

## LONDON BOROUGH OF CROYDON

To: Croydon Council website  
Access Croydon & Town Hall Reception

### **STATEMENT OF EXECUTIVE DECISIONS MADE BY THE CABINET MEMBER FOR FAMILIES, HEALTH & SOCIAL CARE ON 5 April 2018**

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

The following apply to the decisions listed below:

**Reasons for these decisions:** are contained in the **attached** associated Part A report

**Other options considered and rejected:** are contained in the **attached** associated Part A report

**Details of conflicts of Interest declared by the Cabinet Member:** none

**Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Member:** none

The Leader of the Council has delegated to the Cabinet Member the power to make the executive decision set out below:

**CABINET MEMBER'S DECISION REFERENCE NO. 0718FHSC**  
**Decision title: Delegation of homelessness duties**

Having carefully read and considered the associated Part A report, including the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, the Cabinet Member for Children Young People & Learning in consultation with the Cabinet Member for Finance and Treasury has:

#### **RESOLVED**

1. Pursuant to section 70 of the Deregulation and Contracting out Act 1994 and the provisions of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 to delegate all statutory functions and duties under Part VII of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) in relation to 16/17 year olds and single 18-21 year olds who are homeless or threatened with homelessness to "Turnaround Centre Drop in Zone housing advice service CAYSH" for the remainder of their current contract with the exception of the following functions:
  - 1.1.1 Section 179 (2) of the Housing Act 1996
  - 1.1.2 Section 179 (3) of the Housing Act 1996
  - 1.1.3 Section 180 of the Housing Act 1996

1.1.4 Section 202 of the Housing Act 1996

1.1.4 Section 213 of the Housing Act 1996

2. To note that all other homelessness functions for other age groups will be retained by the Council
3. To note that the existing contract will be required to be varied to incorporate the delegated statutory functions within the current contract with “Turnaround Centre Drop in Zone housing advice service CAYSH” and specific procurement advice will be sought by the service to ensure that this is appropriately undertaken within the legal requirements in relation to contract and procurement law.

Date: 5 April 2018

<b>REPORT TO:</b>	<b>Cabinet Member for Families, Health &amp; Social Care</b>
<b>SUBJECT:</b>	<b>Delegation of homelessness duties</b>
<b>LEAD OFFICER:</b>	<b>Shifa Mustafa, Executive Director - Place Julia Pitt/Paul Aston, Director/Head of Service</b>
<b>CABINET MEMBER:</b>	<b>Alison Butler, Deputy Leader and Cabinet member for Homes, Regeneration and Planning Louisa Woodley, Cabinet member for Families, Health and Social Care</b>
<b>WARDS:</b>	<b>All</b>

**CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:**

The Homelessness Reduction Act 2017 comes into force in April 2018. It introduces a number of new statutory duties on local authorities to assist people who are homeless or threatened with homelessness. The “Turnaround Centre Drop in Zone” housing advice service, provided by CAYSH until 31/3/19 currently provides a holistic assessment, information, advice and guidance, based on the Early Help framework including advice on the prevention of homelessness and support to prevent and relieve homelessness to young people aged 16-21. The HRA2017 brings the homelessness prevention and relief activities within a statutory framework and, unless the Housing Needs and Assessment retains oversight of every action and decision made by the service it is necessary to formally delegate the relevant homelessness duties.

The service supports the Gateway and Welfare directorate’s aim to increasing independence, financial resilience/stability, reducing homelessness, access to training, employment and customers taking ownership of their housing outcomes, and in turn contributes to Ambitious for Croydon, priority two: Independence.

**FINANCIAL IMPACT:**

This is a variation of the services provided within an existing contract. The provider has committed to providing the services within the existing contract value .

**KEY DECISION REFERENCE NO: Not a key decision**

**1. RECOMMENDATIONS**

The Leader is recommended:

1. Pursuant to section 70 of the Deregulation and Contracting out Act 1994 and the provisions of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 to delegate all statutory functions and duties under Part VII of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) in relation to 16/17 year olds and single 18-21 year olds who are homeless or threatened with homelessness to “Turnaround Centre Drop in Zone housing advice service CAYSH” for the remainder of their current contract with the exception of the following functions:
  - 1.1.1 Section 179 (2) of the Housing Act 1996

- 1.1.2 Section 179 (3) of the Housing Act 1996
- 1.1.3 Section 180 of the Housing Act 1996
- 1.1.4 Section 202 of the Housing Act 1996
- 1.1.4 Section 213 of the Housing Act 1996

- 2. To note that all other homelessness functions for other age groups will be retained by the Council
- 3. To note that the existing contract will be required to be varied to incorporate the delegated statutory functions within the current contract with “Turnaround Centre Drop in Zone housing advice service CAYSH” and specific procurement advice will be sought by the service to ensure that this is appropriately undertaken within the legal requirements in relation to contract and procurement law.

