

Report of: Head of Community Housing & Community Development

To: Executive Board 17th March 2008

Item No:

Title of Report : Housing Advice – Options for Future Delivery

Summary and Recommendations

Purpose of report: To ask Committee Members to consider the options & decide on the future delivery of Housing Advice

Key decision: Yes

Portfolio Holder: Councillor Patrick Murray

Ward(s) affected: All

Report Approved by:

The Portfolio Holder (Councillor Patrick Murray)

Legal & Democratic Services (Jeremy Thomas)

Finance & Asset Management Business Manager (Suzan Smart)

Policy Framework: This report reflects the Council's vision in that it contributes to reducing social exclusion; service improvement; and value for

money

Recommendation(s):

Members are asked to agree the options recommended by Officers in para 14

- That Oxford City Council commission an organisation/s to provide housing advisors, to work preferably from a central location in Oxford providing a supplementary independent housing advice service
- That Officers negotiate an extension to the contract with Turpin Miller to begin after the 31st March 2008, for a period of up to three months, while a new contract for independent housing advice is put in place.

Introduction.

1. Under the Housing Act 1996 s.179 the council has a legal duty to "secure that advice and information about homelessness and the prevention of homelessness, is available free of charge to any person in the district". Our statutory duty does not require us to provide for Advice Agencies to obtain free legal advice from solicitors paid for by the council. The duty is not intended to replace the right of anybody to instruct a solicitor to represent

them in housing disputes and it does not prevent local solicitors from still offering legal aid for those who qualify.

2. Oxford City Council (OCC) re-tendered the provision of Housing Advice in May 04. After a successful tender Turpin, Miller, Higgins Solicitors were appointed 4th Apr 05. The contract was for 3 years (ending 31st Mar 08) with an option to renew for a further 2 years.

3. Lead authority was OCC - £161k, West Oxfordshire District Council £6K, South Oxfordshire District Council £11.5K & Vale of White Horse District Council £10K (all incl: VAT). Higgins has now left the firm (firm will now be referred to as TM) & WODC withdrew from the arrangement in early 07. The contract inflated annually.

4. A review of the contract and recommendation for delivery of housing advice post 31 Mar 08, began in Sep 07, however the scope of the review quickly changed following information that Officers had identified that efficiency savings could be made to the Housing Advice budget for the 08/09 budget.

5. In light of this it was decided little value would be gained from reviewing the current contract performance and future when the resources available to deliver Housing Advice post 31st Mar 08 were to be reduced. At the time it was considered untenable to consider extending the contract with TM beyond 31st Mar 08 & informal notification of this was given to TM & the other Districts at a quarterly monitoring meeting held 16th Oct 07.

6. A consultation paper was sent to the Advice Centres, District Authorities, TM & the housing leads for each of the political groups on 9th Nov 07, with an initial proposal on how best to provide an accessible & supportive housing advice service within a budget of £80k. Officers were recommending the employment of two Housing Advisors who would do outreach work & complement the current housing advice service provided by our Options/Housing Needs Team.

Outcomes of Consultation Nov/Dec 07

7. The responses received are summarised below:

- The Oxford Advice Centres Forum – The forum felt strongly that it would not be appropriate for the City Council to directly employ housing advisors because any advice would not then be independent
- South Oxfordshire District Council – Felt a move away from the provision of independent advice was a retrograde step. Although they acknowledged the constraints caused by budget cuts
- Citizen's Advice Bureau – Preference would be for TM to continue to provide a service under a reduced budget level (assuming TM still wanted to provide) or proposed Housing Advisors to be formally independent of the Council but still able to access in-house resource provisions such as training. They also expressed a concern about access to 2nd tier legal advice

- Agnes Smith Advice Centre – Raised concerns about the impact on Advice Centres of a cut in the funding currently available to provide for housing advice i.e an increase in workload, the independence of advice provided by a Council employee, the overheads being fully funded for outreach workers and lastly the level and depth of training the advisors would have (housing cases often also need help with debt and welfare issues too), additionally they ask how the advisors would access 2nd tier legal advice
- Labour Group – Were concerned that the “arms length” proposal would not be sufficiently independent to enable staff to avoid conflicts of interest. Suggested that the service may be better provided and accessible in one location all week round rather than moving around the City (with the exception of the existing service at the Asian Cultural Centre). Suggest that retendering the service at the reduced budget level may be the best way forward
- TM – A visit was made to TM on 29th Nov 07. TM expressed an interest in continuing to work with the City Council (& Districts) beyond the 31st Mar 08 i.e. extend the contract for a further 2 years which is allowed for in the current contract. They submitted a paper setting out what service they could provide within what budget. Members should note that TM proposed that a reduction of 20% to the current budget was achievable.

The Way Forward.

