

From: Richard Smith, Corporate Director, Adult Social Care and Health

To: Clair Bell, Cabinet Member, Adult Social Care and Public Health

Subject: **Kent Homeless Connect**

Key decision no: **22/00075**

Classification: Unrestricted

Past Pathway of report: Adult Social Care Cabinet Committee 13 July 2022

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary: This decision report summarises the work that has been undertaken in relation to the proposal to make savings by allowing the Kent Homeless Connect Service to come to an end on 30 September 2022 as part of the council's budget plans agreed on 10 February 2022.

Findings of the Equalities Impact Assessment and public consultation are included along with a model for the transition period, derived from the engagement with the twelve district, city and borough councils and incumbent providers.

A variation of the existing contract will provide an appropriate vehicle to support a transitional period of up to 18 months, ending no later than 31 March 2024.

Decision 22/0076 considers the funding of the transitional period and proposes to transfer £4,563k from the council's reserves.

The paper sets out how the council will continue to deliver its statutory duties now and in the future in light of the recently published Making a Difference Everyday: Adult Social Care Strategy 2022-2025

Recommendation(s): To implement the savings proposals set out in the council's budget, the Cabinet Member for Adult Social Care and Public Health (in consultation with the Cabinet Member for Finance, Corporate and Traded Services) is asked to **AGREE**

- 1) The ending of the Kent Homeless Connect service from 30 September 2022
- 2) The variation of the Kent Homeless Connect contract to include a transitional period of up to 18 months, ending no later than 31 March 2024
- 3) The delegation of authority to the Corporate Director Adult Social Care and Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to agree the relevant contract variations as required.

1. Introduction

- 1.1 The Kent Homeless Connect (KHC) service was commissioned by the council in October 2018 to support adults with complex support needs that are facing homelessness.
- 1.2 To meet the financial challenge posed by the budget this year and in years to come, the council's budget, agreed on 10 February 2022, includes the proposal to allow the service to end when the contract expires on 30 September 2022.
- 1.3 After this date, the council agreed to provide protection funding, drawn from its reserves, to ensure continued support for people who use the service for at least the remainder of the financial year (22/23) whilst transitional plans are drawn up with city, district and borough authorities and other stakeholders, in order that alternative arrangements for support in the future can be put in place.

2. Background

- 2.1 Kent County Council (KCC) has commissioned a range of housing related support services since 2003.
- 2.2 Whilst housing and homelessness are the statutory responsibility of the city, district and borough councils across Kent, the county council has continued to provide discretionary support for homeless people with complex support needs despite growing financial pressures.
- 2.3 Since its inception in 2018, the KHC contract streamlined former provision into an integrated service, focussed on supporting those with more complex support needs. The contract does not pay housing costs, but rather, meets the costs of providing trauma-informed assistance to people who have a range of support needs, to enable them to recover from homelessness and establish an independent life.
- 2.4 The four-year framework contract is delivered over four geographic lots utilising a prime provider model.
- 2.5 The two appointed prime providers are Porchlight and Look Ahead.

Lot	Geographical area	Prime Provider
Lot 1	Canterbury, Dover, Folkestone and Hythe, Thanet	Porchlight
Lot 2	Ashford, Maidstone	Porchlight

Lot 3	Dartford, Gravesham, Swale	Look Ahead
Lot 4	Sevenoaks, Tonbridge and Malling, Tunbridge Wells	Look Ahead

2.6 The service is delivered in three ways:

- **Supported accommodation** - provides support in a safe place to live where help is offered to aid people to independence and recovery from homelessness. Once people have gained the skills they need to live independently, they are supported to move on to more permanent accommodation.
- **Prevention and resettlement** – help delivered in the community to people who need support and are at risk of homelessness, or people who are homeless, regardless of where they live. The service also helps people to establish themselves successfully into a new tenancy.
- **Rough Sleeper Outreach** - workers offer help to people sleeping rough, supporting them to access and sustain accommodation, health care and support appropriate to their needs, in order to recover from homelessness.

2.7 The £5,069,901 annual cost of the contract is met via the Adult Social Care budget and includes a contribution of £393,200 from the Public Health grant.

