

MILTON KEYNES COUNCIL
HOUSING AND COMMUNITY COMMITTEE

23 AUGUST 2016

The Chair has decided that the following item should be considered by the Committee as an urgent item in accordance with Section 100B 4(b) of the Local Government Act 1972, in order that the Cabinet can be advised of the Committee's comments at its meeting on 6 September 2016:

Meeting the Needs of Non-Statutory Homeless People

A copy of the draft Cabinet report is attached for the Committee's comment.

Report to be considered by the Cabinet on 6 September 2016

MEETING THE NEEDS OF NON-STATUTORY HOMELESS PEOPLE

Responsible Cabinet Member: **Cllr Nigel Long (Cabinet Member for Health, Wellbeing and Adults)**

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Executive Summary and Cabinet Member Comment

The Council Plan 2016-20 approved by Full Council on the 8 June, highlights tackling homelessness as a priority for the Council.

Homelessness can take many forms and has many causes. In July Cabinet approved a Draft Homelessness Strategy for consultation in respect of those who are statutorily homeless.

The Council Plan however highlights the need to tackle wider homelessness issues such as rough-sleeping and homelessness prevention, where MK Council has no statutory duty.

The primary focus of this administration is to ensure the long term wellbeing of our citizens. We intend to use our resources to ensure an evidence driven, professionally-led and co-ordinated approach to preventing homelessness where possible, making sure support is available to those in need and ensuring people have a pathway to long term stability.

Milton Keynes Council will lead in establishing a Homelessness Partnership with the voluntary sector to co-ordinate appropriate support services, ensure they are accessible when needed and assess gaps in existing provision. The aim will be to establish a 'one-stop shop' style service to assist all those in danger of homelessness and support those in crisis.

This will be in conjunction with the development of a Rough Sleeping Action Plan, enablement of emergency facilities and support for those in crisis, such as an outreach service, emergency short-term crisis shelter and sanitary facilities.

Cllr Nigel Long.

1 Recommendations

- 1.1 That the Council will lead in bringing together a range of partners with professional expertise in the homelessness and support sector to form the MK Homelessness Partnership (the Partnership) to work together to prevent and alleviate homelessness for non-statutory homeless people.
- 1.2 That the Partnership will ensure an evidence driven and professional approach to tackling housing and homelessness issues and the support required in this area.
- 1.3 That the Partnership will lead and co-ordinate services for non-statutory homeless people including advice, information and assistance; bringing together help and support into a 'One Stop Shop' style of delivery.
- 1.4 That the Council will facilitate, assist and support the Partnership in its endeavours.
- 1.5 That the Partnership should, in the first three months ensure:-
 - Terms of Reference
 - Clarity of working and delivery arrangements
 - A Homelessness Charter that will set out how all organisations will work together to tackle homelessness in Milton Keynes (an example is set out in Annex B to this report).
 - An analysis of any gaps in provision to meet the needs of non-statutory homeless people.
 - An initial, costed proposal for consideration by the Cabinet in December 2016 about how best to support the aims of supporting non-statutory homeless people.
- 1.6 That the Council explore the options for the provision of emergency support for those without accommodation including sanitary facilities and outreach assessment service.
- 1.7 That the Council explore the options for the provision of emergency short term shelter for those in crisis and requiring immediate support.

2 Issues

- 2.1 Milton Keynes Council (MKC) has a duty to secure accommodation for households that it accepts as statutorily homeless (within the meaning of the 1996 Housing Act). More details are given in Annex A to this report.
- 2.2 In addition, there are people to whom the Council does not have a statutory duty, but nevertheless can still be homeless or threatened with homelessness. Annex A gives details of the legislation around this but this group will include single people and childless couples.

