

Beyond Gate-keeping:

Evidence to Scrutiny Review of Homelessness 2005
Richard Burden MP, Birmingham Northfield

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1.0 INTRODUCTION

- 1.1 Housing issues make up a large part of the caseload of most elected representatives in Birmingham. In my case, I took up 303 cases during the year 2005. It has not been particularly different in previous years. It is not surprising therefore that housing issues were a frequent agenda item at the liaison meetings which the former administration used to convene several times a year with the City's Labour MPs. Indeed, Labour MPs such as myself were instrumental in suggesting that the City Council establish an independent commission to look at the long term future of its housing policy. I am pleased to say that this suggestion was taken up and that the subsequent report by Anne Power was very valuable in identifying some of the key policy questions which needed to be addressed.
- 1.2 I therefore welcome the opportunity to submit evidence to the review of homelessness policy being undertaken by the City Council's Housing and Urban Renewal Overview and Scrutiny Committee. I would also be very happy to appear before the Committee to discuss further the issues raised in this evidence.
- 1.3 If the City's problem with homelessness is to be tackled successfully, there is no doubt that there has to be a major increase in the quantity of homes available, particularly in the social housing sector. This raises important policy issues about the scale of investment required, how it should be funded, the balance between direct building by councils and that of other social landlords, and the balance between new build and the renovation of existing stock.
- 1.4 The importance of these issues cannot be overstated. In this evidence however, I intend to concentrate on how the City Council manages its responsibilities to those facing homelessness under current circumstances rather than how it must increase the stock of properties available. There seems to be a consensus that a strategy that prevents people from becoming homeless is better in the long term than a strategy that simply responds to crisis. I believe that there is a genuine desire within Birmingham City Council to achieve this. For example, I am pleased to hear of some of the valuable work which is being undertaken with organisations such as St Basils to pilot such an approach. It is vital that this sort of work not only continues, but is properly resourced.
- 1.5 On the other side of the coin, however, I am worried that the cases that are being brought to my attention in Birmingham Northfield suggest that some of the Council's current practices and structure are undermining the practical implementation of a preventative approach to homelessness. I am also concerned that, consciously or otherwise, some of these practices involve excessive "gate-keeping" which prevents or delays some genuine applicants from being recognised as homeless at all. As well as being unfair to the applicants, the result of this could be to distort estimates of the extent of homelessness remaining in the City.

Case Study One:

The Citizens Advice Bureau contacted us in March 2005 on behalf of constituent A whose landlady had informed her that she would be seeking to terminate her tenancy in September 2005 as she was intending to sell her property. She was advised, in writing, by a Housing Officer that she should obtain a Section 21 Notice from her landlady and this would then enable the Housing Department to 'start the process of assessment for housing within the 'homeless criteria'. She was told that following this advice would avoid any court hearings in the future months.

She followed the Housing Department's advice and re-submitted her application. This was received by the Homeless team in May 2005.

In July 2005 she was informed that she was 'not homeless' as her landlady had not provided her with a Court Possession Order and that her application had been 'closed down'.

On 14th October 2005 the Court granted her landlady a Possession Order, at a cost of £190 which was passed onto Ms A, a single mother who suffers from mental health problems and as a result receives relevant benefits. She was given an eviction date of 4th November 2005. The Homeless team advised her that she should remain in the property and that the Possession Order was not proof of homelessness and that she should re-present herself when she received the Bailiffs Notice to quit. At no point did Ms A receive any advice about alternative options.

During the latter stages of Ms A's case the landlady also came to me to express concern that she had been forced to take Ms A to court when she had valid reasons to require the property back. She told me that at no point had the Council approached her to discuss why she had presented Ms A with a Notice to Quit.

I suspect that this case is not an example of a Housing Officer giving bad advice at the first approach but that it was during the course of the application that the Homeless policy changed. I cannot see that *any* preventive work has been undertaken by the Housing Department in this case.

