



***“I feel like I’m making decisions blind. I do”:***

**Risk, Safety and Wellbeing in Shared  
‘Exempt’ Accommodation in  
Birmingham, England**

**External Research Report Summary**

**About the author:**

Thea Raisbeck is an Honorary Research Associate within the Housing and Communities Research Group at the University of Birmingham and an Associate of Spring Housing Association, a housing charity based in Birmingham.

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This is a shortened version of the full research report, *"They are getting this exempt status but why does no one monitor them? It's a massive thing, shocking really, a massive thing": Risk, Safety and Wellbeing in Shared 'Exempt' Accommodation in Birmingham, England'*. It was first published in September 2018 and solely reflects the particular expertise and opinions of Thea Raisbeck, which may not necessarily be the same as those views held by Birmingham Safeguarding Adults Board. Any errors or omissions are the sole responsibility of the author.

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## Introduction

- ✚ This research has been commissioned by Birmingham Safeguarding Adults Board in response to significant concerns over the growth in Birmingham of non-commissioned, supported shared accommodation utilising the 'exempt' provisions of current Housing Benefit and Universal Credit Regulations.
- ✚ The vast and varied 'exempt' sub-sector is predominantly made up of small, residential units and Houses in Multiple Occupation, is 'direct access', transitional in nature, and occupied by a wide cross-section of vulnerable citizens.
- ✚ As this 'exempt' accommodation is not commissioned by the local authority and often operated by Registered Providers of social housing leasing units from the private rented sector, it is taken out of the purview of local authority licensing controls and commissioning accountability; is operated by a wide range of, often, insufficiently regulated organisations and is without assurance around Safeguarding and performance monitoring procedures.
- ✚ Birmingham Safeguarding Adults Board have, through the course of their internal reviews and multi-agency activities, identified large gaps in knowledge and significant concerns around the safety of, and risk of harm to, individuals accessing and living in this type of accommodation.
- ✚ In alignment with these concerns, this research project explored:
  - The operation and functioning of the exempt sub-sector within wider homelessness systems
  - Referral and access points and associated assessment, suitability, resident matching and risk management procedures
  - Management and support arrangements within exempt properties
  - Residents' experiences of life in exempt accommodation, with particular reference to risk, safety and wellbeing
  - Partnership working within the City, as it pertains to Safeguarding, safety and risk management
- ✚ Government proposals around reform of the funding arrangements for supported housing, which initially held the opportunity for a more stringent oversight and accountability structure through devolvement of funding to local authorities, have recently been reversed. The Government have, however, still proposed the future implementation of a more 'robust oversight regime' for this area of policy, and it is important that the particular insights around risk, safety and wellbeing that this report uncovers are considered in light of this proposed change.

## Research Design and Scope

- ✚ The research took an exploratory approach, employing open, inclusive qualitative methods in order to identify key issues and areas of practice and to capture the experiences, views and priorities of a range of stakeholders, with a longer-term objective of influencing policy and practice change.
  
- ✚ The research design incorporated:
  - ✚ Examination of legislation, policy, practice and research around 'exempt', HMO and shared accommodation for homeless and vulnerable groups, and around adult safeguarding and housing
  - ✚ In-depth, semi-structured one to one and group interviews with 94 stakeholders involved in the sub-sector in Birmingham. This was made up of staff from 18 referral and support agencies, 14 expert and strategic stakeholder groups, 14 providers of 'exempt' accommodation and 16 residents or recent former residents
  - ✚ Participation and observation at multi-agency events around non-commissioned accommodation, between March and August 2018
  - ✚ Observation of multiagency meeting into concerns around a supported exempt provider, chaired by Birmingham Safeguarding Adults Board, in July 2018
  - ✚ Partnership meetings and accommodation viewings with 7 non-commissioned exempt accommodation providers arranged by a large referrals agency between February and August 2018.
  
- ✚ In order to consider the role of exempt accommodation settings in the safeguarding of adults, a wider investigative lens than the purely statutory definition (see page 10 of this document) assisted in ensuring the most appropriate policy and practice responses, and further lines of enquiry, were uncovered. 'Safety' and 'risk' were taken in a broad sense, and although there is no single definition of 'wellbeing', the research recognised its subjective nature and dependency on an individual's circumstance and priorities, whilst drawing upon relevant areas signalled in Care Act guidance: personal dignity, physical and mental health, emotional wellbeing, protection from abuse and neglect and control by the individual over their day to day life (DHSC, 2018).
  
- ✚ Sampling for practitioner and 'expert' interviews was purposive and based on the initial local context analysis and stakeholder mapping. What were perceived, based on available evidence, to be the main referral agencies utilising supported 'exempt' accommodation were invited to participate, alongside organisations catering for more excluded groups. Local expert and strategic stakeholders covering policy, strategy and senior service level input were also approached to participate.

- ✚ Resident populations were accessed via established homelessness charities and do not claim to be representative of the largely hidden population living in non-commissioned 'exempt' accommodation. Only one participant was under 25; three participants were female, and two participants were non-British.
- ✚ Landlords/providers were accessed using a snowball sampling technique – an incremental process that involved interview participants suggesting other landlords and, often, brokering initial contact with them.
- ✚ Interview fieldwork was carried out between March and June 2018 and ethical approval for the project was granted by Birmingham Safeguarding Adults Board.
- ✚ Interviews were digitally recorded and transcribed verbatim. Transcripts were analysed using thematic analysis and during the early stages of coding and the development of themes, the lead researcher worked with a research assistant to sense-check analysis and provide a level of rigour. The themes presented within this report are those most conversant with the overall research aims and questions.
- ✚ This research was small scale, time-limited and largely bound by local policy and practice contexts. It did not seek to provide a definitive or representative picture of the entirety of policy, practice and experience surrounding non-commissioned supported exempt accommodation but to begin the process of uncovering key themes around safety, risk and wellbeing and to suggest areas for improvement and for further lines of enquiry beyond this framework.
- ✚ The findings of this research cannot be extrapolated to all types of shared housing for vulnerable or homeless groups, and the focus on referral processes and of resident experiences around risk, safety and wellbeing cannot be used, in isolation, to assess or evaluate the effectiveness of this type of provision. Nonetheless, this report aims to provide detail which can be utilised and built upon within local contexts, and, also, to uncover important considerations around less typical non-commissioned supported accommodation utilising the 'exempt' provisions of Housing Benefit, to inform and influence nationally-driven attempts to produce a more 'robust oversight regime'.

## Policy and Research Contexts

### 'Exempt' Accommodation

- ✚ 'Exempt' accommodation was introduced into Housing Benefit regulations in January 1996, after the rules were tightened to limit the amount paid to claimants outside of the regulated social rented sector, and to ensure that some types of supported housing did not become unviable under these new rules. This exemption from rent restrictions was intended to account for the higher costs of providing certain types of supported accommodation and, in today's terms, allows qualifying providers to claim Housing Benefit often far in excess of Local Housing Allowance Rates or social sector 'general needs' rents.
- ✚ 'Exempt' accommodation was defined in 1996 as "accommodation which is...provided by a non-metropolitan country council, a housing association, a registered charity or a voluntary organisation where that body or a person acting on its behalf also provides the claimant with care, support or supervision" (Boath et al 2010.) The Housing Benefit and Universal Credit (Supported Housing) (Amendment) Regulations 2014 introduced a definition of 'Specified Accommodation', with 'Exempt' accommodation remaining as part of four new categories, whilst retaining the same meaning and provisions.
- ✚ This has long been acknowledged as a complex and difficult to administer area of Housing Benefit; open to error and subjective interpretation and hampered by loose definitional criteria, with the risk of providers claiming excessive rents whilst providing inadequate accommodation and little to no support high.
- ✚ A research report into 'exempt' accommodation in 2010 (Boath et. al.) began something of a stop-start trajectory towards reform of the system. This continued with a consultation into proposed reforms in 2011, which resulted only in the announcement that help towards housing costs for those in supported 'exempt' accommodation would sit outside of Universal Credit. Momentum for reform returned to this area with consultations into the funding of supported housing in 2016 and late 2017. The latter proposal posited that all accommodation currently qualifying as 'exempt' and classed as 'short term,' or of two years' maximum duration, would be removed from the benefit system and devolved to local authorities to administer at their own discretion (DCLG/DWP, 2017).
- ✚ Central Government published a response to their latest consultation in August 2018, announcing a reversal of the proposals, stating that 'we will maintain Housing Benefit for all supported housing, reflecting the needs of the vulnerable people who rely on it and the need for continued supply across the sector' (MHCLG/DWP, 2018; 24).