- 2.3 The Council may also have wider duties to assist those who have no recourse to public funds and those who have been found intentionally homeless where children form part of the household.
- 2.4 At the end of July 2016 there were 470 households in temporary accommodation.
- 2.5 The Cabinet has already approved a number of actions to focus work around homelessness, including:-
- Consultation on the draft Statutory Homelessness Strategy.
 - Seeking ways of working differently with partners to prevent homelessness.
 - Supporting recommendations of the Homelessness Task and Finish Group.
 - A further report setting out the Council's approach to meeting the needs of non-statutory homeless people.
- 2.6 The urgent motion to Council on 20th July 2016 also sought the following:-
- An immediate review of how MKC responds to dealing with people living in tents.
 - Development of a policy around provision of basic accommodation, sanitary facilities and support to this group.
 - Cross-party commitment to tackling this issue.
- 2.7 The Council Plan 2016-20 highlights homelessness as one of its key priorities and makes a number of commitments, including:-
- The creation of a 'One Stop Shop' style service by March 2017 to focus on prevention of homelessness and to ensure support services are there to assist all those in danger of homelessness.
 - Development and implementation of a rough sleeper action plan by November 2016.
 - The creation of additional facilities that provide emergency shelter and support for those in crisis by November 2017.
- 2.8 The Council's Homelessness Task and Finish Group noted that precise numbers of those threatened with homelessness can be difficult to quantify. An estimate of non-statutory homeless in Milton Keynes in January 2016 was given in its report as follows:
- Rough Sleepers = 30
 - 'Sofa Surfers' etc. = 100+
- 2.9 A lot of work is already being undertaken by the Council in partnership with other stakeholders. A key example is the Safer MK Partnership, which has a Rough Sleepers Task Group (RSTG) which has been operating for some years. More details are in Annex C to this report. It is currently aware of 88 people as follows:-

- 27 confirmed sleeping rough on the streets as defined by the Department for Communities and Local Government.
- A further 31 are unconfirmed as sleeping rough.
- 18 people were recently housed.
- 2 people have recently left the area.
- 10 new referrals were received last month.

- 2.10 Recently the RSTG carried out a proactive outreach day to understand more about those sleeping rough in Central Milton Keynes and ensure that the appropriate support services are in place. The group included representatives from a range of services including the Council's housing options and anti-social behaviour teams, Community Safety, Adult Social Care Access Team, mental health services, Thames Valley Police, Compass and Milton Keynes City Centre Management.
- 2.11 Contact was made with 25 individuals - of these 17 were already actively engaging with partners.
- 2.12 The RSTG is exploring a mental health triage/outreach service for rough sleepers and it is intended that this can be in place by Autumn 2016.
- 2.13 An audit to profile rough sleepers to enable targeted services to be provided will also be carried out.
- 2.14 Where appropriate rough sleepers will be reconnected to their support networks in a planned way which will help to reduce the flow of new rough sleepers.
- 2.15 The Council operates a Severe Weather Emergency Protocol to assist those who are homeless when the temperature drops to below zero for more than 3 consecutive nights.
- 2.16 The Council's Adult Social Care Joint Commissioning Team also carries out significant work with homeless people and new support services for homeless single people and homeless young mothers are currently being commissioned.
- 2.17 Initial discussions with the voluntary sector have found an active interest in providing coordinated services to help and support homeless households and assist those at risk of homelessness.

3 Options

3.1 There are 2 options to be considered:-

- a) Continue to focus on statutory homelessness and provide only minimal support through advice and guidance to those where there is no statutory duty.
- b) Accept the recommendations made in this report and progress the creation of a Homelessness Partnership on the understanding that this may have significant budgetary implications should the partnership identify gaps in

provision. Costs are difficult to quantify until these gaps have been identified and proposals are presented to Cabinet for consideration in December 2016. This is the preferred option.

4 Implications

4.1 Policy

4.2 The Council Plan 2016-20 was approved by Cabinet on the 6 June and by Full Council on the 8 June. Homelessness is identified as one of the key priorities so failure to tackle the homelessness crisis will lead to a key part of the Council Plan not being delivered.

5 Resources and Risk

5.1 Failure to respond to the homelessness crisis could result in continuing pressures on other Council services such as social care.

5.2 Other partners, especially the voluntary sector, would have increased demands on their services that they may not be able to meet.

5.3 The need to co-ordinate the activities of the various agencies supporting the homeless was identified by the Homeless Task and Finish Group in March 2016.

5.4 The Council has to accept that the variety of organisations currently working with homeless households (statutory or non-statutory) are independent organisations that carry out their work in different ways, with different levels of resources, focus and expertise. Consequently it would be inappropriate at this stage for the Council to be seen to be dictating decisions about the best way to meet the needs of non-statutory homeless people. The aim of achieving what in effect is a 'one stop shop approach' to providing assistance could be misconstrued as the Council seeking a 'one size fits all' approach. To maintain the good work and goodwill of these organisations it is important that they are facilitated and supported by the Council to work out the best approach to meeting these needs.