- 1.6 I raised Birmingham City Council's approach to homelessness in Parliament on 25th October last year. This followed worrying developments which had arisen from my constituency casework in the spring and summer of 2005, and the apparent failure of the City Council to adequately address the issues I raised with them. The Hansard Report of the debate I secured in Parliament is enclosed as Appendix B. Contrary to what I believe councillors may have been informed by the city's Cabinet Member for Housing, four of the five Labour MPs from South Birmingham attended that debate. The Government's reply was given by Jim Fitzpatrick MP on behalf of the Office of the Deputy Prime Minister.
- 1.7. In the following paragraphs I describe some of the issues I raised in the debate along with other issues of concern that have been brought to my attention.

2.0 BIRMINGHAM'S INTERPRETATION OF WHEN A PRIVATE TENANT IS "THREATENED WITH HOMELESSNESS"

- 2.1 Under housing legislation, Local Authorities have a statutory duty to help families and other vulnerable people who are either homeless or threatened with homelessness. One of the key issues I raised directly with the City Council in September and later in the House of Commons, is the point at which the City Council acknowledges a private tenant as "threatened with homelessness."
- 2.2 In the past, a private tenant who approaches the City for help has normally been accepted by the Housing Department as threatened with homelessness if he or she is in receipt of a valid Section 21 notice to quit from his or her landlord.
- 2.3 Even if a Section 21 notice to quit has been issued, it would obviously be good practice on the part of the Housing Department to see if there are ways of avoiding the tenant concerned becoming homeless – for example by negotiating with the landlord to see if there is any way the tenancy can be extended, and/or by advising the tenant on how they may be able to find somewhere else to live for themselves.
- 2.4 The City Council's Homelessness strategy supports such pro-activity on the part of housing officers. However, there is doubt about how far the Department's organisational structure has facilitated this in practice (See Section 7 below). Until recently, though, at least there appeared to be a consensus about the circumstances in which they would accept someone as "threatened with homelessness" under the terms of the legislation. Briefly, if a family was in receipt of a valid Section 21 notice and the expiry of the notice was only a few weeks away, the Department would commence the process of directly trying to find accommodation for them.
- 2.5 Following casework enquiries from me over the summer, however the Homeless Team confirmed in September that there had been a change of "practice" and that a valid Section 21 notice was no longer regarded as proof that a private tenant is threatened with homelessness. Instead, such a tenant would not be accepted as threatened with homelessness unless they had refused to comply with a Section 21 notice, thereby forcing their landlord to secure a court order against them. In fact, even a court decision in favour of the landlord was no longer regarded by the Housing Department as sufficient evidence that the tenant concerned was threatened with homelessness. For the tenant's application for help by the housing department to be accepted, he or she would have had to already failed to comply with a court order to quit, resulting in the bailiffs' being called in.
- 2.6 A briefing note supplied both to me and to the Cabinet Member for Housing in September made this clear.

"The stance is now taken that for someone to leave a property under an assured shorthold tenancy after the expiry of a month to quit has to be followed by a Court Order for possession executed by the bailiffs. It is at the 28 days prior to the bailiffs notice is executed that someone is accepted as homeless or threatened with homelessness. If they are deemed eligible for

assistance and in priority need then temporary accommodation can be made whilst further investigations take place.”

Appendix A: Briefing Note to Councillor Lines & Richard Burden MP on Section 21 of the Housing Act 2005.

