Act did not intend all homeless persons to qualify as vulnerable.

4.2 For example the person who is old ...(etc.)... must as a result be more at risk of harm from being without accommodation than an ordinary person would be. The applicant must have something significant that makes him vulnerable when compared to ordinary people generally.

5.0 Particular Vulnerability

5.1 Some single homeless households have a particular vulnerability, which prevents them from being able to live in general needs housing without support. These households are referred to the Care and Support, START Plus team, to assess whether the household requires Floating Support services to support them in their home, or for households with a higher level of vulnerability, refer them to accommodation-based support services that aim to develop or sustain an individual's capacity to live independently in accommodation.

5.2 The table below lists the six main cohorts of single homeless households who are currently receiving Floating or Accommodation Based Support services.

Vulnerability	Number of households receiving Support Services
Mental Health	247
Drug and Alcohol	111
Ex-Offenders	140
Older Person	97
Young People	81
Physical disability	62

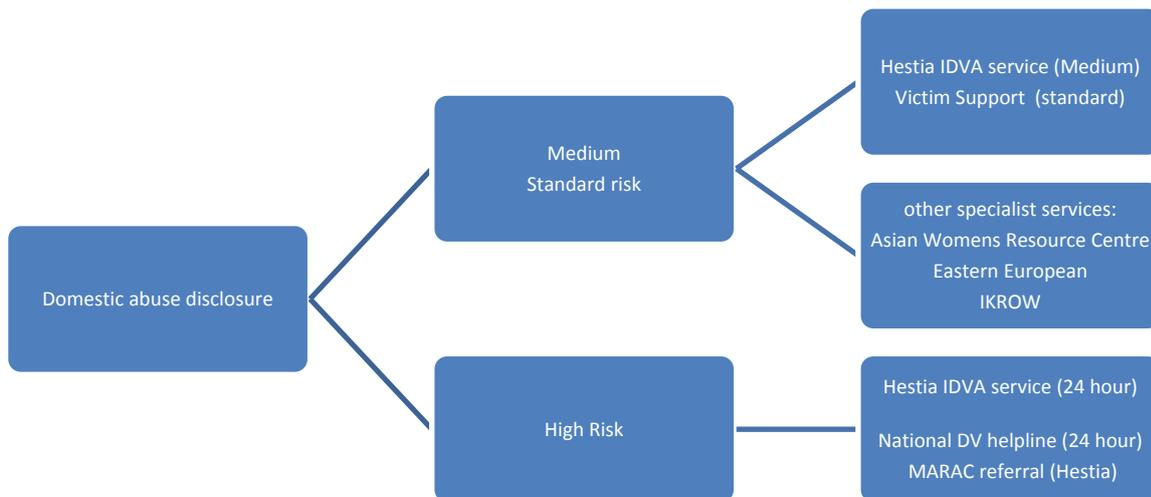
5.3 In the last 12 months the START Plus team have received 29 referrals for victims of domestic abuse.

6.0 Domestic Abuse

6.1 When a household presents as homeless to the Housing Options Team, due to domestic abuse, a risk identification checklist is completed to help front-line practitioners identify the level of risk:

- **Standard Risk:** - While risk indicators may be present, it is deemed neither imminent, nor serious. Information on support services is provided, and households advised that the police can and should be contacted in an emergency.
- **Medium Risk:** There are identifiable features of risk or serious harm. This level of risk should be referred to the Hestia Support (see 6.2 below), however the household’s consent is required before a referral can be made.
- **High Risk:** There is imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact could be serious. There may be need for immediate intervention. Where any agency assesses risk as ‘High’ an immediate referral to Multi-Agency Risk Assessment Conference (MARAC) (see 6.2 below) is normally required, with or without consent.

Domestic Abuse Risk Management Pathways



6.2 Brent currently commissions the agency Hestia to provide advocacy support services by means of three Independent Domestic Violence Advocates (IDVAs), and a manager based in Wembley Police Station and two IDVAs co-located in Brent’s Children and Young People’s Department working in children’s Social Care (safeguarding locality team) and Brent’s Family Solutions Team. Hestia also provides two family support workers based in the Family Solutions Team and Social Care, and subcontracts the Multi-Agency Risk Assessment Conference (MARAC) coordination to another agency, Standing Together.