## Shared Housing Contexts: Research

- ✚ Although this research project focuses predominantly on smaller, often residential, shared properties operating under the 'exempt' provisions of current Housing Benefit and Universal Credit Regulations, the distinction between hostels, Houses in Multiple Occupation and shared or 'exempt' accommodation are, in research contexts, often blurred and sometimes fluid, with research into more hidden contexts often unable to create clear distinctions, (see Rose and Davies, 2014; Rose and Maciver, 2016).
- ✚ Houses in Multiple Occupation (HMOs) have traditionally been viewed as a form of shared accommodation operating at the 'bottom' or 'lower end' of the private rented housing market; often subject to poor physical and management standards, increased levels of antisocial behaviour and disruption to the surrounding community, and overcrowding (Lowe, 2007; Hubbard, 2008; Ward 2015).
- ✚ Despite evidence of the growing market for professional and what may be termed more 'high end' HMOs (Pattison and Reeve, 2017; Shawcross Bank, 2017); they are still largely viewed as catering for disadvantaged, marginalised and vulnerable groups, alongside more socially and criminologically 'problematic' populations (Kemp et. al., 2011; Irving, 2015; Heath et. al. 2017).
- ✚ Research has, however, often concentrated on more formal and visible markets, such as student populations and the housing pathways or 'careers' of 'mainstream' young people, viewing shared arrangements as a transitional 'right of passage' on the journey to more independent options (Heath and Cleaver, 2003; Clapham, 2014; Heath and Kenyon, 2014).
- ✚ Adele Irving has carried out one of the only in-depth explorations of resident experiences in, specifically, larger HMOs 'operating at the bottom end of the PRS and catering for homeless people' in the North East of England (2015, 4). This research drew on an overall, although not robustly defined, 'wellbeing' framework and incorporated residents' often distressing concerns over safety, security, crime, fellow residents' behaviour and the prevalence of substance misuse.
- ✚ There is little in-depth statistical evidence directly linking increased levels of violence and crime to HMOs. However, two related pieces of analysis conducted from Crime Reduction Initiative and policing perspectives in Slough (Higgins and Jarman, 2015; Bowden and Barnes, 2015) suggest strong links between 'non-domestic violence' and multiply occupied housing, leading to a hypothesis that 'particular stresses and insecurities of living in low quality or crowded accommodation with shared facilities and little or no choice of co-habitees may increase the risk that incidences of violence occur' (2015; 3).
- ✚ There is, in general, very little localised research into how authorities or communities interact with, attempt to intervene in, or manage, multiply occupied housing in more

informal, less regulated contexts (although, see Doyle, 2018 for enquiry into informal markets in rural locations).

- ✚ As experientially-based research into shared housing contexts has moved beyond investigation into the experiences of more socially and economically advantaged young people and students, enquiry has begun to demarcate between 'sharing by choice', and sharing with friends or peers, and forced sharing, or 'stranger shares'. The latter are viewed as having far more detrimental impacts upon wellbeing, safety and security and are experienced overwhelmingly by those who are vulnerable, socially excluded and, in more recent times, excluded by social policy (Rugg et. al., 2011; Wilkinson and Ortega-Alcazar, 2017).
- ✚ The limited available research into the mental health impacts of shared housing has suggested that shared living can have a detrimental impact on mental health and wellbeing (Barratt et. al., 2017), with Page suggesting the 'forced social interaction' of such environments causes particular difficulties and distress (2002; 137).

### Shared Housing Contexts: Practice

- ✚ The requirement for increased sharing options within, particularly, the private rented sector has led in recent years to a range of schemes and 'solutions' to meet the housing needs of formally homeless people, or those at risk of homelessness, such as Crisis' Sharing Solutions programme and the Commonweal, Thames Reach and Catch 22 led 'peer landlord model'.
- ✚ The majority of documented sharing schemes, and Crisis' useful published pieces of guidance (Wesolowicz, 2015; Wesolowicz and Derham, 2017), are in the main seeking to assist those managing schemes for individuals with low or no support needs, and as a prevention from, or route out of, homelessness and into independence, with the Peer Landlord model making a clear distinction between 'supported' housing and their peer model of 'supportive' housing (Petch and Perry, 2018).
- ✚ Considerations of risk, safety and safeguarding were a factor in the development and functioning of good practice shared schemes but, ultimately, the safe and appropriate 'matching' of residents was characterised by professionals under Crisis-funded schemes as 'more art than science' (Green and McCarthy 2015; 163). There were no clear or guaranteed practices or solutions to this issue, suggesting all shared schemes carry a level of risk to individuals, and linking to Pawson and Jacobs' assertion that management practices within 'stranger shares' at the lower end of the market should be a key mode of enquiry (2010).
- ✚ It is also important to note that the schemes from which good practice examples have emerged are small-scale and managed and controlled by individual and experienced

organisations, often with oversight and support by expert bodies, which is distinctly separate to the landscape of the exempt sub-sector in Birmingham.

- ✚ Despite the acknowledgement of some of the practical considerations for referral and access criteria within shared schemes; with safeguarding, risk and appropriate ‘matching’ of tenants all posited as important considerations, there is little in-depth research into referral and access procedures and mechanisms for shared accommodation catering on a larger scale, and for more vulnerable groups, particularly accommodation schemes at the ‘lower end’ of the market or in more hidden, unregulated, temporary and transient settings.

## The Role of Housing in Adult Safeguarding

- ✚ A local authority must act when it has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
  - ✚ has needs for care and support (whether or not the authority is meeting any of those needs)
  - ✚ is experiencing, or is at risk of, abuse or neglect
  - ✚ as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.’ (Care Act 2014, section 42)
- ✚ ‘Safeguarding Adults’, in its statutory context, is inherently more complex and nuanced than more broad concerns about ‘safety’, or ‘keeping people safe’; although both will by necessity be central.
- ✚ People experiencing homelessness or living in transient or supported housing may be at risk of abuse and neglect due to a range of interpersonal and external factors, and there are clear linkages between the needs and circumstances of homeless or vulnerably housed populations and the broader Safeguarding Adults and Care Act agendas, alongside the obvious, and now statutorily identified, role of ‘suitable accommodation’ in helping to promote wellbeing and prevent or delay the risk of an adult requiring care and support (DHSC, 2018). Similarly, there is a clear role for housing staff in helping to assist, identify and detect adults experiencing, or at risk of, abuse and neglect (DHSC, 2018).
- ✚ Nonetheless, in the past, the role of housing within Adult Safeguarding has often seemed minimal or been somewhat overlooked. Imogen Parry’s pre-Care Act work into the role of housing in Adult Safeguarding, and her analysis of what were then termed Serious Case Reviews, pointed to ‘an apparent lack of interest’ in the issue from researchers and policy makers and the wider lack of engagement of housing agencies with relevant processes (2013; 15).

- ✚ With the introduction of new legislation and guidance, alongside a series of case reviews highlighting that housing organisations should have played a more active role in safeguarding processes (SCIE, 2015), Adult Safeguarding has been ‘creeping up the agenda’ in housing (Cass, 2015; 53), with the care and support statutory guidance stipulating that housing workers ‘need to be vigilant about adult safeguarding’ and that ‘employers must ensure that staff, including volunteers, are trained in recognising the symptoms of abuse or neglect, how to respond and where to go for advice and assistance’ (Department of Health, 2014).
- ✚ Research and documented practice have established that shared, HMO and hostel-type accommodation contexts have potential ramifications for the safety, security and wellbeing of residents, with reports of abuse, violence, criminality, intimidation and an absence of personal and spatial autonomy and control consistent themes emerging from qualitative and experiential enquiry.
- ✚ However, much of the published material specifically focused on the role of housing within adult safeguarding has concentrated on the more formalised or regularised social housing and support sectors. The minimal governance, leadership, regulation or obligations towards protecting individuals at risk of abuse or neglect is undoubtedly magnified and complicated in more hidden, privatised or hybridised settings such as non-commissioned ‘exempt’ accommodation sectors.

## Local Contexts

- ✚ It is possible to review data that suggests some localised drivers for the burgeoning shared ‘exempt’ sub-sector in Birmingham, and the possible implications of this:
- ✚ The Shared Accommodation Rate of Local Housing Allowance in Birmingham is currently set at £57.34, with the whole of the City classed as one Broad Market Rental Area. Published analysis by the local authority estimates that, currently, less than 5% of shared accommodation available on the private rental market in Birmingham is affordable within the SAR, but this does not consider how many of these landlords would be willing to let their property to a tenant in receipt of welfare benefits, or whether claimants could feasibly afford any associated pre-letting costs.
- ✚ The one bedroom rate of Local Housing Allowance in Birmingham is currently set at £97.98; marginally more affordable for those eligible, with around 16% of properties available, again caveated by the fact that this does not consider eligibility for benefit claimants or associated additional pre-letting costs (Birmingham City Council, 2016; 24).

- More recent estimates suggest that properties affordable at the SAR in Birmingham are now as low as 3%, with the freeze in rates until 2020 likely to see this figure diminish further. The sharp disparity between Local Housing Allowance rates and local rent levels suggests that the ability for providers to claim enhanced levels of benefit often far in excess of the £57.34 Shared Accommodation Rate, and the shortage of feasible alternative options in the private sector for individuals claiming benefits, may have helped to drive the growth in, and need for, provision.