- 2.7 Not surprisingly, Birmingham City Council's interpretation of its statutory responsibilities to those threatened with homelessness attracted a good deal of criticism in the local media. Potentially homeless people who approached the City Council for help were being turned away and told to come back for help once the matter had been to court. This approach completely contradicted the Council's stated desire for early intervention to try to prevent homelessness.
- 2.8 The approach also seemed to regard court proceedings as a routine part of a notice to quit procedure rather than a mechanism for resolving disputes between landlords and tenants. Effectively tenants were being told that if they were to stand any chance of the City Council trying to find them somewhere to live, they were going to have to force their landlord to take them to court even if they accepted that the original notice to quit was reasonable – e.g. the landlord needed to move into the property himself or herself.
- 2.9 The result of this was that cases were being taken to court unnecessarily. Inevitably, the approach also led to both landlords and tenants having to incur unnecessary court costs which they often could not afford – particularly in the case of the tenants facing homelessness. There have also been occasions where delaying City Council intervention until the bailiffs had been called in has ended up forcing potentially homeless families to incur storage costs that could probably have been avoided if intervention had taken place at an early stage.

Case Study Two:

Ms B was a private tenant who had received a valid Section 21 notice to quit from her landlord. She believed the landlord had good grounds for issuing the Notice as the property was required for the landlord's own use. She was told by the Housing Department, however, that they would not entertain a homeless application from her unless she forced the landlord to go to court to seek a bailiff's order. The tenant is now worried that her chances of other private landlords renting to her in future will be damaged by the fact that her references will show that she refused to comply with a reasonable notice to quit at her previous address and forced her landlord into unnecessary court proceedings.

Case Study Three:

I was contacted by my constituent Mr C in September. In April he had been given Notice to Quit by his Landlord who wished to sell his property. Mr C and his wife are both in receipt of Disability Benefits. He is a full time carer for his wife and has a grandson, aged 10 residing with them. He approached the Neighbourhood Office wishing to make a homeless application. The advice they received was that they could not make an application until a Bailiffs Notice had been issued, that they should remain in the property and when they were evicted they would be offered temporary accommodation.

Mr C has had to pay court costs of £150, £80 + £90. He has lost his deposit of £250 and was told that he had to place his belongings in storage that cost £194 + £15 per week (for as long as he was in temporary accommodation) and a further £194 release fee.

There is no evidence that the Department offered the couple any advice or support about options they could explore prior to eviction.

- 2.10 Paying of court costs obviously causes additional hardship. I have raised this issue with the Director of Housing Need, Neil Tryner, and in fairness he has agreed to pay tenants' court costs where appropriate and I understand that some thought has been given to making this a more formal policy with funding attached. I obviously welcome this recognition of the financial hardship which court costs can cause to tenants. But would it not be more sensible for the Council to stop forcing tenants and landlords into unnecessary court proceedings in the first place rather than asking Council Tax payers to pick up the bill for those unnecessary proceedings?

3.0 WHERE DID THE POLICY COME FROM AND HAS IT CHANGED?

- 3.1 The City Council briefing notes supplied to me in September indicated that the change of previous practice arose out of a Government-organised training course for Housing staff.

"There has not been a 'change' in policy but in practice following training from the Office of the Deputy Prime Minister in June."

Appendix A: Briefing Note to Councillor Lines & Richard Burden MP on Section 21 of the Housing Act 2005.

- 3.2 In an interview on the Ed Doolan show on 22nd September 2005 the Cabinet Member for Housing went further, insisting that the practice was actually an instruction from government of which he did not approve,

Cllr John Lines: *"OK. Thank you Ed. The thing is early on in the year, the Government changed the rules with regards to homelessness, and they insist, they insist, that the homeless application is actually proven, and the way that it is proven is by it going to court. Look we don't like this...."*

Transcript from Ed Doolan Show, BBC Radio WM, 22 September 2005

- 3.3 Both during that interview and in subsequent correspondence I have repeatedly asked Councillor Lines to provide a copy of the guidance or instruction concerned. It has not been forthcoming. On the contrary, letters to me from Ministers and statements by Ministers in response to questions I have raised in Parliament indicate clear government disapproval of the practice adopted by Birmingham City Council.

"Officials in ODPM provide ongoing advice and support to all local housing authorities, including Birmingham City Council, in their work to prevent homelessness. The practice that we encourage all of them to follow is to tackle homelessness at the earliest opportunity, by enabling people to continue to live in their current accommodation where possible or helping them to obtain suitable alternative accommodation. It is not good practice to simply advise people to remain in their accommodation until their landlord obtains a court order for possession and the bailiffs arrive, and we advise against that."

