

From: John Betts, Corporate Director for Finance

To: Peter Oakford, Cabinet Member, Finance, Corporate and Traded Services

Subject: Kent Homeless Connect

Key decision: Yes

Classification: Unrestricted

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

Electoral Division: All

Summary: The County Council's budget plans, agreed on 10 February 2022, included a proposal to make savings by allowing the Kent Homeless Connect Service to come to an end on 30 September 2022

After this date, the Council agreed that the services currently provided should be reviewed and suitable transitional arrangements developed to mitigate the adverse impacts to be funded from reserves.

This decision report sets out the steps undertaken to enact that proposal using a phased model for the transition period derived from the engagement with the twelve district, city and borough councils and incumbent providers. The estimated costs of the transition period of £4,563k are to be met from reserves. The findings of the Equalities Impact Assessment and public consultation are also included.

The paper should be read alongside decision 22/0075 (Kent Homeless Connect Service – termination of the service) which proposes to end the current service from 30 September 2022 and include a variation of the contract as the vehicle for the transitional period of up to 18 months.

Recommendation: To implement the savings proposals set out in the Council's budget, and in consultation with the Cabinet Member for Adult Social Care and Public Health, the Cabinet Member for Finance, Corporate and Traded Services is asked to **AGREE** the transfer of up to £4,563k from the Council's reserves to fund the transition period of the Kent Homeless Connect Service.

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 in 30 September 2022.

1.3 After this date, the Council agreed to that the services currently provided should be reviewed and suitable transitional arrangements developed to mitigate the adverse impacts to be funded from reserves.

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 district, city 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 The KHC service is delivered over four geographic lots by two Prime Providers, 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

2.4 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.

2.5 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 budget proposal was published in January 2022, a timetable of engagement with the Kent Chiefs and Leaders has been agreed. Regular updates

have been provided to senior leaders in the district, borough and city councils, and the Council has met monthly with each of the housing authorities to plan the transition, using a shared data set.

3.2 A report of the activity has been regularly circulated to a wide constituency of stakeholders. There has been regular attendance and engagement with key groups such as the Kent Housing Group and the Kent Housing Options Group, which is also attended by representatives of the Department of Levelling Up, Housing and Communities (DLUHC).

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 (EQIA) were shared with the Leaders and Chiefs of the district, city 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 Council took steps to ensure the consultation was widely accessible and publicised among a broad spectrum of stakeholder groups and the public.

4.4 Four public face-to-face events took place 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 Kent residents were asked about any impact of the proposal, other sources of help and for comments on alternative ways to offer support.

4.7 A total of 228 responses were received from a broad range of professional and 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

4.8 Though concerns were expressed about the impact of a change in all three aspects of the service, should an alternative not be in place, 94% of respondents highlighted an impact on support in supported housing, including increases in:

- homelessness and rough sleeping
- homeless people being impacted by anti-social behaviour, crime, and exploitation
- mental health related issues including suicide ideation and self-harm
- drug and alcohol dependency
- pressure on other public bodies and partnerships, including the NHS and KCC statutory services

4.9 When asked about alternative sources of help, most respondents identified this to be within the public sector.

4.10 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

4.11 Three respondents questioned whether the Council was meeting its legal duties under the Homelessness Code of Guidance.

5. Equality Implications

5.1 An 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 district, city 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. Financial Implications

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

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

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

6.4 Prevention and Resettlement Support Since the introduction of the Homeless Reduction Act, Local Housing Authorities have been awarded a Homelessness Prevention Grant each year to support them to deliver against their new responsibilities such as the Prevention Duty. In 2022 the grant amounted to a total of £6,630k across the county. 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.

6.5 Rough Sleeper Outreach Since the KHC service went live, the DLUHC has made monies available to support Local Housing Authorities to tackle rough sleeping. Since 2018, a total of £12,167k of Rough Sleeper Initiative (RSI) funding has been awarded to Kent Housing Authorities to provide local support for those living on the streets and to reduce rough sleeping.

6.6 The latest round of bids for RSI funding was made by housing authorities in February 2022, though the results are yet to be publicly announced by DLUHC. Some of the interventions that the housing authorities have put in place with this funding can be used to deliver elements of support that are currently available within the KHC service.

6.7 Support in Supported Housing The area of future funding for this element of the service is the most challenging as there are no obvious alternatives 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.

6.8 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

6.9 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.

6.10 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. Legal Implications

7.1 The current framework contract ends on 30 September 2022. In order to transfer to new arrangements in a safe manner, decision 22-0076 proposes to vary the contract for a transitional period of up to up to 18 months, ending no later than 31 March 2024.

7.2 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.

7.3 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.”

7.4 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.

7.5 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 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, city and borough 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 Council doing anything which another local authority is required to do under the Housing Act 1996.

7.6 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, city and borough councils and the 'duty to refer' responsibilities placed on the Council by the Homelessness Reduction Act 2017. Where the Council is not able to comply with a request to co-operate from a district, city or borough council, it will give a written reason for its decision.

7.7 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 district, city and borough councils to develop and support transitional plans to meet the needs of individuals.

8. Data Protection Implications

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

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

9. Conclusions

9.1 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 via a variation of the contract proposed in decision 22-00075.

9.2 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.

9.3 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.

9.4. A public consultation has been undertaken and an EQIA has been completed and the learning has informed the transition planning.

9.5 The cost of an 18-month phased approach is £4,562,913, to be met from the County Council's reserves.

10. Recommendation

To implement the savings proposals set out in the Council's budget Cabinet Member is asked to **AGREE** the transfer of up to £4,563k from the Council's reserves to fund the transition period of the Kent Homeless Connect Service.

11. Background Documents

Kent Homeless Connect Public Consultation documents:

www.kent.gov.uk/homelessnessconsultation

[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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