5.5 A Parliamentary committee has been established to look at homelessness in England. The Committee is responding to recommendations that a 'duty to prevent' be introduced for all potentially homeless people. This would be along similar lines to recent legislation in Scotland (2013) and Wales (2015) to abolish the idea that someone needs to evidence a priority need before they can be helped. When the legislation was introduced in Wales, additional funding of almost £5m was provided, but the government have so far made no commitment to additional funding so this is likely to create additional pressure on the General Fund. Consequently working to prevent homelessness and abolishing the idea of priority need would be bringing us into line with practice elsewhere in the UK and in advance of possible legislation. Set against this would be the extra staffing costs that could be incurred for dealing with non-statutory homeless people.

5.6 Provision for any costs associated with meeting the needs of non-statutory homeless people need to be made as a matter of urgency as unless this is brought into the 2017/18 budget additional resources will not be allocated.

N	Capital	N	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	N	Asset Management

6 Carbon and Energy Management

6.1 There are no carbon and energy management implications.

7 Legal

7.1 Part 7 of the Housing Act 1996 places a statutory duty upon the Council to secure accommodation for households who are statutorily homeless, who are in priority need (such as families with children) and who are unintentionally homeless. Annex A to this report sets out more details. In brief, households such as non-vulnerable single people and childless couples will generally be considered as non-statutory.

7.2 The Homelessness Code of Guidance for Local Authorities 2006 states that 'The homelessness legislation places a general duty on housing authorities to ensure that advice and information about homelessness, and preventing homelessness, is available to everyone in their district free of charge'. The legislation also requires authorities to assist individuals and families who are homeless or threatened with homelessness and apply for help.

7.3 The Care Act 2014 recognises the contribution of housing to the care and support system (as 'suitable housing' is one of the nine areas of wellbeing in the Act).

8 Other Implications

Y	Equalities/Diversity	N	Sustainability	Y	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

8.1 An Equalities Impact Assessment has been carried out which can be seen at the following link:- A Equality Impact Assessment (the full assessment can be found at <http://bit.ly/MKCEqIA16-13>) was completed. This found that option (b) provided the most scope from the promotion of equality of opportunities. However, it was difficult to isolate the impact on equality, but the work to improve people's mental health should be encouraged. Generally, impact will depend on the success of the actions, but helping people out of homelessness will have far-reaching equality consequences.

Background Papers: Housing Quality Networks Baseline Review and Draft Strategy (reported to Cabinet July 2016).

Homelessness Task & Finish Group Report (reported to Cabinet March 2016).

Annex A Legal definition of statutory homelessness

Annex B Draft homelessness charter (Manchester)

Annex C Rough Sleepers Task Group

LEGAL DEFINITION OF STATUTORY HOMELESSNESS

1) Homelessness – The legal definition

Local authorities' duties towards homeless people are contained in Part 7 of the Housing Act 1996 (as amended).

The statutory definition of a homeless person, as set out in Part VII of the Act 1996, is:

(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he-

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied licence to occupy, or

(c) occupies 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 another person to recover possession.

(2) A person is also homeless if he has accommodation but-

(a) he cannot secure entry to it, or

(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

2) Priority Need

Even where someone meets the statutory definition of being homeless, local authorities do not have a duty to secure accommodation for all homeless people. If an applicant has become homeless unintentionally¹ the authority must assess whether they, or a member of their household, falls into a priority need category.

These categories are set out in section 189 of the 1996 Act and include:

1. People with dependent children who are residing with, or might reasonably be expected to reside with them, for example, because the family is separated solely because of the need for accommodation;
2. People who are homeless or threatened with homelessness as a result of any emergency such as flood, fire or any other disaster;
3. Where any person who resides or who might reasonably be expected to reside with them, is vulnerable because of old age, mental illness, handicap or physical disability or other special reason;
4. Pregnant women, or a person who resides or might reasonably be expected to reside with a pregnant woman;

¹ The Homelessness Code of Guidance for Local Authorities states that with regards to families with children who have been found intentionally, they will be entitled to advice and assistance and temporary accommodation for a short period only. If homelessness persists, any children in the family could be in need and the family could seek assistance from the social services authority under the Children Act 1989. If social services decide the child's needs would best be met by helping the family to obtain accommodation, social services can ask the housing authority for reasonable assistance and the housing authority must respond.