Yvette Cooper. In answer to a House of Commons Written Parliamentary Question. Hansard reference: 17th October 2005, Column 810w

"It is not good practice simply to advise homeless applicants to remain in a property until eviction and we advise against that."

Appendix B: Jim Fitzpatrick Adjournment debate, Birmingham City Council (Homeless Policy) 25th October 2005.

- 3.4 Recent replies from Councillor Lines have still not explained the contradiction between his account of the government's position and the statements of ministers themselves. He does, however, appear to have departed from the Department's previous insistence that the requirement for a court order constituted a change in previous practice. During a Council Meeting on 1st November 2005 he now claimed that the policy was identical to that followed by the City's previous Labour administration:

"I cannot understand why he has not complained to me before, because it is the same policy that we used that was being used by the previous administration."

Extract from Question Time. Council Meeting 1 November 2005

This appeared to contradict Cllr Lines' previous claim that the Government had "changed the rules."

- 3.5 Notwithstanding the contradictions in Councillor Lines' own accounts, it is not clear whether his comments still reflect the current position of the City Council on this matter. A letter from the ODPM Minister to me 5th December 2005 suggested that the City officials are now claiming that the Department does not operate the practice previously outlined by Councillor Lines and confirmed in the Housing Department's briefing notes

"Officials were given reassurances that the Council was not operating a blanket policy of requiring assured shorthold tenants to remain in their homes until a court is obtained."

Letter to Richard Burden from Baroness Andrews OBE, Parliamentary Under Secretary of State, ODPM, 5th December 2005 (available on request).

- 3.6 In the light of this, I again wrote to Councillor Lines in December seeking clarification about whether or not there has been a further change of policy or practice and, if so, when this change took place. Unfortunately, no such clarification has been forthcoming from him. Copies of correspondence between myself and Councillor Lines on these issues is attached as Appendix C.
- 3.7 I very much hope, therefore, that the Scrutiny Committee will be able to get to the bottom of what policies have been adopted by the Housing Department at different times and where those policies came from. In the interests of those threatened with homelessness now and in the future, it is vital that the City Council's current policy is made clear.

4.0 THE IMPACT OF THE COUNCIL'S ALLOCATIONS POLICIES ON HOMELESS FAMILIES

- 4.1 In January 2005 the City Council formally moved from its previous points system for allocating properties to one based on bands.
- 4.2 Under the new banding policy, homeless applicants who would have previously been accepted for priority re-housing under the previous points system are now allocated either to the Band A (the top priority) or to Band B which gives them a lower priority for re-housing by the Council.
- 4.3 The criterion for which band is chosen is not based on an individual

assessment of the urgency of an applicant's need. Instead the decision is based on whether or not the City Council has already placed the applicant in temporary accommodation. This could lead to perverse decisions being made. For example, a lone parent with one child who has been allocated bed and breakfast accommodation by the Council would be given a higher priority for re-housing than a lone parent with two children who has been homeless for longer but who has been sleeping with her children on friends' floors etc.

- 4.4 In fact, in the above case, the City's allocations policy would not only place homeless lone parent with two children behind the homeless parent with one child. It would also put him/her behind anybody given a Band A classification. That would also include tenants living in a property which is due to be demolished as part the City Council's clearance programme, tenants on the Disabled Persons Housing Register for an adapted property or people that have been referred from Social Care & Health because they need to leave hospital and have nowhere else to go.
- 4.5 When there are too few properties available to meet the demands, the Council clearly has a very difficult job in deciding the relative priority to give to homeless cases compared to, say, those facing chronic overcrowding. It is also difficult to decide the relative priority to be given to different homeless families. However, these difficult decisions should involve an assessment of the applicants' need. The City's criterion for deciding whether a homeless applicant should be Band A or Band B does not do that.