3. Current Position

3.1 Since the proposed decision was published in January 2022, a timetable of engagement with the Chiefs and Leaders was agreed, with the latest meeting of Joint Kent Chiefs having been attended on 5 July 2022.

3.2 Commissioners have met monthly with city, district and borough council housing leads to work together on transition plans and scope how alternative support can be delivered in each area. Relevant officers of Medway Unitary Authority have been included in some of the engagement activity.

3.3 A data set has been established, shared with the housing authorities and regularly refreshed to ensure an understanding of the services currently being delivered in each area, the support needs of the individuals, the services they currently need or may need in future, and any likely need for assistance from KCC such as an assessment of any care needs or help from the council's commissioned services. The input of Prime Providers at these meetings has been valuable.

3.4 The activity being undertaken is circulated to a wide constituency of stakeholders. Regular updates on progress and discussions are in place with Kent Housing Group, and its sub-groups, the Health Housing and Social Care

Group and Kent Housing Officers Group, which is also attended by representatives of the Department of Levelling Up, Housing and Communities (DLUHC). Routinely scheduled meetings with the Partnership Manager of Kent Housing Group are also taking place.

4. Public Consultation

- 4.1 A public consultation was undertaken between 27 April 2022 to 6 June 2022.
- 4.2 The consultation documents and accompanying Equality Impact Assessment were shared with the Leaders and Chiefs of the city, districts and borough councils prior to the consultation launch and one-to-one sessions with the Corporate Director Adult Social Care and Health or Cabinet Member for Adult Social Care and Public Health were offered during the consultation period.
- 4.3 The consultation documents were published online and were also available in easy-read and hard copy. It was publicised through several routes, including social media and media release, via stakeholder groups such as Equality Cohesion Council, and via Kent Homeless Connect and Kent Housing Group websites and Healthwatch. It was also promoted by Kent Homeless Connect providers to individuals accessing the service and to registered participants of Kent County Council's (KCC) online engagement platform, Let's Talk Kent. A telephone line and email address were provided to enable all residents and other stakeholders to ask questions about the consultation if they needed to.
- 4.4 To broaden the reach of the consultation, the council arranged a series of four public face-to-face events in libraries across the county (Canterbury, Maidstone, Gravesend and Tonbridge) where representatives from KCC were available to discuss the consultation and listen to views
- 4.5 In addition to these public events, eight closed drop-in sessions were arranged, specifically ring-fenced for those who have been supported by KHC, now or in the past. The events were designed to ensure that people who are most affected by the proposal had a meaningful opportunity to respond.
- 4.6 The closed events took place in following areas

Canterbury	Dover	Thanet	Folkestone & Hythe
Gravesham	Maidstone	Swale	Tunbridge Wells

- 4.7 Kent residents were asked about any impact of the proposal, other sources of help and for comments on alternative ways to offer support.
- 4.8 A total of 228 responses were received from a broad range of professional, voluntary organisations, people who use the services and members of the public. The in-person events were attended by 80 people. A copy of the

consultation report is included in Appendix A and has been published on the Let's Talk Kent website.

- 4.9 Though concerns were expressed about the impact of a change in all three aspects of the service should an alternative not be in place, it was in the area of the support in supported housing, where most respondents highlighted an impact.
- 4.10 Overall, respondents identified the impacts to be:
- An increase in cyclical homelessness and rough sleeping through tenancy breakdown or lack of pathway to successful sustainable housing
 - An increased risk to the mental health of those who would have used the service, including increases in self harm and suicide
 - An increased danger to the physical wellbeing, safety and security of people who are or who have experienced homeless or rough sleeping including increased risk of exploitation, trafficking, cuckooing, and other crimes
 - Increased costs and pressures across a wide range of public services including Adult Social Care, Primary Care, Mental Health services and Substance Misuse services, which some correspondents stated would be greater than the current contract value and would come at a time when these services already lack the capacity to provide the assistance that is needed.
- 4.11 When asked about alternative sources of help, most respondents identified this to be within the public sector.
- 4.12 When asked about how support could be provided differently in future, the most common responses were to
- increase, retain, redirect, and seek new funding
 - bring existing funding within the sector together to redesign services
 - obtain more support from other organisations and increase joint working
 - increase prevention and outreach services
- 4.13 Three respondents questioned whether the council was meeting its legal duties under the Homelessness Code of Guidance.