## **2. EXECUTIVE SUMMARY**

- 2.1 The Turnaround Centre is a holistic service for young people aged 14-21. It was set up in 2010 and brings together youth offending, social work, support and housing services in one place to support young people at risk of homelessness and entering the criminal justice system. Statutory and voluntary sector services are co-located within the service. A voluntary sector provider, CAYSH is commissioned by the Gateway and Welfare directorate to offer a single reception for main users of the Turnaround Centre, primarily young people who are clients of the Leaving Care Service and the Youth Offending and housing advice to young people at risk of homelessness.
- 2.2 The Homelessness Reduction Act 2017, introduces preventing and relieving homelessness as a statutory duty for anyone who is eligible (has a legal right to remain in the UK) and is homeless or threatened with homelessness within the next 56 days. This brings a number of the functions carried out by the service commissioned from the incumbent provider, CAYSH within the statutory framework from April 2018. The existing contractual arrangements with CAYSH expire on 31/3/19.
- 2.3 An options appraisal and risk assessment have been conducted and, as a result it is recommended that The Leader delegates the homelessness functions as detailed in paragraph 1 above to the incumbent provider, CAYSH for the remaining period of the contract.

## **3. DETAIL**

- 3.1 The Turnaround Centre is a holistic service for young people aged 14-21. It was set up in 2010 and brings together youth offending, social work, support and housing services in one place to support young people at risk of homelessness and entering the criminal justice system. Statutory and voluntary sector services are co-located within the service. A voluntary sector provider, CAYSH is commissioned by the Gateway and Welfare directorate to offer a single reception for main users of the Turnaround Centre, primarily young people who are clients

of the Leaving Care Service and the Youth Offending and housing advice to young people at risk of homelessness.

- 3.2 A procurement strategy recommending a direct award process under Regulation 8 to the incumbent provider was approved through CCB on 19<sup>th</sup> January 2016 CCB1079/15-16 and has been implemented. A variation to extend the term of 18 months (1 year, with an option to extend by 6 months) commencing 1/4/16 by a further term of of eighteen (18) months from 01/10/17 – 31/03/19 at a value of £418,299 was approved following CCB on 2<sup>nd</sup> August 2017.
- 3.3 The Turnaround Centre Housing Advice services carries out an assessment of a young person’s housing and other needs. The main focus of the work is to support the young person and their family though mediation (including home visits), to achieve a reconciliation where this is safe and possible, or to secure appropriate move-on accommodation and support to sustain it where this is not. Following an Early Help assessment, young people and their families are referred or signposted on to relevant services. In the first three quarters of 2017-18, 292 young people approached the service for advice.
- 3.4 Where homelessness cannot be prevented and the service user is a child aged 16 or 17, the service makes a referral to Children’s Social Care for statutory assessment. Of the 94 young people aged sixteen or seventeen, 32 were referred to MASH for further assessment. If the service user is 18 or over, the service provider either provides advice and assistance to prevent homelessness or refers to the Housing Needs and Assessment service for a statutory assessment of homelessness. Homelessness was prevented in over 50% of cases in the first three quarters of 2017-18. The service performs well.
- 3.5 The Homelessness Reduction Act 2017 amends the Housing Act 1996 and , introduces preventing and relieving homelessness as a statutory duty for anyone who is eligible (has a legal right to remain in the UK) and is homeless or threatened with homelessness within the next 56 days. This brings a number of the functions carried out by the service commissioned from CAYSH within the statutory framework from April 2018.
- 3.6 A process mapping exercise has been conducted between representatives from the Gateway and Welfare service and CAYSH. The exercise concluded that continuing the current service arrangements would duplicate work, with the Housing Needs and Assessment needing to reassess CAYSH’s assessment of applicants’ circumstances, housing and support needs and Personalised Housing Plan, all of which are currently carried out within a discretionary framework.