Year	2015/16	2016/17	2017/18
Lowest awarded eligible core rent	£62.20	52.16	55.34
Highest awarded eligible core rent	£257.21	£257.21	£257.21
Lowest awarded gross eligible rent	£62.20	£56.36	£64.43
Highest awarded gross eligible rent	£433.89	£433.89	£433.89

'Exempt' Rent levels in Birmingham: FOI Request, 2018

## Social Housing Provision

- Since 2010, changes to Central Government grants to housing associations have led to a rapid decline in the number of homes built for social rent. The Emergency Budget of 2010 sharply reduced subsidy for new builds, expecting providers to build homes for 'affordable rent' - at up to 80% of full market rents – and to convert existing stock from 'social' to 'affordable' rents. Grant rates were often around 75% per unit in the 1990s, before falling to 41% before 2010 and then further to just 23% in the 2011/15 Affordable Homes Programme (Brown, 2018)
- Between 2010 and 2017, the number of homes built for social rent nationally reduced by 97%, from 36,700 in 2010/11 to 1,102 in 2016/17 (Brown, 2018). In addition to this, the Welfare Reform and Work Act 2016 obligated social landlords to reduce their rents by 1% over a four-year period from 2016 and a raft of welfare reforms have increased pressure on providers to ensure they maximise rental income and collection, leading in some quarters to more stringent affordability tests for prospective tenants (Scanlon, et. al., 2017; Rowe and Wagstaff, 2017).
- The Right to Buy for local authority properties has also contributed to a vast reduction in council stock, with recent analysis revealing that the increase in discounts to tenants has led to a significant shortfall in the building of replacements (Barnes, 2017).

- ✚ As the biggest stock-holding local authority in Europe, with over 10,000 people on its housing register (Thompson, 2018) the Right to Buy has had a marked impact on Birmingham, with only 803 replacement homes started with Right to Buy receipts of the 2,627 sold since 2012/13, despite the fact that Birmingham Municipal Housing Trust, the authority's housebuilding arm, has built 20% of all new homes in the city since 2011 and since 2009 has built more council homes than any other UK authority (Barnes, 2017).
- ✚ The policy context within which exempt accommodation in Birmingham currently sits suggests that, short of wholesale structural and policy change, the use of this sector may continue, if not increase, into the future, due to the lack of suitable alternatives for low income or excluded groups and the clear incentives to let a property under exempt provisions, rather than at Local Housing Allowance Rates.

## Regulation and Oversight

- ✚ The 'exempt' sub-sector in Birmingham is made up of a complex network of providers and arrangements, the nature of which often impacts upon the level of control, regulation and monitoring local authorities and governing bodies are able to exercise, and thus what assurances around adult safeguarding and resident safety are available.

## Housing Benefit

- ✚ 'Care, support or supervision' is not clearly defined in the regulations, although case law has provided direction, decreeing that this must be 'more than minimal' or 'more than trifling' (Boath, et. al., 2010; 14). Aside from fulfilling this requirement at the point of claim, providers utilising these regulations are not subject to any comprehensive scrutiny or proactive monitoring and review.
- ✚ From a Safeguarding perspective, Housing Benefit Regulations do not, in themselves, take into account the suitability or adequacy of the 'care, support or supervision' for an individual claimant, the professionalism or otherwise of the provider, the conditions and standard of accommodation or any associated effects on risk or wellbeing from a claimant's living environment.
- ✚ Birmingham City Council Housing Benefit department have acknowledged that processing these claims is a difficult and time-consuming process and that they do as much as they are able to verify that the landlord or organisation is providing support and is equipped to do so,

but that this is largely a ‘paper-based’ exercise as they have such large caseloads set against relatively small staffing resources.

- ✚ There is no obligation for accommodation providers to ‘prove’, or document, how they pay for the support they provide. Rents charged by those qualifying as providing ‘exempt’ accommodation are not intended to cover the cost of providing the care, support or supervision, with support costs removed from Housing Benefit altogether in 2003, after the introduction of the Supporting People funding programme. However, since the retrenchment of the Supporting People programme nationally, support costs have been ‘creeping back’ into rental costs and service charges, largely as ‘intensive housing management’.
- ✚ It was not at all clear how the providers interviewed for this research were covering the costs related to providing support, and it is timely that central government are carrying out a review of housing-related support to gain more clarity on how current rental yields for ‘exempt accommodation’ are being utilised and to achieve better clarity – and parity – between level of support provided and rental and service charges.
- ✚ It is also important to note that non-commissioned provision in Birmingham is not based on any strategic needs assessments or local planning around service provision. In effect, as long as a provider meets the criteria for ‘exempt’ provision, they are able to set up and, in many cases, continue to grow their stock. This creates the position where some providers feel pressure to fill their voids, relaxing access criteria or widening their referrals net to include an increasingly diverse range of clients and referral points, which has wider implications for client safety.
- ✚ Other local authorities such as Medway and Bristol have, in the past, put in place robust strategies to assess, monitor and, when appropriate, restrict the growth of exempt provision. Medway’s approach took an ‘invest to save’ model; employing more benefit staff and retaining specialist lawyers in order to challenge what they perceived to be illegitimate claims; limit rents and monitor provision.
- ✚ However, it is pertinent to note that many of the authorities who have taken consistent action were dealing with ‘exempt’ accommodation not run by Registered Providers, and so were losing millions of pounds of subsidy; arguably a strong imperative for change and one that Birmingham, with its disproportionate amount of Registered Providers utilising ‘exempt’ provisions, which allows for 100% reclaim of subsidy from the Department of Work and Pensions, does not have.
- ✚ Nonetheless, it is inescapable that the current regulatory system allows large sums of public money to be ‘signed off’ without any assessment, or assurance, that the services being claimed for are being provided and proposed policy intervention often erroneously focuses on the provider or the accommodation, rather than the claimant, who actually holds the entitlement.

## Regulation of Social Housing

- ✚ There are a number of Registered Providers of social housing operating within Birmingham and, solely or predominantly, letting accommodation outside of commissioning arrangements and under the 'exempt' provisions of Housing Benefit. In addition to this, there are a number of charitable or non-profit bodies, of various forms, also providing accommodation under these provisions, with some operating under a Registered Provider, and a smaller number operating independently.
- ✚ It is estimated that about 90% of the 'exempt' subsector in Birmingham is now under the purview of Registered Providers.
- ✚ Although many of these units will fall under the governance of the Regulator of Social Housing (previously the Homes and Communities Agency), the Regulator itself has not, in the past, carried out any proactive monitoring or investigation into their activities, or previously concerned itself in any depth with regulatory matters far beyond financial governance and viability (Lund, 2017).
- ✚ As the recently published government social housing green paper acknowledges, regulation of the Consumer Standards is not rigorous and is reactive, with the enforcement of standards relying on the threshold of 'serious detriment', or serious harm, to tenants due to a breach of standards (MHCLG, 2018). In addition, Registered Providers operating less than 1000 units are currently subject to much lower regulatory engagement, having only to complete the online statistical data return annually.
- ✚ As it stands, the fact providers may be, directly or indirectly, under the auspices of the government Regulator does not appear to give assurances about adequate levels of accountability, monitoring, support and safety considerations for a largely vulnerable and excluded client group.

## Regulation of Multiply Occupied Housing

- ✚ Houses of Multiple Occupation operated by Registered Providers are, under the Housing Act 2004, Schedule 14, exempt from statutory licensing conditions, which includes any additional or selective licensing a local authority may apply to the Secretary of State to implement. HMOs under Registered Providers are also exempt from the Management of Houses of Multiple Occupation (England) Regulations 2006, which governs the way such premises are managed.
- ✚ This gap in legislation means that Registered Providers, who are subject to minimal, non-proactive regulation of consumer standards, which require an incredibly high threshold for enforcement, and are only required to provide very minimal evidence to Housing Benefit of

the services they provide to very vulnerable residents, are also not required to adhere to any standards or requirements around letting a multi-occupied place of residence.

- ✚ All properties in the 'exempt' sub-sector will still be subject to the Housing Health and Safety Rating System (HHSRS) and any reported breaches of health and safety or disrepair will be dealt with by the local authority in the usual way. However, as there is little proactive means of enforcement or monitoring for local authority private sector housing teams, remedial or enforcement activity will rely disproportionately on vulnerable resident complaints, most of whom will be living lives of precarity under licence agreements.
- ✚ It is also important to note that local authority enforcement powers can assist with the monitoring of physical standards and management arrangements, and provide greater checks on those managing HMOs if licensable, but will have limited powers and, arguably, limited specialist skills to recognise, tackle or challenge referral and assessment procedures or the psychosocial environments experienced by clients.
- ✚ The 'exempt' sub-sector in Birmingham, as a whole, suffers from what can best be termed an accountability deficit. Various legislative, regulatory and situational caveats render any centralised or co-ordinated monitoring and quality assessments of care and support and risk management activities difficult.

***“It feels like you are not doing your job, because you’re unable to do your job if that makes sense? We’re quite comfortable with private landlords because we’ve got lots of brilliant landlords but when we find a bad landlord we have the legislation to prosecute and that sort of stuff but with [exempt providers under Registered Providers] it’s totally different, you’re almost helpless with the stuff you’d really like to get involved with”***

(Local authority expert stakeholder)

- ✚ Arguably, beyond enforcement of physical standards, this is a situation not too dissimilar from the deregulated private rented sector, which increasingly houses disadvantaged and vulnerable adults who might previously have accessed social housing. However, the fact that 'exempt' accommodation in Birmingham overwhelmingly houses some of the most vulnerable and at-risk individuals in society, whilst utilising high rates of publicly-funded benefits within a regulatory system which allows large sums of public money to be 'signed off' without any assessment, or assurance, that the services being claimed for are being provided, has ensured that the issue has crept up, and remained on, the agenda for many groups within Birmingham.