5. All 16 and 17-year-olds;
6. 18 to 20 year-old-care leavers;
7. Vulnerable care leavers;
8. Vulnerable former members of the armed forces;
9. Vulnerable former prisoners; and
10. People who are vulnerable because they are fleeing violence.

So strictly speaking, the non-statutory homeless would be people who are homeless², but who are not considered to be in priority need as follows:

- Single people over 18 who are not considered to be vulnerable
- Childless couples over 18
- Households with family members over 18 where none of the household members are vulnerable

² Within the legal definition set out in the Act

MANCHESTER DRAFT HOMELESSNESS CHARTER

This draft charter is being co-written with many of Manchester's citizens who are currently experiencing homelessness.

VISION

Manchester's aim is to put an end to homelessness in the city. As a city:

- We encourage individuals across Manchester to embrace the values of this charter
- We call on the city council, public sector services, charities, faith groups, businesses, institutions and other organisations to adopt this charter, and to implement it through improved working practices

VALUES

While homelessness remains, this charter provides guiding principles in two main ways:

- The rights of people who are currently homeless or at risk of being so
- Our responsibility to work together to overcome homelessness in Manchester

A Home

Everyone who is homeless or at risk of homelessness should be offered appropriate housing, along with the level of support they need to create a good quality of life.

Safety

People who are homeless deserve protection from abuse, violence, discrimination, theft and the degrading treatment they often receive as a result of their vulnerable position. They should expect the full protection of the law.

Respect

Homeless citizens should be treated with dignity and respect, and receive good quality service, just like any customer.

Equality of access and opportunity

People who are homeless should be afforded equal access to information, services, and Manchester's institutions regardless of their accommodation status, age, gender, sexual orientation, nationality, ethnicity, religion or disability.

Voice and involvement

People who are homeless have a right to play a part in determining their own solutions, in partnership with people from statutory, voluntary and faith-based organisations, businesses and institutions.

Communication and coordination

Those working with people who are homeless or at risk of homelessness have a responsibility to work in partnership to help end homelessness



IMPLEMENTATION OF THE MANCHESTER HOMELESSNESS CHARTER

We call on the city council, public sector services, charities, faith groups, businesses, institutions and other organisations to adopt this charter by:

· Making a pledge

Pledges are commitments to improve the standard of service for homeless people within an organisation. Pledges should be specific to the kind of services provided by the organisation, and should be SMART (Specific, Measurable, Achievable, Relevant and Time-bound), so that progress and outcomes can be easily measured. Pledges might include commitments to creating employment pathways and opportunities for homeless people; or to training all employees to be more aware of and attentive to the needs of people experiencing homelessness.

And

· Working Together

By taking part in one of the multi-agency working groups which are committed to changing the way homelessness is tackled in the city. Organisations and individuals adopting the charter also make a commitment to work with Manchester City Council and Manchester's many homelessness charities and groups to help develop new and innovative solutions to homelessness. People who are homeless or have experienced homelessness are also involved in all the multi-agency working groups.

And

· Displaying the Charter

Once you have adopted the charter and made a pledge, you can display the Manchester Homeless Charter to show your commitment to working to end homelessness in Manchester.

Appendix 2: Homelessness Health Charter



Charter for homeless health

People who are homeless face some of the worst health inequalities in society. They are at much greater risk of mental and physical health problems than the general population and their experiences of homelessness often make it more difficult to access the healthcare they need.

The **Health and Wellbeing Board** is committed to changing this. We therefore commit to:

Identify need: We will include the health needs of people who are homeless in our Joint Strategic Needs Assessment. This will include people who are sleeping rough, people living in supported accommodation and people who are hidden homeless. We will work with homelessness services and homeless people to achieve this.

Provide leadership: We will provide leadership on addressing homeless health. Our Director of Public Health has a key leadership role to play in tackling health inequalities and will lead in promoting integrated responses and identifying opportunities for cross boundary working.

Commission for inclusion: We will work with the local authority and clinical commissioning groups to ensure that local health services meet the needs of people who are homeless, and that they are welcoming and easily accessible.