- 6.3 The main purpose of an IDVA is to address the safety of victims at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children. Serving as a victim's primary point of contact, IDVAs work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. There has been a total number 3,307 victims supported through our IDVA service over last 12 months.
- 6.4 They are proactive in implementing the plans, which address immediate safety, including practical steps to protect themselves and their children, as well as longer-term solutions. These plans will include actions from the MARAC as well as sanctions and remedies available through the criminal and civil courts, housing options and Services available through partner organisations. IDVAs support and work over the short to medium term to put Service Users on the path to long term safety. The IDVA's role in all multi-agency settings is to keep the services user's perspective and safety at the centre of all proceedings.
- 6.5 The MARAC coordination role is also undertaken and led by Hestia as part of its services under the contract. Hestia manage and support the development and delivery of Brent's Multi-Agency Risk Assessment Conference (MARAC) in line with the ten guidance principles for an effective MARAC, as defined by SafeLives. The MARAC provides a coordinated multi-agency framework for supporting the needs of high-risk victims. In a single monthly meeting, the MARAC combines up-to-date risk information with a timely assessment of a victim's needs and links those directly to the provision of appropriate services for all those involved in a domestic abuse case: victim, children and perpetrator. The total number of high-risk victims supported through MARAC over last 12 months is 454
- 6.6 We know that nationally more than 2 women are killed per week by abusive partners, with national annual average figures showing more than 112 women are killed per year. In recent years in Brent, there has been 1 domestic homicide each year. The main aim of the MARAC is to reduce the risk of serious harm or homicide for a victim and to increase the safety, health and wellbeing of victims - adults and any children. At Brent's MARAC, local agencies meet to discuss the highest risk victims of domestic abuse in the area. Information about the risks faced by those victims, the actions needed to ensure safety, and the resources available locally are shared and used to create a risk management plan involving all agencies.

The current MARAC membership consists of the following providers:

- Metropolitan Police Service
- Lookahead Housing
- Brent Mental Health
- Probation
- IDVA Provider (currently Hestia)
- Eastern European Refuge
- Victim Support

- Children’s Safeguarding
- Brent Housing Needs
- Maternity Services
- Drug and Alcohol Treatment Providers
- Adult Safeguarding

7.0 Partnership Working

- 7.1 Once the Housing Options Team have identified the level of risk, they will work with relevant organisations to identify the most appropriate solution, to meet the housing needs of the household. In some cases, where the perpetrator does not live in the accommodation, victims wish to remain in their own home, and so it may be possible to install a “Sanctuary” (see 7.2 below). However, where this is not appropriate, the only solution may be to secure alternative accommodation, in the private rented sector, temporary accommodation, or where the victim is already a social tenant, it may be possible to secure a transfer to alternative social housing in another borough (see 7.4 below)

The Sanctuary Scheme

- 7.2 The Sanctuary Scheme is a victim-centred initiative. It is designed to enable victims of domestic violence to remain in their own accommodation, by installing enhanced security features. The Sanctuary Scheme is offered as an option to prevent homelessness and is only used where it is agreed by the victim and where the perpetrator does not live in the accommodation. The aim is to support the victim not to be compelled to move from their current accommodation whereby reducing the disruption to family and other support networks, education and employment.
- 7.3 It is a free service regardless of the type of tenure the victim holds. The test to determine referral is that the referring agency must be satisfied that without securing the property the victim would be likely to become homeless. Anyone who may be in danger of losing their accommodation as a result of being a victim of domestic violence or hate crime is eligible to be referred to the scheme.

West London Domestic Violence Reciprocals Scheme

- 7.4 The aim of the West London Domestic Violence Reciprocals Scheme, is to prevent secure and assured Council or Housing Association tenants from losing tenancy security and becoming homeless due to domestic violence. It applies to all social housing tenants in west London (excluding the Royal Borough of Kensington and Chelsea who have opted out of the scheme) who are homeless due to domestic violence.
- 7.5 The host borough will assess the risk to their tenant, as if they were making a homeless application. Once having completed their enquiries, they are satisfied that the tenant is homeless and a move outside the borough is required, they will identify which boroughs in the sub-region are safe, and complete a referral

form and pass this and any supporting or background evidence to the borough's contact officer.

7.0 The LGO Report

7.1 Ms X was a Brent Housing Partnership (BHP), social housing tenant, who approached the Housing Options Team due to fear of violence from her abusive former partner. Following an investigation the LGO concluded that a vulnerable woman, who approached the Council for help, was badly let down by both Brent and Ealing councils.

7.2 The following deficiencies in the way that her case was dealt with were identified:

- The Brent Housing Options Officer did not follow the domestic violence procedure. He did not explain all the housing options to Ms X or discuss the West London Domestic Violence reciprocal scheme. He did not ask Ms X to complete a fear of violence form. The notes he took were brief and no action plan was agreed. He did not contact her again before he left the Council
- Once it was identified that Ms X was a BHP tenant and could therefore access the West London Reciprocal Scheme, BHP and Housing Options did not work together effectively.
- Once Brent decided to make a referral to Ealing using the reciprocal scheme, Ealing was at fault because it took far too long to make a decision.

7.3 To prevent similar mistakes being made in future, the following actions have been implemented.

- Refresher training provided for front-line staff in the Housing Options service about the domestic violence procedure and joint working with BHP when the victim is a Council tenant.
- The liaison and joint-working arrangements between BHP and Housing Options has been reviewed to address the shortcomings identified in the report.
- A review of the West London Reciprocal Scheme to take place and training to be delivered to all front line officers on the revised protocol for the reciprocal scheme