## Locating Supported Exempt Accommodation Along a 'Pathway'

- ✚ Homelessness and accommodation-related support provision in the UK has traditionally taken a 'linear' or 'staircased' approach, with clients progressing through a series of housing, support and treatment services until they are 'ready' for independent accommodation, with Housing First or 'treatment first' increasingly viewed as the antidote to such 'merit-based', conditional approaches, particularly for more entrenched, or 'complex', client groups (Jonsen and Teixeira 2010; Homeless Link, 2015).
- ✚ Commissioned accommodation and support services for 'single homeless' people in Birmingham currently broadly follow this tiered or 'pathway' approach. Prevention services are provided by commissioned referral hubs and floating support services, alongside 'direct access' and 'step down' accommodation provision designed to precede the intended entry into settled and independent accommodation, although the Housing First Pilot funding recently awarded to the West Midlands region will alter this landscape when fully devised and implemented.
- ✚ Discussions with stakeholders and clients suggest the sub-sector is being utilised to facilitate times sensitive and emergency, or crisis, placements for those who are or would otherwise be 'roofless', right through to more planned prevention activity for those who are unable to remain in their current accommodation for any length of time; alongside 'step down' or 'recovery' for those on a pathway to stability and independent living, with the system being weighted disproportionately towards the 'crisis' end. This broad utilisation of the sub-sector and the perceived lack of clarity this engenders was viewed as problematic for navigating clients through the sector and ensuring suitability and sustainability of placement.

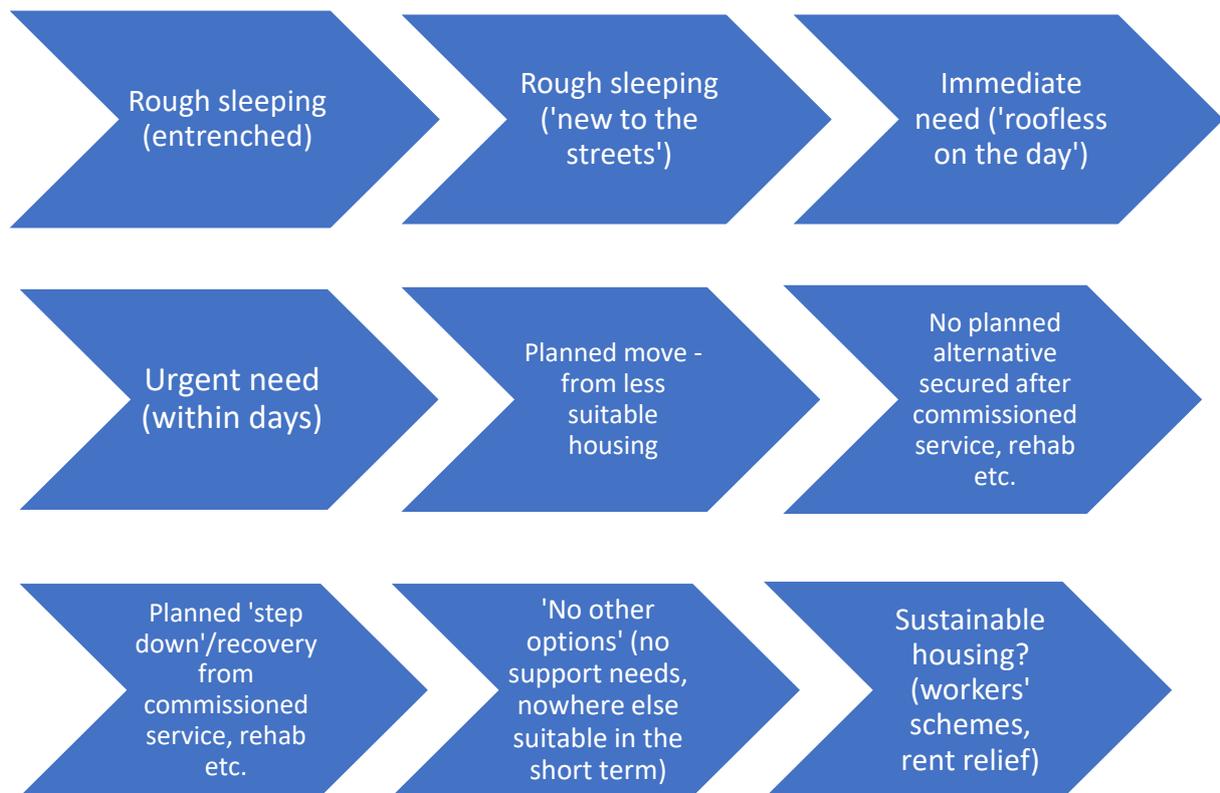
***"I think we tend to be reactive with the crisis as and when they walk in"***

***"Very rarely do I get a section 21 or evicted in one or two months. Usually it's on the day, because that is what they are advised to do by a service most of the time".***

(Referrals agencies)

- ✚ It was suggested that referrals hubs for under 25s within and just outside of Birmingham 'work well with prevention' which may be due to the variance in drivers for homelessness within this client group, and the fact that such hubs are multi-agency ventures, providing specialist, holistic services under one roof.

- ✚ One accommodation provider summarised the difficulties they have with ensuring their provision meets need effectively and adequately aligns with commissioned services, suggesting that referral systems were not enabling them to function as they intended: *“We have the step down, we have the people and we feel we are getting direct access referrals as the hostels are full so [agencies] refer directly to us and we feel and always have that the big hostels should use the move through to us so freeing up the beds for direct access, but we don’t see that at all right now but what we are getting are the guys who can’t get in there”*



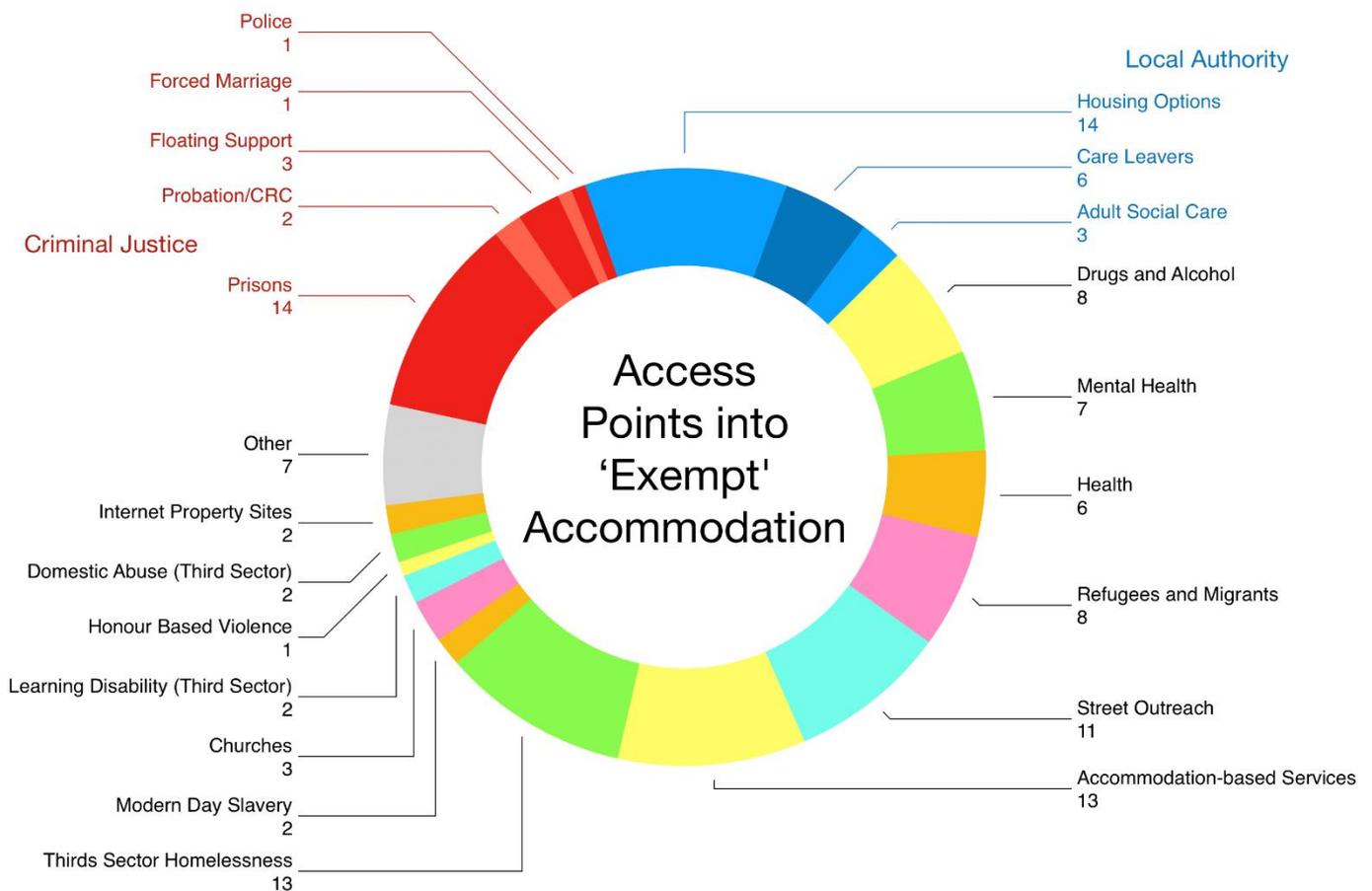
From crisis to resettlement: supported exempt accommodation in Birmingham, possible entry points along a pathway.