### 3.7 Risks

Risks	Mitigation
Delegation of duties will distance the Council from homelessness decisions made by the Provider CAYSH. Whilst the council will retain review functions, there is a	The Housing Needs and Assessments service will provide “stepped support” to CAYSH, more intensive support on homelessness decisions on implementation of the new statutory duties,

risk that poor decision making by the Provider leading to increased legal challenge, or will result in unnecessary demand for statutory services.	and withdrawing that support in a planned way. Performance monitoring reports will be amended, and performance will be monitored through the contract management framework.
There is a risk that the current contract is not compliant with the Public Contract Regulations 2015 (the PCR). The delegated authority arrangement and a service contract are above the EU procurement threshold for light touch services under the PCR. This is on the basis of the contract being for light touch services and having a value of at least £615,278 over its term. The total contract value (including previous awards) to date amounts to £2,015,062.	Due to the time that has passed since the extension was awarded in September 2017, it is unlikely that a supplier would now challenge this. A procurement strategy from 1/4/19 is being developed and will not include a further direct award to the incumbent provider.
Demand for service resulting from the new legislation cannot be met by the incumbent provider.	Unlike the Housing Needs and Assessment service that has provided advice and assistance to non-priority applicants with no vulnerabilities, the Turnaround Centre Drop in Zone operates a drop in assessment service to meet the specific needs of young people. The service is well known, having been in operation for several years.

#### 4. CONSULTATION

The incumbent provider has been consulted as to the proposed variation to the existing contract.

#### 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

##### 1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
		2018/19	2019/20	2020/21
	2017/18	2018/19	2019/20	2020/21
	£'000	£'000	£'000	£'000
<b>Revenue budget available</b>	418,299	418,299		
<b>Expenditure</b>	418,299	418,299		
	0.00	0.00		-

## **2 The effect of the decision**

The decision will have no new financial impact.

## **3 Risks**

No risk identified.

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## **4 Options**

This is a new legislative requirement for local authorities

## **5 Future savings/efficiencies**

This is a national change, no additional future savings/efficiencies anticipated outside of current Gateway projections.

Approved by: Lisa Taylor, Director of Finance, Investment and Risk (Deputy S151 Officer)

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 6.1 The Solicitor to the Council comments that pursuant to section 70 of the Deregulation and Contracting out Act 1994 and the provisions of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 the Council is able to delegate certain Homelessness functions as set out in Part VII of the Housing Act 1996 with the exception of functions/duties under section 179(2) and (3) (duty of local housing authority to provide advisory services); section 180 (assistance for voluntary organisations) and section 213 (co-operation between relevant housing authorities and bodies).
- 6.2 The existing contract with the incumbent provider will be required to be varied to incorporate the delegated statutory functions within the current contract with "Turnaround Centre Drop in Zone housing advice service CAYSH" and specific procurement advice will be sought by the service to ensure that this is appropriately undertaken within the legal requirements in relation to contract and procurement law.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 The current contract with CAYSH will come to an end on 31/3/19. The future procurement strategy will be developed. As there will be a requirement to continue to deliver the statutory duties, TUPE may apply at that point.

(Approved by: Jennifer Sankar, Interim Head of Place on behalf of Sue Moorman, Director of Human Resources)

## **8. EQUALITIES IMPACT**

- 8.1 We have completed the first stage of the Equalities Analysis to determine if a full Equality Analysis is needed and/or further monitoring needs to be undertaken.

The outcome of the first stage assessment is there are no EQIA no impacts and full EQIA not necessary.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 No known impact

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 The service contributes to the overall aims of the Turnaround Centre.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 To ensure service continuity following introduction of the new legislative requirements and to prevent duplication of functions between the service provider and the Housing Needs and Assessments service.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 Do nothing: continuing with the contractual arrangements was considered and rejected. It could be concluded that the incumbent provider would be delivering the council's statutory functions without the appropriate delegated authority risking legal challenge.
- 12.2 Retain oversight of all functions carried out by the incumbent provider: "reassessing" decisions for the remaining 12 months of the contract would create an unnecessary demand on the Housing Needs and Assessment service .
- 12.3 Bring the service in-house: the existing service performs well and prevents escalation of need. The existing contractual arrangements will have a further year and the council would incur costs and, potentially TUPE obligations if the contract were ended early.



**CONTACT OFFICER:** Paul Aston, Head of Housing Needs and Assessment Ext. 62914

**APPENDICES TO THIS REPORT:** None

**BACKGROUND PAPERS:** Equality Impact Assessment