Signed:

Chair: **Health and Wellbeing Board**

Date:

St Mungo's Broadway, Griffin House, 161 Hammersmith Road, London W6 8BS
St Mungo Community Housing Association is a registered charity and a limited company registered in England and Wales
Registered Charity No. 1149085 Company No. 8225808 Housing Association No. LH0279

ROUGH SLEEPERS TASK GROUP**1) Background**

The Safer MK Partnership has a Rough Sleepers Task Group which has been operating for some years. This group has been meeting in its current format since July 2015 with new terms of reference and consists of the following members:

- MKC: Housing Options, Community Safety, Anti-Social Behaviour Team, Adult Social Care Team;
- Thames Valley Police;
- Central North West London NHS Trust - an NHS provider of mental health, sexual health, physical health, addictions, eating disorder and learning disability services;
- Thames Valley Probation Community Rehabilitation Company – work with all offenders on Community Orders, Suspended Sentence Orders or on license from prison, except those who are high risk of serious harm or under MAPPA. It covers Oxfordshire, Berkshire and Buckinghamshire;
- Young Mens Christian Association (YMCA) - provides supported housing for vulnerable & homeless young people between the ages of 16 & 65;
- Open Door - a Milton Keynes based charity that works alongside Shelter to provide help and support to the homeless and vulnerably housed;
- P3 - a charity and social enterprise that runs a variety of services all over the UK that aims to give everyone the chance to be part of the community they live in and feel connected to society to support them into accommodation and to reintegrate them into society
- Red Cross (new member);
- Winter Night Shelter (during operational months);
- Orbit Housing Group – a registered provider that also operates two hostels in Milton Keynes;
- Other groups, such as Compass, Milton Keynes City Centre Management, attend on an ad-hoc basis.

Additionally Homeless link attends on a quarterly basis. It works with the Department of Communities and Local Government (CLG) on coordinating rough sleeper activity. They have recognised the Task Group meeting as 'good practice'.

2) Caseload

At the last Rough Sleepers Tasking Group (RSTG) monthly meeting, a caseload of 88 people were identified as follows:

- There were 27 confirmed sleeping rough on the streets as defined by the Department for Communities and Local Government. This in turn is *'People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or "bashes")'*.
- A further 31 are unconfirmed as sleeping rough. They currently do not meet the DCLG criteria. This could be for a multiple of reasons, for example staying with friends or family, sofa surfing, or no location known. Most will report to partners where they are staying and their location. Individuals will sometimes claim to be homeless as they think they may be entitled to additional support (financially or support service access);
- An additional 10 new referrals - these individuals are being assessed by multi agencies in the Rough Sleepers Groups.
- In addition, the RSTG noted that 18 people were recently housed, primarily through the Council, the YMCA or Orbit Housing Association.
- An additional 2 people have recently left the area (to Norfolk and Northumbria).

The RTSG has further noted that with regards to these 88 individuals:

- There are 21 people who are considered to be 'active casework' – meaning they are in regular contact with agencies and attending appointments;
- There are 53 people who are considered to be 'non-active casework' – meaning they have outstanding actions such as they are required to complete the MKC Assessment, or there's been a missed appointment with an agency including YMCA/Mental Health etc. or have recently come disengaged;
- There are 5 people who are considered to be non-compliant; they have made it clear that they do not wish to engage with agencies at this time;
- There are 9 people who have not yet been considered (as they are new referrals). 1 has been classed as 'active casework'.

The RSTG has seen an increase in people travelling to Milton Keynes from neighbouring boroughs. This has become more common following a reduction of services in those other areas and the approaches they have adopted to address rough sleeping. As a result Milton Keynes is seen as an attractive prospect. .

3) Outreach day

Recently the RTSG carried out a proactive rough sleeping outreach day to understand more about those sleeping rough in Central Milton Keynes and ensure that the appropriate support services are in place. The group included representatives from:

- Milton Keynes Council Housing Options, Community Safety, Anti-social behaviour team, Adult Social Care Access Team (where Housing and Social Care work closely to support those where vulnerabilities exist and support people into suitable housing)
- Mental Health Services
- Thames Valley Police
- Compass
- Central Milton Keynes Council
- Milton Keynes City Centre Management
- As a result of this, 3 groups came across with 25 individuals in total in the CMK area with 17 engaging with partners

Following on from the success of the rough sleeper action day, the RSTG has begun exploring a mental health triage/outreach service for rough sleepers and this is due to be implemented in Autumn 2016. A further action is to carry out an audit to profile rough sleepers to enable targeted services to be provided. Finally, an action to ascertain people's local connection and reconnect them to their support networks in a planned way and reduce the flow of new rough sleepers.