- ✚ It is clear that the lack of clarity and transparency about what the ‘exempt’ sub-sector is offering can be confusing for both practitioners and clients, potentially hampering effectiveness and safety of placement and rendering the sector difficult to navigate. Overall, the need for accommodation, and the lack of feasible alternatives, rather than the need for a certain type of safe or supportive environment, often appears to be the overriding factor driving placement or access.

- In terms of risk mitigation, safety and wellbeing, it is important to consider the multi-functioning of the 'exempt' sub-sector, and the fact that, for example, what are essentially small, residential shared houses are potentially being utilised to provide both immediate relief for roofless, or entrenched, individuals and a 'step down' or 'recovery' from a period in more structured and institutional settings. The ability to mitigate for personal risk and ensure safety and wellbeing within, particularly, smaller, shared houses catering for a wide range of needs and 'journey points' may be difficult without clarity and focused strategies around governance, management and support planning, in alignment with wider local and regional authority plans and strategies.

### Access points

- The absence of a single, or co-ordinated, set of entrance points, the relative speed of access and the often low 'conditionality' attached to entrance criteria have contributed to the formation of an increasingly vast and diverse network of referral points into the 'exempt' sub-sector.



- ✚ Referral 'points of origin' are possibly wider than expected; with investigation uncovering 129 different points, many outside of Birmingham. This figure is caveated by the fact that data collection, by virtue of the hidden, untracked nature of the system, was not methodologically comprehensive or robust, and based on information from a wide range of stakeholders. It is highly likely the figure of 129 is a vast underestimate.
- ✚ In total, and excluding internet property sites and word of mouth, which potentially contain an unlimited number of geographical points of origin, 46 of the 129 referral points identified were situated outside of Birmingham
- ✚ Criminal Justice-based organisations and local authority departments were by far the two largest clusters of referral categories, although it is important to note that in both instances, the majority of referring organisations were from outside of Birmingham. For example, the 'Local Authority' category included five Care Leavers' teams from within the wider West Midlands conurbation and eleven Housing Options departments from within the wider West Midlands conurbation, alongside two from South East England. The 'Criminal Justice' category included direct referrals from fourteen prisons, several of which were outside of the West Midlands and Staffordshire prison estate.
- ✚ Anecdotal evidence from a range of stakeholders also highlighted the phenomenon of what one stakeholder referred to as the 'sweeping up' of people from a range of known 'hotspots' for those potentially in need of accommodation; that is, providers effectively picking people up off the streets without prior arrangement and taking them directly to the accommodation. However, as this information was difficult to substantiate, it was not included in the referral data.
- ✚ In more general terms, practitioners were focused on the impact the vast number of potential referral routes had on their ability to negotiate with providers around standards, set the highest service level expectations and create a form of market stewardship by diverting referrals away from those who were deemed a potential risk to clients, or did not meet expectations.
- ✚ None of the accommodation providers interviewed had a 'local connection' policy restricting access only to those with a connection to Birmingham, or a referrals policy restricting access to a select number of 'trusted' partners that they exclusively dealt with. Anecdotal and practice-based evidence suggests that this lack of local connection criteria is representative of the sub-sector as a whole.
- ✚ Referring practitioners did not adopt a critical or 'gatekeeping' stance towards out of area referrals, remarking instead upon the perceived risks inherent to agencies referring into Birmingham without the local knowledge, understanding and intelligence they had built up through years of operational and partnership working and through informal communities of practice.

- ✚ Many referring agencies outside of Birmingham have never seen the accommodation they refer to or met the accommodation providers (although this is not a phenomenon restricted to external-to-Birmingham agencies). This seems to be particularly true of local authority housing options teams and those prisons who refer directly.
- ✚ Referring agencies in Birmingham often rely on local knowledge and their own professional experience to help guide their referrals, whilst acknowledging the sector is too vast, unregulated and ever-changing to really be able to perform due diligence on the providers they refer into.
- ✚ External-to-Birmingham agencies do not possess any local knowledge and several Birmingham-based stakeholders expressed grave concerns about some of the providers prisons, in particular, were referring directly to; providers they would never use due to their poor reputation.
- ✚ The Duty to Refer under the Homelessness Reduction Act, obligating certain public bodies to refer, with consent, anyone they come into contact with who is homeless or at risk of homelessness within 52 days, may reduce the amount of 'crisis' or unnotified placements and referrals into exempt accommodation in Birmingham and introduce a greater level of prior assessment and joint working between agencies. However, the prevailing notion that there is a stark lack of suitable and affordable alternative options for those residing in, or returning to, Birmingham, and for those from outside areas, leaves a large question mark over whether this new Duty will lead to a reduction in the utilisation of exempt accommodation in Birmingham for clients who come into contact with public bodies.
- ✚ Follow ups of placements by referring agencies were rare, unless the agency had a previous or ongoing support relationship with that client.

## Referral Practices and Processes

- ✚ Some referring agents had never seen the properties they referred to or met employees from those providers. Those that had done so still recognised the element of trust implied, and the risks they often felt forced to take, due to the sheer number of properties and the lack of understanding and insight into providers' management, assessment and support arrangements.
- ✚ Due to the various constraints upon practitioners, much of their knowledge and practice around referrals to providers was based on experience and acquired knowledge, incorporating a necessary level of intuition, trust and professional perception.

- ✚ Providers and referral agencies believed that the more urgent, or time-sensitive, a referral was, the more difficult it was to conduct sufficient checks and be assured they had placed correctly, and safely. Referral agencies believed that, the later in the day the referral was, the less options there were available, meaning they felt forced to use providers they were less sure about.
- ✚ The larger referral points suggested crisis and late referrals were often forced upon them to deal with by statutory agencies such as hospitals, and crisis point placements were also an issue for criminal justice-related agencies, with the ‘Friday afternoon syndrome’ of prison release.
- ✚ Several accommodation providers said they tried not to house ‘on the day’ as it was problematic, and not what they felt should be part of their model, but often felt pressured to do so if that person would otherwise be roofless, or because it may affect their business by losing them key referral agencies.

***“We are really trying to move away from same day referrals as we are not an emergency hostel but if we don’t take on the day we start to lose them all as another provider will do an immediate placement so there is balance there and we have tried to make it more of a process”***

(Registered Provider)

- ✚ Those with lived experience overwhelmingly felt that they had little to no choice over where they were referred to, with some adhering to the perception that refusal would mean that they would be denied further assistance.
- ✚ Referring agencies largely felt that the lack of transparent knowledge of providers and what they offered was a barrier to offering any real choice or options to clients and that many clients, at the point of referral, were too distressed, traumatised or in desperate need to take account of information around rights and responsibilities.
- ✚ In terms of having a range of options and enabling suitable placements, referring agencies’ efforts were often hampered by a lack of knowledge and awareness of what support packages providers offered. Most felt that providers were not transparent about this, and several referring agencies related the level of rent charged to their expectations around the level of support.
- ✚ Providers’ descriptions of support were not prescriptive and, whilst most suggested they were ostensibly there to give ‘housing-related support’, they also gave emotional support and sought to tailor the level of support and engagement to the individual client. More tellingly, both referring agents and, more reluctantly, providers acknowledged that clients

accessing exempt accommodation often had no discernible 'need' for supported accommodation but due to a sheer lack of other options, were forced to access the sector.

## Resident 'Mix'

- ✚ Referral agency opinions of whether providers sufficiently considered risk and appropriateness of client mix at referral and assessment stage was largely negative, although a minority felt some providers were excellent at this aspect, and that others made a concerted effort.
- ✚ Many referring agents, however, felt that filling a bed or a void was often, ultimately, the key driver to providers accepting a referral, and that some would relax their criteria if voids were high.
- ✚ Almost all of those with lived experience focused on the mix of residents within shared properties as key to defining their experiences, with some suggesting that accommodation providers cared more about 'filling rooms' than achieving appropriate mixes, with no residents reporting that they had any say or control over who moved into the property when voids became available.
- ✚ Providers suggested that they do take resident mix into account as best they could, although it wasn't an 'exact science' but felt that, often, referring agencies didn't understand why they were unable to accept a client due to not having a house they felt wouldn't pose a risk to the client or to others.
- ✚ There were, amongst referrers and providers, no 'clear lines' about client mix criteria at the point of referral and assessment, with ensuring a female was not put in an all-male house, not placing young people within an 'older household' and considerations of drug and alcohol use being the only two consistent and firm sets of criteria that referring agents and providers both expressed.
- ✚ It is clear that some providers do require more training and awareness of appropriate mixes in accommodation. Issues disclosed during the research included a domestic abuse victim placed in a property and very soon after her perpetrator was placed in the same unit, violent male offenders placed with vulnerable women, gang nominals housed with rival gang nominals, and teenage women in houses with predominantly older men.
- ✚ Amongst the referring agencies and providers interviewed, there is currently a wide variety of assessment forms and processes, with no consistency amongst referring agents or providers; something which was highlighted as an issue by, particularly, providers, several of whom expressed a desire for a common assessment form from referral agencies.
- ✚ There was a distinct perception that the nature of repeated exclusion from services for those with 'higher' or more 'complex' needs has, in effect, designed honesty and openness out of

the referral and assessment system and that there was a large level of risk, trust and chance involved.