5 Equality Implications

- 5.1 An Equalities Impact Assessment (EQIA) was drafted to accompany the consultation.
- 5.2 The assessment found that should alternative support not be put in place, the decision to allow the contract to end may have a greater impact on some people, based on the following protected characteristics:
- Age
 - Gender

- Race
- Disability
- Religion or Belief
- Sexual Orientation
- Gender reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity

5.3 It is envisaged that this will be addressed through transition planning with the city, district and borough authorities and other stakeholders

5.4 The findings of the EQIA were supported by respondents to the consultation, who pointed to the increased impact experienced by younger people aged 18-35 and the information shared at the in-person events by people from the transgender community.

5.5 The EQIA has been updated in accordance with these findings and can be found at Appendix B.

6 Transition Planning

6.1 Since the decision in February, the council has worked collaboratively with the city, district and borough councils, aiming towards drafting plans to set out how alternative support can be delivered in each area.

6.2 The plans aim to understand the needs of those who use the service, identify alternative ways in which support can be provided, understand costs and alternative funding streams, and set out a timeline for a new way of working. The plans are designed to be unique to each authority, reflecting the assets, issues and solutions that suit each area.

6.3 There is broad consensus that because of changes in legislation and funding arrangements since the service was commissioned, many aspects of the KHC service currently delivered, could be delivered by the Local Housing Authorities or their agents.

6.4 The Homeless Reduction Act was implemented as the KHC service went live, and because of this change, Local Housing Authorities have been awarded a Homelessness Prevention Grant each year to support them to deliver against their new responsibilities under the legislation, such as the Prevention Duty. All housing authorities in Kent receive an allocation of this annual grant, which in 2022 amounted to a total of £6,630k across the county.

6.5 Similarly, since the KHC service went live, and Government's pledge to halve rough sleeping by 2022, and ending rough sleeping by 2027, the Department

of Levelling Up, Housing and Communities (DLUHC) has made monies available to local housing authorities tackle rough sleeping, significantly through Rough Sleeper Initiative funding. The latest round of bids was made by housing authorities in February 2022, with results expected in April, though these are yet to be formally announced.

- 6.6 **Rough Sleeper Outreach** - The uncertainty caused by the delay in the notification from DLUHC has been a challenging backdrop against which to create detailed plans for the future. The council has concentrated on setting out principles with each district upon which there can be agreement, until such time as more specific information is available
- 6.7 Most local housing authorities agree that the subject to sufficient funding from government, outreach support to rough sleepers can be delivered locally and that these activities can be brought into their current or planned activity. Indeed, in some districts, KHC is not now or never has delivered this service, with the housing authorities in these areas preferring to deliver or commission this themselves. The timetabling of this will vary in each area, with an aim to conclude this by 31 March 2023.
- 6.8 **Prevention and Resettlement Support** - Most local authorities agree that following the introduction of the Homelessness Reduction Act in 2018, much of the support provided by KHC to prevent homelessness can be delivered under their new duties, and funding, albeit not to the same level. The predictive modelling work that is under development alongside KCC in the Xantura project is a future means of enabling earlier identification of households vulnerable to homelessness and taking proactive, preventative action.
- 6.9 **Support in Supported Housing** - All local authorities agree that the area of future funding for this element of the service is the most challenging as there are no obvious alternative funding sources. Though the distribution of these resources around the county is not even, all housing authorities agree the importance of such provision and express concern about the impact on the numbers of people rough sleeping in Kent and greater costs elsewhere across the system, including in social care, health and criminal justice, should alternatives not be found.
- 6.10 Those who are supported in these services have legal rights of occupancy and the contractual arrangements between the support provider and the housing provider must be considered. Moving to any new arrangements, must be managed carefully and is likely to be phased over a longer period and an 18-month transition will be challenging, but realistic.
- 6.11 The council will continue to work with housing authorities and other partners to seek alternative arrangements, and funding. If no alternatives are found, and the services must close, the council will work with all partners to ensure those using the services are moved on successfully

6.12 For local housing authorities, the timing is challenging, and the council is mindful of assurances made that housing authorities should not be financially impacted in-year. Most housing authorities agree that a phased move to the new arrangements in three six-monthly stages would balance the need for the council to move away from the commissioning of these services in a structured way, whilst acknowledging the complexity of a change in arrangements, particularly in supported housing.