8.0 Financial Implications

8.1 There are no immediate financial implications arising from this report.

8.2 The Sanctuary Scheme is funded from the Housing Budget and costs £20,000 annually.

9.0 Legal Implications

- 9.1 There are no immediate legal implications arising from this report.
- 9.2 The Housing Act 1996 Part 7 places an obligation on local housing authorities to secure that suitable accommodation is made available to a person who is homeless, in priority need of accommodation; who did not become homeless intentionally. This duty is subject to the local connection provisions set out at s193(2) and s199(1) of the Act.
- 9.3 S199 of the Act states that a person has a local connection with an area if the person is or was as a matter of choice normally resident in it; or the person is employed in the area; or the person has family associations in the area; or, there are other special circumstances which result in a location connection with the area.
- 9.4 Certain persons are ineligible for housing assistance on immigration grounds as set out at s185 of the Act, and detailed in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.
- 9.5 A person is homeless for the purposes of s175(1) of the Act if s/he has no accommodation in the UK or elsewhere in the world which is available for his/her occupation and which s/he is: entitled to occupy by virtue of an interest in it; or entitled to occupy by virtue of a court order; or entitled to occupy by virtue of an express or implied licence; or actually occupying as a residence, by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of it. For the purposes of s175(3) of the Act, accommodation is disregarded if it is not accommodation which would be reasonable to continue to occupy.
- 9.6 S176 of the Act provides that accommodation is only available for a person's occupation if it is available for them, together with any other person who normally resides with them as a member of their family, and any other person who might reasonably be expected to reside with them.
- 9.7 S177 of the Act (as amended by the Homelessness Act 2002) states that, it is not reasonable to continue to occupy accommodation if, even though there may be a legal entitlement to do so, it is 'probable' that occupation of it will lead to domestic or other violence or to threats of such violence which are likely to be carried out: against the applicant; or, against any person who usually resides with the applicant, or against a person who might reasonably be expected to reside with the applicant. 'Violence' means violence from another person, or threats of violence from another person which are likely to be carried out. Violence is 'domestic violence' if it is from a person who is 'associated' with the victim.
- 9.8 S178 of the Act, as amended by the Civil Partnership Act 2004, states that people are associated if:
- They are or have been married to each other;
 - they are or have been civil partners of each other;

- they are cohabitants or former cohabitants;
- they live or have lived in the same household;
- they are relatives, meaning:
 - parent, step-parent, child, stepchild, grandparent, or grandchild of a person or of that person's spouse, civil partner, former spouse or civil partner; or,
 - sibling, aunt or uncle, niece or nephew of a person or that person's spouse, civil partner, former spouse or civil partner, whether of full or half-blood, or by marriage or civil partnership;
- they have or had formerly agreed to marry;
- they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
- in relation to a child, each of the person is a parent of the child, or has or has had parental responsibility (within the meaning of the Children Act 1989) for the child; and,
- in relation to a child who has been adopted (or subsequently freed from adoption) if one person is a natural parent or parent of a natural parent, and the other is the child, or is person who has become a parent by adoption, or who has applied for an adoption order, or with whom the child was at any time placed for adoption

9.9 S189 of the Act sets states that the following persons have priority need for accommodation if the authority is satisfied that: the person has dependent children who are residing with, or who might reasonably be expected to reside with them; the person is homeless or threatened with homelessness as a result of any emergency such as flood, fire or any other disaster; the person or any person who resides or who might reasonable be expected to reside with them, is vulnerable because of old age, mental illness, handicap or physical disability or other special reason; or, she is pregnant, or is a person who resides or might reasonably be expected to reside with a pregnant woman. Additional categories of persons having priority need for accommodation have been specified by the Homelessness (Priority Need for Accommodation) (England) Order 2002.

9.10 S191 of the Act states that a person becomes intentionally homeless if they deliberately do or fail to do anything in consequence of which they cease to occupy accommodation which is available for occupation, and which it would have been reasonable to continue to occupy.

9.11 The legal tests for dealing with Homelessness applications due to Domestic Violence are set out above.

10.0 Diversity Implications

10.1 Although the majority of the victim of domestic violence are women and girls, there is a requirement to address the needs of men and boys who may be affected by domestic violence crimes as we know there is an annual male victim rate of 700,000 nationally. It is important to ensure appropriate service responses are in place to support male victims, as gender may be an additional

barrier to seeking help. A further barrier for accessing support can also be inherent for those people in a same sex relationship. Support responses therefore need to accommodate such victim needs. The local authority commissioned support service now accommodates such needs outlined above as the local authority identified a gap in male support services. Services therefore supports all victims of domestic abuse, including men.

- 10.2 Brent is the second most ethnically diverse borough in London, with around 130 languages spoken amongst a population of over 311,000. Brent therefore has a large proportion of residents who may experience additional barriers to seeking help including those from black, Asian, minority, ethnic and refugee (BAMER) communities, disabled victims, elderly victims, the lesbian, gay, bisexual and transgender (LGBT) community, those with no recourse to public funds, those with complex needs and/or substance users and young people. The Housing Needs Service take its responsibilities to provide services which are appropriate to all Brent's diverse communities extremely seriously and seeks to due regard to the need to promote equality of opportunity, eliminate discrimination and foster good relations when developing and reviewing policies, strategies and services. We will seek to ensure that services are able to meet individuals' needs in a sensitive and consistent manner. This will be carried out in line with relevant legislation.

Background Papers

None

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