*“Yeah, I’ve had a couple of places say no when I got there, because I was using. I was honest with them and then they said we don’t accept using addicts here and I can understand why so...and it gets harder and harder to get a place. They give you the crap: the crap areas where nobody wants to live, and you’d be shocked, the places I’ve lived in”*

*Interviewer: So, it sounds like when you’re honest about your issues...*

*Yep, you get put at the bottom of the pile”*

(Scott, former resident, currently rough sleeping)

- ✚ Referrals and assessments, outside of those carried out by criminal justice agencies, can only really uncover what an individual is willing to disclose, and in a system that has effectively ‘designed out honesty’; penalising people for being candid about their problems by either refusing access or shunting people into the least desirable accommodation, it is increasingly difficult to use initial assessments as a gauge of suitability, need and risk.
- ✚ There is certainly a strong case for guarding against the penalisation of individuals for failing to fit into acceptable and manageable categories of ‘need’ and ‘risk’, but this must be balanced with an imperative to safeguard individuals who are living in, often, small-scale units without 24-hour supervision, suggesting a stronger place for consistent, and more psychologically informed methods of assessment across the sector and stronger awareness of the notion of ‘risk enablement’ within Adult Safeguarding practice (see BSAB, 2018).
- ✚ Providers suggested wide discrepancies in the quality and ‘honesty’ of the referrals they received from referring agencies, with some being accurate and well-rounded, and others patchy or erroneous. Most acknowledged it would be difficult for referring agencies to ever really ‘know’ a client at assessment stage, particularly if they were not previously known to the agency.
- ✚ Providers felt that certain referral sources provided more comprehensive and useful assessment information and that referrals from criminal justice agencies were usually the most comprehensive in terms of risk information, but even then, this did not necessarily determine how problematic or ‘risky’ tenant would turn out to be.
- ✚ Terms such as ‘low’ ‘medium’ or ‘high’ risk and need were used by providers to illustrate the nature of the client group they felt able to house or manage, with most suggesting they take

'low to medium' with a smaller minority taking 'medium to high'. However, it was unclear what this terminology meant in practice, with 'high risk' or 'high need' most often cohering around serious offending histories, histories of violence and chronic drug and alcohol abuse, but the distinctions between categories were somewhat elided, subjective and differed between providers.

- ✚ Clients felt the questions asked at assessment were quite routine and many had become used to the types of things they would be asked: what one client referred to as 'just the usual questions'. What was asked of them at referral and assessment stage was less of a consideration than the fact they felt they were not provided with enough choice, or information, or guidance to enable them to make a decision about a property.

## Systemic Exclusion

- ✚ Amongst referring agencies there was an overwhelming perception that services commissioned by the local authority; which were perceived to provide higher levels of assurance over the quality of support and accommodation, and which often had 24-hour staffing and more rigorous regulation and oversight, were either unable or unwilling to accept clients who posed a higher risk, or who had higher support and welfare needs, or a history of non-engagement.

***“I personally think the SP-funded places, they get the enhanced housing benefit so double money going into the project, SP funding paying staff wages and the enhanced benefits for the housing costs, so they should be taking the higher risk, or higher support needs, but that is not happening”***

(Young Persons' Service)

***“The supported accommodation providers should be the direct access hostels, but they are saying ‘oh this person is too high needs or high risk’. The Supporting People funded ones and that is where we struggle, and you think, ‘this person actually needs that type of supported accommodation’ and so we are having to look for shared in the private sector or alternatives as they are not being accepted”***

(Large referrals hub)

- ✚ There was a corresponding sense that the higher the perceived needs of, or risk posed by, the client, the less desirable the options; something that was particularly true for high risk offenders and those with chronic or problematic substance misuse or mental health issues. This left agencies with two very stark options: placing clients somewhere they knew was problematic or leaving them on the streets.
- ✚ This meant that practitioners acknowledged the need for non-commissioned providers, particularly those that were willing or able to take the most complex or entrenched groups and were grateful that these clients had somewhere to go. However, this recognition that providers were desperately needed – even the poorer ones – often precluded agencies from tackling problems as they would like, and meant they worked hard to maintain links.
- ✚ A more pertinent question, perhaps, is whether providers who, in reality, are merely required to pass through fairly minimal Housing Benefit regulations are always adequately equipped to effectively and safely manage small, shared households that often contain individuals who are experiencing deep social exclusion and a range of complex issues, and who have been excluded from more mainstream, regulated and monitored provision.
- ✚ Referring agencies in particular also acknowledged that the forced use of ‘exempt’ shared accommodation, that was inappropriate for such complex and high needs groups, was causing individuals to experience challenging environments, giving them a poor opinion of shared accommodation, and effectively closing this off as a future option.

***“Some people who are homeless, they stay homeless for a reason as they don’t want to get caught up in this system we have here, this system of shared accommodation, they’re more unsafe there than they are on the street”***

(Anthony, former rough sleeper)

- ✚ Most referring agencies felt providers may not have the necessary specialist skills or training to enable them to detect risk factors and behaviours for vulnerable women, although one referring agency did feel the female-only accommodation she utilised appeared to be better managed. Whilst some providers interviewed did have female-only accommodation, this household type stood out overall as the hardest to manage and had deterred several from expanding this model.
- ✚ Registered sex offenders were a high-risk, and growing, group that brought particular considerations and concerns, with a clear shortage of providers willing to accommodate sex offenders.

- ✚ There also appeared to be a level of opposition between criminal justice agencies around concentrations of sex offenders in localities; which often either further limited accommodation options or created tension between agencies.
- ✚ Those providers who accepted sex offenders appeared to have good communication with local policing teams and sex offender managers, although there was at times a tendency for providers to homogenise all sex offenders and to focus on either not having too many in one house, or on making sure they weren't near a school, seemingly regardless of offence, and rather than on the particular considerations of managing a house with one or several sex offenders may entail, separate from basic risk and restriction information at referral point.
- ✚ The apparent high density of high risk offenders living in shared exempt accommodation in Birmingham, set against the exemption of MAPPA level 2 and 3 offenders from the Shared Accommodation Rate of Local Housing Allowance due to the high chance of shared accommodation being unsuitable for this group, creates a distinct, but deeply concerning, irony.

## Partnerships

- ✚ There have been various attempts to approach concerns around 'exempt' providers from a multiagency perspective. These meetings are often somewhat stymied by debate or uncertainty around who has overall 'responsibility' or 'remit' over the issues at hand and the lack of robust regulatory or enforcement powers open to agencies. Such concerns are often reported or brought to light by referral and support agencies.
- ✚ Stakeholders often have competing and conflicting opinions over the efficacy or suitability of accommodation providers and this can often be down to internal perception, area of professional remit or previous experiences of referral and reported client experience. Due to the lack of externally-driven standards of property condition, support, safety, professionalism and management arrangements within 'exempt' accommodation, it can be difficult to take any concerted action.
- ✚ Much of the current informal 'regulation' of the sector is carried out by referring agencies, who use their professional and practical experience to help guide which providers to use, and which to avoid. However, there is a lack of information-sharing within the sector and the City around which providers have caused concern, with two commissioned services or two statutory bodies often working against each other; with one placing a 'block' on referrals to problematic or perceived to be unsafe providers whilst the other, possibly unwittingly, continue to utilise this provision.

***“I do feel that enforcement is left to the people like us, the people in the sector who are already stretched, and it’s not really our job but we’re doing that”***

(Referrals hub)

- ✚ The Non-commissioned Supported Accommodation Practitioner Forum and Standards Board (PFSB) has, at the time of writing, had two meetings. This forum was set up in May 2018, and involves a range of agencies from referral points, local authority departments, statutory agencies and third sector support agencies coming together to discuss common concerns, agree priorities and take collaborative action. It is the intention of this group to help steward referrals to the most capable and trusted providers, share relevant information, co-produce helpful documents and materials, and engage with those providers who are not, currently, perceived to be working in a way that is conducive to personal safety and wellbeing.
- ✚ In the absence of more formal regulatory powers and standards, the PFSB provides a vital action-orientated space to share practice and produce a collaborative vision for the sub-sector and will be in a key position to help shape any future oversight regimes by providing illustrative examples of the reality of the situation ‘on the ground’. The PFSB also gives much-needed time and support to referral agencies who are often left to navigate this sector unaided.
- ✚ Accommodation providers are, in the main, not included in City forums and practice spaces and are, in essence, disengaged from wider strategic plans around homelessness and Safeguarding but all interviewed expressed a desire to be more actively informed and involved.
- ✚ Many accommodation providers are aware that they are perceived negatively and are reluctant to engage in forums as they constantly feel ‘on the defensive’ and thus unable to engage equitably.
- ✚ There are currently no avenues or forums for client voice, empowerment and feedback within the non-commissioned exempt sub-sector, despite the fact many referral agencies rely upon client feedback to help navigate the sub-sector and guide perceptions of provision. This can be contrasted with Supporting People funded, commissioned services, which have a baseline in user engagement as part of the Quality Assessment Framework.
- ✚ Overall, the lack of strong or coherent partnerships within and around the exempt sector, and a lack of clarity over information-sharing, is proving a barrier to stronger oversight, joint-working and attempts to remove some of the opacity that often appears to lead to mistrust.