5.0 MEETING THE TARGETS

- 5.1 When I took up the Council's interpretation of who should be accepted as "threatened with homelessness", the briefing notes I received in reply from the Housing Department went on to volunteer the following:

"Targets have been set by the government to:-

- *Reduce the number of families in temporary accommodation*
- *Reduce the number of families in bed and breakfast*
- *Best Value targets inform wider CPA rating of Birmingham City Council*

Birmingham City Council has negotiated a Local Public Service Agreement with the government to reduce the number of homeless presentations made to the city. If successful the city will receive £2million."

Appendix A: Briefing Note to Councillor Lines and Richard Burden MP on Section 21 of the Housing Act 1985

- 5.2 This was an interesting observation because I had not asked either about government targets or about the Council's Public Service Agreement.
- 5.3 The inclusion of these matters in the Council's reply, therefore, appeared to simply that the restrictive nature of the City Council's new interpretation of when someone is threatened with homelessness may be related to a desire to meet these targets. If so, this would be a matter of serious concern as it would involve meeting the targets by redefining who is counted as homeless rather than by tackling the homelessness itself.

- 5.4 In the same way, I am concerned that the way the City Council divides homeless families between Bands A and B in its allocation policies may indicate that the Council may be giving greater priority to its temporary accommodation statistics than the needs of homeless people.

6.0 THE IMPACT OF “GATE-KEEPING”

- 6.1 It appears that some advice organisations helping homeless families share my concern that Birmingham may be being unreasonably restrictive in its defining homelessness and in deciding who it should try to help.

“The new ‘Home Options’ scheme is being presented as a more effective way of advising people of their rights, and assessing whether or not it is in their best interests to apply as homeless. Shelter is concerned that the new scheme is resulting increased ‘gate-keeping’ – preventing people making a formal homelessness application under Part VII of the Housing Act 1996.”
Shelter Briefing for Richard Burden ‘Homelessness in Birmingham’ – Tuesday 25 October 2005 (available on request).

- 6.2 Similar concerns have also been raised by South West Birmingham Young Homeless Project (SBYHP), who are based in my constituency.
- 6.3 SBYHP have also raised an important issue around the IT system for taking homeless applications, which in itself can act as a gatekeeper. According to the Project’s Annual Report 2005 the IT system requires applicants to meet three tests: to present identification such as a passport, show details of income and give their last address. If someone cannot give evidence of all of these things then their application is blocked by the system. Clearly for many vulnerable young people faced with homelessness, it may not be possible to meet all three tests, for a variety of, very valid, reasons. I understand that they wish to bring evidence of this to the Inquiry so I will do no more here than raise it as a concern and attach a copy of the relevant section as Appendix D.
- 6.4 The kinds of concerns outlined above are not new. They were also acknowledged in the City Council’s own Homelessness Review and Strategy, published in July 2003

“A number of people said staff were acting as gatekeepers, denying access to homelessness applications without formal investigation. In many cases there was a perception that a decision about homelessness was based on whether someone had somewhere to stay that night. But the reasonableness of this accommodation and a threat of homelessness within 28 days were not taken into account.”

Birmingham City Council Housing Department, Homelessness Review & Strategy, July 2003

- 6.5 The conclusion drawn at that time, however, was:

“The best value review found that there was an over-emphasis within the city of using the homelessness route as a means to resolve problems. Primary issues relating to housing need, harassment, neighbour disputes, domestic violence and matrimonial breakdowns have all been dealt with via the homelessness route.”