7 Financial Implications

7.1 Savings from the termination of this contract are set out in the Budget Book 2022-23.

Appendix G – Final Draft County Level 2022-25 Revenue Changes	2022 - 23	2023-24
Expiry of Homelessness contract from September 2022. Review services currently provided and develop suitable transitional arrangements which will be funded from reserves to mitigate the adverse impacts.	-£2,300k	-£2,300k

7.2 A model of a phased transition to new arrangements over three six-monthly stages, recognises the challenges of a change in arrangements in supported housing, allowing a longer time to achieve this.

7.3 The estimated cost of this approach over an 18-month transition period would be £4,563k, as set out in the table below:-

Six-monthly interval	1 Oct 22 - 31 Mar 23	1 Apr 23 - 30 Sept 23	1 Oct 23 - 31 Mar 24	1 April 24 onwards	Total
Percentage of contract value	80%	60%	40%	0%	
Transition activity	Rough Sleeper outreach	Prevention and Move-on	Supported Housing		
Transition Funding Required	£2,027,961	£1,520,971	£1,013,981	£0	£4,562,913

7.4 The funding arrangements for the transition period are set out in Decision number 22/0076

8 Legal Implications

8.1 The current framework contract ends on 30 September 2022. In order to transfer to new arrangements in a safe manner, it is proposed to vary the contract for up to 18 months, ending no later than 31 March 2024.

- 8.2 The council is satisfied with the legal advice it has received that shows there is sufficient justification under S.33(3) of the Public Contract Regulations to take this approach and that the necessary exemptions under Regulation 72 apply.
- 8.3 During the consultation the council received three responses that suggested it had a legal duty to continue to provide these services. An example is given below
- “KCC has not addressed how it intends to address the divergence from those duties placed on it and set out in the Homelessness Code of Guidance that places responsibility for the provision of housing related support on upper-tier authorities. This places KCC open to legal challenge for not fulfilling those duties placed on it by government policy.”*
- 8.4 The council has investigated this matter thoroughly and has established that it does not have a duty in terms to provide these services arising from the Code of Guidance as the respondents have suggested.
- 8.5 KCC is of the view that both the Housing Act 1996 and the Care Act 2014 impose a mutual obligation to co-operate in the exercise of the respective functions of the Local Housing Authority and the county council, as the relevant social services authority, concerning its responsibilities relating to adults with needs for care and support and the obligation to have regard to the homelessness strategies. KCC’s policy position is that where it is asked by a district council to assist the housing authority with the exercise of its functions under the Housing Act 1996, it will offer such co-operation and assistance where it is deemed reasonable to do so and, it does not result in the county council doing anything which another local authority is required to do under the Housing Act 1996.
- 8.6 KCC continues to carry out its adult social care responsibilities in accordance with the Care Act 2014, including s.2, and relevant regulations, statutory and good practice guidance. It conducts its assessment of need for care and support and prevention functions with regard to the homelessness strategies of district councils and the ‘duty to refer’ responsibilities placed on the county council by the Homelessness Reduction Act 2017. Where the county council is not able to comply with a request to co-operate from a district council, it will give a written reason for its decision.
- 8.7 Following a transition period that will close on 31 March 2024, the council intends to end its provision of housing related support in Kent Homeless Connect where it does not have statutory duty. The council will ensure it exercises its duties to ensure those who need an assessment under the Care Act receive one and to consider how care and support needs can be met. The council will work closely with the city, district and borough councils to develop and support transitional plans to meet the needs of individuals.
- 8.8 The council has set out its vision for how it plans to make changes to the way it works with the people of Kent and its partners such as the Local Housing Authorities in the Making a Difference Every Day Strategy for Adult Social

Care 2022-27. The strategy is part of wider council plans such as the Interim Strategic Plan and 5-year-plan, local strategic documents such as the Kent and Medway Integrated Care System's Five-year Plan. The county council and the health economy will work in partnership with the city, district and borough councils, to develop support to local communities.