## Through the Front Door: Life in 'exempt' accommodation

- ✚ Research interviews found that lived experience of exempt accommodation was largely negative, with most residents feeling forced to share, either due to a lack of any other options, or a lack of options being presented to them at a point of access.
- ✚ Experiences of actual or threatened and perceived harm and violence were common, alongside a loss of control and security within shared accommodation; consistent problems with substance misuse; inappropriate mixes of residents and ensuing detriments to mental health and wellbeing.
- ✚ Some residents had positive experiences within shared contexts, particularly in terms of the friendships they formed and the respect and care they received from staff, although these interviewees had all lived in more than one shared exempt property; ultimately experiencing a negative situation in one before finding somewhere more appropriate, and conducive to their safety and progress.
- ✚ It is important, also, to note that physical condition of properties was mentioned by some of those interviewed; with stories of rats; filthy kitchens; used needles; dirty or soiled bedding, showers and carpets all experienced to varying degrees. Most felt their complaints were not addressed or felt providers were often too slow to act upon issues and in most cases, residents moved to another property in response to physical standards or conditions.
- ✚ Resident interviewee complaints around physical conditions were largely dwarfed by concerns over who else was living in the property, and how safe and supported people felt within their environment.
- ✚ Referral agencies did note concerns around physical standards, although several commented that properties 'willing' to take complex and high-risk individuals were likely to suffer greater levels of wear and tear, and that allowing for this whilst still maintaining high standards and feasible options for such groups was a very difficult balance to achieve.
- ✚ Some residents had managed to form positive relationships with other housemates, but whether this was down to chance, or to design, was difficult to ascertain. Others felt it was very hard to try and form any relationships as they did not know who else they lived with and so felt trepidatious, or felt other residents were suffering from issues too complex or frightening for them to be able to communicate effectively.
- ✚ Issues around substance misuse were ubiquitous, with many asserting that living with drug users impeded their own recovery, left them feeling unsafe, or precluded effective communication with housemates.

- ✚ A lack of privacy; of control over space or housemates and an uncertain, sometimes threatening, environment led many respondents to isolate themselves, whilst others felt the forced social interaction of their accommodation caused difficulties for their wellbeing and feelings of autonomy. In order to manage this, interviewees spent a lot of time locked in their room or away from the property:

***“I feel like I am locked in a room. I have no social life and I get no sleep, like I am an automatic machine and I want my freedom”***

***“Literally everyone just locks themselves in the room and the majority of people have come out of prison or have mental health problems so obviously that’s the type of property it is, but it feels like everyone else...sometimes I do feel quite scared to go back into the property”***

***“A lot of the time, this shared house I was in, I just went home to bed. Stay out all day no one should be put through that and it really done my head in, know what I mean?”***

(Current residents)

- ✚ In some senses, the high levels of self-isolation reported can be viewed as a reaction to uncertain surroundings, the loneliness engendered by not knowing anyone else in the property or surrounding area and of the isolating experience of homelessness more broadly. However, it could also be viewed as a self-protection strategy – part of a number of behaviours residents reported in order to keep themselves as safe and well as possible.
- ✚ Some residents reported changing their routines and behaviours, becoming practised at hiding when they received their benefit money or attempting to cook or smoke when they knew they would not be ‘hassled’ to share their already limited resources.
- ✚ The sense of ‘putting on a front’ and having to be someone you are not in order to live safely in shared accommodation also appeared to have profound, and deeply concerning, effects on mental health, with the duality of personhood developed to survive in uncertain shared contexts ultimately resulting in psychological crisis.
- ✚ Alongside self-protection strategies and perceived or actual breaches of privacy, residents reported a number of incidents where their safety was threatened or breached, or where security measures within a property were possibly insufficient to keep them safe. Three

residents reported that they had lived in properties with no lock on the bathroom door, with one of these residents a female and living in a mixed sex household. Others reported frequent thefts, never knowing who was actually supposed to live in the property, frequent and disruptive visitors, who often engaged in drug use or illegal activity, and police raids.

- ✚ There were various means and strategies by which residents dealt with actual or perceived threats to their safety and wellbeing, with the majority having received assistance from an outside support agency to move to another provider. A smaller number received help from the original accommodation provider to find a more suitable alternative or were currently still living where they felt uncomfortable or unsafe but were unwilling to complain or felt nothing was ever done.

## Safeguarding

- ✚ Most providers interviewed had Safeguarding policies, although one newer provider said it had not been their primary concern initially, although it was 'moving up the list of priorities'. Some had received training, but it was not clear how regularly this was updated.
- ✚ All providers recounted difficulties within their properties, from more benign resident disputes to violent or criminal activity, with one provider claiming that police call-outs to their property had vastly reduced as they had gained in experience and expertise. Several providers had dealt with issues themselves, recognising and responding to risk during the course of their housing management duties.
- ✚ Several providers had attempted to raise Safeguarding concerns with the local authority, or harness multi-agency responses for more complex cases, and all expressed how protracted and difficult this process could be. Some providers felt that when a resident was deemed to 'have capacity', they were left to deal with the situation alone.
- ✚ There was a common perception amongst accommodation providers that social workers merely looked at the client 'having a roof over their head', rather than at the wider wellbeing implications of that roof.

## Support

- ✚ Client attitudes towards staff within properties varied, with several reporting incredibly positive relationships and of feeling valued, calling staff 'awesome' 'A1' and 'really helpful', although others did note that they did not feel their support worker had the requisite experience or had too large a caseload to give them the time and attention that they required.

- ✚ Practitioners, expert stakeholders and referring agencies also expressed concerns about exempt accommodation support staff capability and capacity, although to a far greater extent. Many suggested, in general, that support worker turnover seemed high, that caseloads were often equally as high, staff often seemed inadequately equipped to deal with the more complex and high need clients that were referred to them, and that often professional boundaries were lacking, sometimes putting clients and staff at risk.

***“I have noticed there is a high turnover of staff within support organisations, quick burnout rate...imagine a caseload, complex needs, which should be smaller anyway, having 45 people you are trying to work with. Constantly fire-fighting so the client don’t get stability in the accommodation, no consistency as the staff turnover is so high but it is, and those workers are holding so much risk. We see people once a week, twice a week and do risk analysis with them but imagine if it’s in where they are actually living”.***

(Complex needs service)

- ✚ Clients’ experiences of what they perceived to be support varied, although it was difficult to ascertain what ‘good’ or sufficient support would be; usually being defined by interviewees as listening, showing kindness and assisting with practical tasks. Almost all interviewees had lived in more than one ‘exempt’ property and had experienced little to no support at some point, with some feeling they had only really seen support workers ‘when they collected the service charge’.
- ✚ Over half the interviewees had experienced positive and consistent support and suggested that the emotional support was the most beneficial aspect and helped with the difficulties of experiencing homelessness and living in shared or temporary accommodation.
- ✚ External support sources were, on the whole, viewed more positively by residents and whilst there was no defining reason for this, reflection from providers on the duality of support workers’ roles provides some insight into the difficulties of the support relationship in exempt properties. Some providers commented on the tensions between providing support and carrying out housing management tasks like rent collection and evictions within the same role, feeling that the existence of the latter acted as a barrier to strong, trusting and open support relationships.

## Move On

- ✚ The central focus of this research was not to robustly assess or evaluate the efficacy of exempt accommodation in enabling individuals to transition out of homelessness and into independence. However, it is important within a context of safety, risk and wellbeing to set out some of the issues around 'move on' and the potential implications of individuals becoming effectively trapped, or stuck, in accommodation that is no longer suited to them, alongside related concerns that unsuitable environments are impeding an individual's ability to progress.
- ✚ Of those interviewed, three had recently moved into independent accommodation, whilst two others felt they would secure independent accommodation by then end of the year. The three that had moved on felt they had done the majority of the work to help themselves, by registering with housing associations and using their external support networks.
- ✚ Referring agencies felt that some providers were not motivated to assist individuals to move on, as this would mean more voids and a subsequent loss of 'guaranteed income', whilst others recognised the numerous and significant barriers to moving people on, suggesting that the distinct lack of realistic and affordable alternative options caused individuals to become trapped in environments that were potentially detrimental.
- ✚ It is clear, too, from interviews with residents and referring agencies that it is much more likely for individuals to be 'cycling around' shared accommodation for extended periods of time, rather than achieving a clear and linear progression through it, often due to an inability to find a suitable, safe environment that was conducive to their needs, wellbeing and progress:

***“The clients I speak to they feel like they don’t have a voice, they don’t know where to go, in a cycle and can’t move forward with education, working because they are banging their head against a brick wall, their opinions don’t matter, we try to advocate but they are so dismissive about shared accommodation and they all say we want our own property because they know what shared accommodation is like...everyone knows”***

(Support agency)