- 6.6 Whatever the position was when the Homeless strategy was published in 2003, however, there are very real concerns that Housing Department “gate-keeping” is no longer simply a response to an overuse of the homeless route as a means to resolve problems. It could now be directly affecting the extent to which homelessness is now acknowledged to exist in the City.
- 6.7 In 2003, the scale of the problem facing Birmingham was starkly acknowledged by the City Council’s Homelessness Review and Strategy which noted:
- “The number of homelessness applications received by the Council has been steadily increasing since 1999. In 1999/2000 the council received 11,373 applications, in 2002/03 the number applying as homeless had risen to 12,693*
- Of the 12,693 applications received by Birmingham, 9579 were considered to be homeless and 6,441 in priority need. This equates to twice the national average.”* Birmingham City Council Housing Department, Homelessness Review & Strategy, July 2003 Page 16
- 6.8 In other words, around 75% of the applicants accepted as homeless that year were found to be in priority need.
- 6.9 The Homelessness Review and Strategy went on to acknowledge that the demands on the City were likely to increase rather than decrease in the next few years. The Homelessness Act 2002 had extended the list of those homeless people to be regarded as in priority need to include:
- Care leavers
 - 16 and 17 year olds
 - those who are vulnerable as a result of leaving prison
 - those who are vulnerable as a result of leaving the armed forces
 - victims of harassment or violence
- 6.10 The Review predicted that these extensions *“could increase demand for re-housing via the priority homeless route by up to 4,405.”* (Homeless Review and Strategy page 25)
- 6.11 It is surprising, therefore, that in 2004-5 the number of applicants accepted as homeless by Birmingham City Council had fallen by 13% to 8,289 (figures provided by Shelter). In the light of the extensions to the statutory definitions described above, it is even more surprising that the proportion of “successful” applicants who were now accepted as being in priority need of re-housing by the Council also fell from 75% to 57%
- 6.12 An increase in gate-keeping, therefore, may well be affecting the way Birmingham is compiling its statistics and so giving a distorted picture of City Council performance. More serious than that, though, is the impact on service to homeless people themselves. The insistence on court procedures outlined in paragraphs 2.5 -2.9 above, the criteria used in the Allocations Banding system, my own constituency casework and the examples put forward by homelessness organisations indicate that the City Council is now

unreasonably restricting the assistance it is prepared to give to those who are genuinely homeless or threatened with homelessness.

- 6.13 It seems that these restrictions, combined with inadequate communication between different parts of the Housing Department, are undermining the practical implementation of the very preventative framework that was recommended in the City's 2003 Homelessness Strategy.

7.0 DISLOCATION BETWEEN DIFFERENT PARTS OF THE HOUSING DEPARTMENT

- 7.1 As noted above, the experience of my constituency casework also indicates that the organisational structure and culture of the Housing Department may also be undermining the practical implementation of a preventative approach to homelessness.
- 7.2 The previous administration created a centralised team to deal with homeless cases and this approach has been continued by the present administration. Given the complexity of some of the issues involved and the importance of driving forward a consistent homelessness strategy across the City, this is understandable. However, one unintended consequence of the centralisation of the Homeless team appears to have been that there is often little communication between the Homeless team and other parts of the department when handling homeless applications.

Case Study Four:

My constituents Mr D and Miss E, a young couple who have recently given birth to their first child, contacted me in September 2005. They had made a housing application and been awarded a Band E, low status priority. They were told that this was because they were residing with his mother and the Housing Department did not consider them to be living in an overcrowded situation. In fact they were *not* residing at this address although Mr D's mother had agreed that they could use it as a postal address if required. In fact they are moving between friends and family, sleeping on floors and sofas and are of no fixed abode. The Housing Department were informed of this.

I contacted the Housing Department on their behalf and was advised in writing by a Housing Officer that 'there [sic] best option in my advice will be to go homeless.'

They submitted a homeless application on 2 November. On the 18th November 2005 they were given a 'Not Homeless' decision. Technically 'they' were not given this decision at all. A Homeless team officer rang Mr D's mother to say she could accommodate up to 7 people in her property and that they were not considered homeless. The officer then asked his mother to inform the couple of the decision.

As it stands Mr D and Miss E are still moving between friends and family, with a young baby.