- 8.9 The Adult Social Care Strategy sets out the way the council will work to support people to lead the lives they want to live, and in a place they call home, by putting people at the heart of everything we do. It shows how the council will work with communities early on to help people feel empowered, resilient and develop their independence and access trusted support. People will experience more flexible ways of arranging support, promoting a balance of choice for the people we support, quality and value. The strategy will be underpinned by a co-produced commissioning strategy which will describe the way changes in the market will support the council's ambitions.
- 8.10 The strategy will be expressed through the implementation of the locality model way of working, demonstrating how the placed-based working arrangements will provide both capacity and capability of more responsive joined-up working with statutory and non-statutory partners at the district level.
- 8.11 The council will continue to work closely with each district, borough and city authority and other partners and carry out its duties under the Homelessness Reduction Act 2017 and the Homeless Code of Guidance such as the duty to refer. As stated above, it is the Adult Social Care locality model that provides the basis for collaborating at a more local level, including working with housing authorities which are responsible for drawing up their homelessness strategies. In this regard, when assistance is sought by district councils because of the social care functions held by the county council, such requests will be honoured.
- 8.12 The council has considered the feedback on the proposed decision as set out in the consultation papers including the Equality Impact Assessment. A revised Equality Impact Assessment is shown in Appendix B, which considers this feedback.
- 8.13 The consultation has highlighted a potential increase in demand for the county council's own services. The council will exercise its duties to ensure those who need an assessment under the Care Act and to consider how care and support needs can be met. Under the new strategy, the council's move towards working more closely in local areas and strengthening partnership with the city, district and borough councils, local providers, and communities will ensure a joined-up approach to meeting people's needs. In addition, the council will ensure pathways into its other commissioned services such as treatment and rehabilitation services, mental health and wellbeing and domestic abuse support are well established and facilitated.

9 Data Protection Implications

- 9.1 A Data Protection Impact Assessment was completed for the service when it was commissioned.

- 9.2 There are no anticipated data implications associated with these decisions, as the data collected will be covered under existing contract clauses.

10. Conclusions

- 10.1 Following the agreement of the budget on 10 February 2022, a program of work has been undertaken to allow the current KHC service to end on 30 September 2022 and to plan for the transition to new arrangements.
- 10.2 The council does not have a legal duty arising from the Homelessness Code of Guidance to continue to provide these services but will continue to deliver to its statutory responsibilities including those under the Care Act.
- 10.3 There has been regular engagement with the Local Housing Authorities to develop transition plans, and a broad consensus has been reached on a phased approach to transition.
- 10.4. A public consultation has been undertaken and an EQIA has been completed and the learning has informed the transition planning.
- 10.5 The cost of the phased approach is £4,562,913, and the proposal to fund this from reserves is the subject of Key Decision 22/0076.
- 10.6 In order to transfer to new arrangements in a safe manner, it is proposed to vary the contract for up to 18 months, ending no later than 31 March 2024.

11. Recommendations

11.1 Recommendation(s):

To implement the savings proposals set out in the council's budget, the Cabinet Member for Adult Social Care and Public Health (in consultation with the Cabinet Member for Finance, Corporate and Traded Services) is asked to **AGREE**

- 1) The ending of the current Kent Homeless Connect service from 30 September 2022
- 2) The variation of the Kent Homeless Connect contract to include a transitional period of up to 18 months
- 3) The delegation of authority to the Corporate Director Adult Social Care and Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to agree the relevant contract variations as required.

13. Background Documents

Kent Homeless Connect Public Consultation documents:
www.kent.gov.uk/homelessnessconsultation

Making a difference every day. Adult Social Care Strategy April 2022-2027 [Making a difference every day - our adult social care strategy \(kent.gov.uk\)](#)

[Issue details - 22/00075 - Kent Homeless Connect Service - Termination of the Service](#)

[Issue details - 22/00076 - Kent Homeless Connect Service - Funding of Transition Phase Through Reserves](#)

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