## Conclusion and Recommendations:

- ✚ Preliminary investigation into a complex, undocumented and previously unresearched area will perhaps unavoidably pose more questions than it answers, and it was not the intention of this work to provide definitive 'solutions' to such a variegated area of policy and practice; and one that incorporates a wide range of housing, homelessness, welfare benefits, criminal justice, social care, local authority and third sector legislative, policy-driven and regulatory contexts.
- ✚ However, the broader implications of the experiences and practices uncovered in this research for Safeguarding, safety, risk and wellbeing are clear:
  - ✚ Firstly, the vast number of referral routes, particularly from outside of the City, and the heavy reliance on the sector as 'crisis' accommodation are often impeding safe, considered and suitable placements with a necessary, but problematic, shift to 'housing-led' rather than 'safety' or 'suitability' led referral priorities. There is a correspondingly large question mark over the suitability of small, residential shared houses to effectively accommodate individuals with varying needs and at different stages on their 'pathway' to independence.
  - ✚ Secondly, the perceived exclusion of higher risk or higher need groups from local authority commissioned provision, and the distinct lack of alternative options elsewhere, is forcing individuals into a sector that is, arguably, less suited to the requirements of those with multiple and complex needs, with providers who are often less equipped, and arguably less remunerated, to accommodate such risk.
  - ✚ Thirdly, the paucity of cross sector, collaborative working, including with those who live in the sub-sector, and the sense of mistrust that has built up around this largely hidden phenomenon, has prevented effective partnership working that may help to informally regulate and thus improve practice and reduce risk within the sub-sector.
- ✚ All of these factors are compounded by the lack of transparency and clarity around 'exempt' accommodation services and remits, which is hampering both professional and resident ability to choose suitable, safe and risk-assessed accommodation that is conducive to the enablement of wellbeing and progress.
- ✚ The situation in Birmingham is an indictment of a social, economic and policy environment that has narrowed almost out of existence adequate housing choices for low income and vulnerable groups and cut local authority resources to the bone; benefit regulations that are open to subjective interpretation and abuse; housing policy that absolves certain bodies from sufficient regulation, and seemingly unrealistic expectations by some providers about what it entails to manage multiply occupied houses containing a variety of vulnerable, complex or at-risk individuals.

- ✚ As such, and despite the very real, risky, difficult and harmful experiences recounted by residents and practitioners within this research, and the ensuing notion that the very accommodation ostensibly set up to relieve, and to help people transition out of, homelessness is often instead perpetuating and entrenching it, there is, perhaps, an uncomfortable truth to acknowledge. The exempt subsector in Birmingham has grown, developed and in many senses found its indispensability and its client niches; housing many thousands of individuals who would otherwise likely be roofless and, when operating well, provides a valuable service.
- ✚ This research, then, could never realistically posit the closure of vast swathes of units within this sector as a solution to ensuring no one is put at risk, even if this were legally possible, due to the unprecedented strain this would place upon local authorities and services and the disruption this would cause to already difficult and precarious lives.
- ✚ The following recommendations will concentrate on the mobilisation of locally-based action and reform, whilst ensuring the continued collation of evidence and experience is focused on influencing nationally-based reform.

## Recommendations

### Safeguarding Adults:

- ✚ Birmingham Safeguarding Adults must, in conjunction with housing, homelessness and social care departments, create a protocol for placing adults into multiply-occupied, non-commissioned accommodation. This protocol should, initially, be directed towards statutory bodies within Birmingham and the West Midlands conurbation and, although there will be no legal imperative to sign up to and follow this protocol, statutory bodies must be reminded of their duty of care and of the potential ramifications of placing vulnerable adults into shared housing without performing due diligence. It is expected that the West Midlands Mayoral Homelessness Task Force may be able to assist with dissemination and engagement around this venture.
- ✚ A guide, co-produced by those with lived experience, setting out rights, responsibilities, where to go for help, who to speak to if something is not right, how to make decisions about their own safety and manage personal and social interaction and risk within small, shared living environments, should be produced and made available to all those referred into exempt accommodation by known bodies or agencies. Providers must also be encouraged to make this guide available to current residents.
- ✚ Training specifically for non-commissioned accommodation providers around Safeguarding and risk enablement should be made available and precede the signing of a Voluntary

Charter on safety and Safeguarding, which will provide some level of assurance to referring agencies and clients upon referral.

- ✚ Birmingham Safeguarding Adults Board should put on an event or a series of events for providers, ideally with an accompanying Toolkit or guidance, around safer matching of clients into accommodation, utilising the expertise of known good practice providers in the locality.
- ✚ Birmingham Safeguarding Adults Board must investigate further the interview theme that social workers do not take suitability of accommodation or overall wellbeing into account when performing assessments.
- ✚ The lack of clarity and frustration experienced by accommodation staff when attempting to make Safeguarding referrals and the perceived inadequacy of social care assessments requires further engagement with the sub-sector, in the form of practice exchange, in order to explain referral and assessment processes and receive valuable feedback.

#### Revenues and Benefits:

- ✚ The highest authority in Revenues and Benefits and the Chief Executive of Birmingham City Council should be engaged with directly around their stance on both processing 'exempt' claims and on restricting the growth of the sub-sector, and a firm statement of direction and intent must be achieved and disseminated to key stakeholders
- ✚ Birmingham City Council Revenues and Benefits should work in conjunction with Birmingham City Council Housing and Commissioning teams to consider the possibility of restricting the continued growth of the 'exempt' sub-sector based on a strategic supported housing needs assessment. Liaison with Revenue and Benefits departments in Bristol, Manchester and Medway may assist with this aim.
- ✚ Revenues and Benefits must seek ways to incorporate client input and feedback during assessment and monitoring of 'exempt' claims.

#### Commissioning and Homelessness:

- ✚ The Homelessness Reduction Act Duty to Refer provides an opportunity to devise, in collaboration with Probation and Community Rehabilitation Companies, a locally-based offender accommodation placement protocol specifically tailored to the 'exempt' subsector.
- ✚ The recommended protocol for statutory agencies referring into non-commissioned, shared accommodation must be linked to the Homelessness Reduction Act, and incorporated into the forthcoming Duty to Refer and any collaborative protocols worked out with neighbouring authorities, in line with the Code of Guidance which states that "*housing*

*authorities may find it helpful to establish protocols for collaboration with relevant neighbouring authorities to improve outcomes and efficiency in localities where applicants frequently seek help in a different district to the one where they live". (MHCLG 2018, 23).*

- ✚ The City's Homelessness Prevention Strategy should be disseminated to non-commissioned providers, recognising the key part they play in the current homelessness system, and in any attempts to shift from crisis-led to prevention-led systems and cultures.
- ✚ Birmingham City Council Commissioning teams should carry out a review of the reasons people are refused access to Supporting People-funded homelessness accommodation, particularly evidence of 'high need' or 'high risk' refusal criteria and use this to reform the current system and inform future commissioning.
- ✚ Any future commissioning of referral hubs must ensure there is funding and staffing for, at the very minimum, one liaison officer, to pre-vet and continually monitor accommodation and to consistently, positively and proactively liaise with providers.
- ✚ Due to evidence suggesting a lack of safe, suitable accommodation for those in recovery from alcohol or substance misuse, and the potential for this to cause repeat and chronic homelessness, Birmingham City Council should, in conjunction with local commissioned and non-commissioned drug and alcohol services, undertake a review of provision, gaps and challenges, with a view to creating more sustainable recovery pathways.
- ✚ A common referral and assessment form, created with input from a range of stakeholders and incorporating psychologically-informed modes of enquiry, should be developed and all known referral points into exempt accommodation encouraged to use it.
- ✚ A guide, setting out what to look for when visiting or checking a property, who to report various concerns to and numbers to phone for further help and advice must be created and disseminated widely to all known referral and support agencies.

#### Policing, Community Safety and Probation Services:

- ✚ It is strongly recommended that Birmingham create a similar panel to Slough's Violence Multi-Agency Panel (VMAP), which shares intelligence and applies 'problem-solving thinking' to those who have been identified as repeatedly involved in all types of violence. This Panel assigns appropriate cases to 'owners' to progress activity aimed at preventing further occurrences. Housing practitioners and homelessness services were seen as invaluable to this process in Slough, particularly in reducing violence in HMO properties, and it is recommended that this Panel should incorporate those who have been repeatedly excluded from accommodation services due to aggression or risk to others.
- ✚ Further work must be carried out with providers who are regularly being utilised to accommodate high risk offenders, particularly Registered Sex Offenders. This must go

beyond information on risk and restrictions and consider the particular skills and sensitivities that are required to manage a small, residential property with high risk offenders.

#### Oversight, collaboration and mapping:

- ✚ Further research is required to explore the role of the Regulator of Social Housing in relation to exempt accommodation. This is especially pertinent where Registered Providers are leasing accommodation from private owners and are subject to light touch regulation by virtue of having under 1000 units in management. There are clear benefits to mapping the sector to understand the numbers of Registered Providers and private owners, the leasing agreements between them and the management agreements with non-profit entities operating under each Registered Provider's 'umbrella'. This will also assist in establishing what oversight mechanisms could be developed to support the wellbeing of residents.
- ✚ The 'Non-commissioned Accommodation Practitioner Forum and Standards Board' (PFSB) should begin the process of mapping the sector, creating a central register of approved providers, utilising the knowledge of referring agents and clients alongside local authority intelligence. Data from Housing Benefit on the care, support or supervision providers state that they offer at the point of claim must be used to create a more transparent landscape and assist with suitability of placement and consumer choice.
- ✚ The recent government announcement of the reversal of proposed changes to the funding of supported housing should not be taken as a disincentive to involve non-commissioned providers and their residents in processes of engagement. The particular concerns and considerations around supported housing in Birmingham must be at the forefront of local authority engagement with the Ministry of Housing, Communities and Local Government as the Ministry develop their 'oversight regime'.

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