This case highlights some of the problems caused dislocation of teams within the Housing Department.

- 7.3 Another example again concerns the situation of private tenants who make a homeless application to the City Council having been issued with a Section 21 notice to quit. Even though Departmental Policy is to encourage negotiations with the private landlord to see if homelessness can be prevented, it is by no means clear who in the Housing Department has responsibility for exploring these possibilities. I have found it hard to understand, for example, why the Private Tenancy Team are not automatically involved when a person in private accommodation makes a homeless application.
- 7.4 My own casework contains examples of the Private Tenancy Team's only being alerted to such cases by my office rather than by other parts of the Housing Department, who were already aware of the case. In one particularly difficult recent case, by the time the potentially homeless tenant approached me, the court procedure which had been forced on landlord and tenant by the City Council was so far down the line that it was too late to prevent the homelessness taking place. The result may have been different if the Housing Department had sought to negotiate with the landlord at an earlier stage, possibly through an intervention by the Private Tenancy Team.
- 7.5 I also have come across a number of problems of communication between the temporary accommodation team and the allocations team. When the temporary accommodation team move people around they do not appear to always keep the allocations team up to date with where people have been moved to. The allocations team then make an offer to an address that the tenant has long since been moved on from. The tenant does not get in touch to accept the offer (because they do not know it has been made) so the allocations team consider them to have rejected their one and only offer and they are removed from the priority banding.
- 7.6 These and other examples indicate that there is a real problem of communication between the various different sections and teams within the Housing Department which can cause immense frustration to those seeking help.
- 7.7 The Homelessness Act 2002 rightly encourages local authorities to develop a much more strategic approach to tackling homelessness. I am sure that the centralisation of the Homeless team and the creation of other specialist teams were intended to help foster this. Over the summer I was told by Departmental management that detailed training on homeless policy is given to a small number of officers and it is expected that this knowledge is 'filtered down' to other teams and neighbourhood offices.
- 7.7 In practice, however, my experience of the service indicates that it is simply not working in the way that everyone may have wished and that different teams too often operate in silos. In order for homelessness prevention to begin to work there must surely be a much more joined up approach. Specialist homeless officers' knowledge and expertise must be properly integrated with those of other teams.

8.0 CONCLUSIONS AND RECOMMENDATIONS

- 8.1 Clearly the stresses and strains placed upon the housing system by the shortage of social housing, reduced numbers due to clearance programmes etc make homeless policy and practice part of a wider problem. I do not believe the

problems that I have highlighted in this report are deliberate on the part of individual officers, who are under tremendous pressure to meet demanding targets, whether handed down by the City Council or by central government. It is essential that we all recognise the daily stresses and strains of dealing with anxious and angry people and it is as much for the well-being of Birmingham City Council employees that we must take on board the problems with the current practice. I am also acutely aware that cases will only come to my attention when there is a crisis situation or where there has been a problem and that I do not usually get to know about the instances where the system fulfils its obligations. I do not claim that this submission provides a comprehensive overview of all the issues which the Scrutiny Committee will properly wish to examine. However, I would ask the committee to consider a number of recommendations arising from the issues I have been able to raise. I am not claiming they are a complete solution but I hope that will provide some positive points for debate and consideration.

8.2 DEFINITION OF HOMELESSNESS AND THREATENED WITH HOMELESSNESS (Paragraphs 2.0 – 3.7)

- 8.2.1 It is vital that the issues raised in Sections 2 and 3 of this submission are cleared up once and for all. I hope the Scrutiny Committee will agree that it is simply not appropriate for the City Council to insist on tenants and landlords becoming involved in unnecessary and costly court proceedings before it accepts its responsibilities to private tenants threatened with homelessness.
- 8.2.2 I also hope that the Scrutiny Committee will be able to uncover exactly how the change of practice came about, who authorised it and why contradictory explanations have been put forward by the City Council to justify it.
- 8.2.3 I also hope the Scrutiny Committee will be able to uncover if the policy has indeed now changed again and, if so, when the further change was agreed and what mechanisms are in place to explain the new policy to staff.

8.3 THE ALLOCATIONS BANDING SYSTEM (Paragraphs 4.0- 4.5)

- 8.3.1 I recommend that the Scrutiny Committee reviews whether the Allocations Banding System Banding now in use by the City Council fairly or accurately reflects the respective needs of different homeless families awaiting accommodation.

8.4 CITY COUNCIL GATEKEEPING TO MEET TARGETS (Paragraphs 5.0 – 6.13)

- 8.4.1 I recommend that the Scrutiny Committee seriously examines the extent to which statistics showing lower homelessness statistics in Birmingham reflect improved performance in reducing homelessness rather than tighter “gate-keeping” in the acceptance and processing of homeless applications.
- 8.4.2 I would hope that if the Scrutiny Committee agrees with housing advice agencies that such gate-keeping is taking place, then it would also agree that such gate-keeping is unacceptable

8.5 ORGANISATION OF THE HOMELESS TEAM (Paragraphs 7.0 – 7.8)

- 8.5.1 I have already highlighted my concerns regarding the consequences of the separation of the centralised Homeless team from other parts of the department. The key recommendation I would like to make is that scrutiny committee consider some form of de-centralisation. Homeless officers need to be public facing and more accessible. Neighbourhood offices need homelessness experts on site on a daily basis. An effective homeless policy requires more than simply filtering limited information down to local housing officers. It may be desirable, for example, to co-locate officers to neighbourhood offices who can be focused on discussing housing options and ensuring that all preventative measures are being undertaken whilst retaining a centralised decision making team to ensure that applications are being processed and assessed quickly and thoroughly.

8.6 FUNDING & RESOURCES

- 8.6.1 I am aware of the excellent work that a number of voluntary sector organisations are already doing, such as the pilot project St Basils have run in Yardley Wood, which I understand has prevented 150 young people from becoming homeless. Shelter also undertakes valuable work across the City. In my own constituency, South Birmingham Young Homeless Project has built up a wealth of experience over the years in helping vulnerable young people threatened with homelessness in the suburban estates of the South West of the city. Although the nature of homelessness in those areas may often be less visible than elsewhere, it is no less real.
- 8.6.2 Not only should the work of the voluntary sector be welcomed - after all people often display greater levels of trust towards the voluntary sector than they do to the Local Authority - but Scrutiny should also seriously consider the levels of funding that are required by such organisations to ensure their long term sustainability across the city. There may be a strong case for suggesting that the work of the voluntary sector should not be considered as gap-filling where provision is poor but that they could act as vital partners with some of the more challenging aspects such as homelessness and young people.

8.7 ONGOING AND INDEPENDENT SCRUTINY

- 8.6.1 The Homelessness Review and Strategy 2003 emphasised the importance of ongoing and regular monitoring of the strategy involving all stakeholders. Advice organisations and others have told me that they are indeed required by the City Council to produce regular and detailed reports as part of the monitoring process.
- 8.6.2 What is rather less clear to me is the extent to which those organisations are also actively empowered by the City Council to take a role in monitoring the overall progress of the strategy, including the City Council's own performance, rather than simply the reporting their own performance to the City Council.
- 8.6.3 I have no doubt that the Scrutiny Committee will itself be seeking evidence for this Inquiry from organisations such as Shelter, Birmingham Settlement and St Basils, as well as local projects such as South West Birmingham Young

Homeless Project in my own constituency, but I would also recommend that it considers whether organisations such as these, are involved as much as they could be in ongoing scrutiny of City Strategies on homelessness. After all, they see at first hand the effects of homelessness policy on the ground.

- 8.6.4 By the same token, it will remain very important that non-City Council providers of social housing, such as Housing Associations, are fully involved in both feeding into and monitoring the ongoing delivery of the Homelessness Strategy.

RICHARD BURDEN MP
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