8. In Jan 08 Officers concluded that there were 2 options to consider:
- a. The Housing Advice Contract be re-tendered at the proposed 08/09 budget level of £80k. If there were no market at this budget then consideration would have to be given to increasing it. This would need to be reported back to members for a decision, as it would mean an increase to the proposed 08/09 council budget or a saving elsewhere.
 - b. Two Housing Advisors be employed, but being mindful of the concerns around “independence” seek the advice of the best practice being used by other Local Authorities who have successfully provided an in-house service (& implement the best practice). This could involve either:
 - i. Directly employing Housing Advice staff to supplement the current housing advice service provided by the Options/Housing Needs team
 - ii. Commissioning another organisation to provide housing advisors, employed by them, but to co-locate with the Council and providing a supplementary independent housing advice service from, preferably, a central location. The cost of either option would be likely to be similar (approx £80,000pa).
9. It is worth noting that homelessness prevention will not generally affect council tenants as they are already housed (unless of course their tenure is at risk). We believe it is reasonable to assume that the bulk of work will involve dealing with private or RSL tenants. At present, TM still provide a county court duty scheme as they hold a Legal Service Commission (LSC) contract to

provide housing advice at court. The provision of legal assistance, with respect to housing need, especially to persons that may not qualify for assistance through the LSC scheme, could be considered as part of the commissioning route for the grant process from 2009/10, however this would need further investigation.

10. The consultation revealed a concern amongst the Advice Centres that they would no longer be able to access the 2nd tier advice offered by TM if the contract expired 31 Mar 08. Under our statutory duty the question of whom Advice Centres contact for free legal advice is not for OCC to address. However, their options could include national advice services, pro bono help from solicitors or even the freephone advice currently provided by the housing charity, shelter (funded by LSC specialised support & we are advised, currently out for re-tender). Officers did not feel it was necessary therefore to consider funding an alternative procurement of a 2nd tier advice service for the Advice Centres as the freephone service funded by the LSC can be used (provided the Advice Centres have or get the LSC quality mark). The Options Officers/Housing Advisors within the Housing Needs Team can of course access the council's qualified housing lawyers in its legal team.

11. As the process would take us beyond 31 Mar 08 (especially option 8a) when the current contract ends with TM it was also concluded that a decision needed to be made whether to:

- i. Extend the contract with TM until such time as the new contract begins or an extended in-house service is provided (& recommend an increased budget provision for this period than is currently planned).
- ii. Allow the contract to naturally expire on 31st Mar 08 & accept that the housing advice service will be limited to what the Options/Housing Needs Team can currently provide until the new contract begins or the extended in-house service is provided. Officers believed we would still be meeting our basic statutory duty to provide housing advice as all of our Options Officers can (& do) offer free advice & information about homelessness.

Housing Scrutiny Committee 14th Feb 08

12. A report was written for Housing Scrutiny Committee to consider the Officer recommendations (which were 8b & 11ii above). An extract from Housing Scrutiny's minutes, which includes Housing Scrutiny's recommendations to Executive Board, is at appendix one. These recommendations were also considered at Council on 18th Feb 08.

13. Having taken into account Housing Scrutiny's recommendations 1-6 detailed at appendix one, Officers have the following comments:

(1) Officers will investigate the possibility of providing the Advisors with City Centre desk/interview space within our current buildings to reduce the cost of accommodation

(2) Officers still believe it would be prudent to opt for the recommendation at 11(ii) i.e. do not extend the Turpin Miller contract beyond 31st Mar 08, however, informal negotiations with Turpin Miller to extend the current contract for an interim 3 month period will be started in anticipation that Executive Board will agree with the recommendation from Housing Scrutiny.

(3) Council agreed an additional £40k for the Housing Advice budget on 18th Feb 08. Officers will establish the need and business case for any additional spend. Additional funds will also be required to extend the current Housing Advice contract beyond 31st March 2008.

(4) The use of video technology will be investigated once the new Housing Advice process has had an opportunity to be embedded. Officers believe it would be prudent to survey our customer base re alternative ways for them to engage with the provision of housing advice.

(5) This can be investigated if Executive Board wish, but Officers maintain that provision of such a service would go well beyond what the Council is statutorily obliged to provide.

(6) This can be investigated but Officers do not believe it is necessary for the Council to enable local access to legal advice for the Advice Centres in Oxford (para 10 refers).

Note: Officers have recently received information on the launch of a new "National Homelessness Advice Service" joint venture between CAB & Shelter funded by DCLG, one of their services will be to "provide a single national helpline offering accessible consultancy to agencies on housing law".

Recommendation

14. Officers recommend that Executive Board agree:

- i. That Oxford City Council commission an organisation/s to provide housing advisors, to work preferably from a central location in Oxford providing a supplementary independent housing advice service
- ii. That Officers negotiate an extension to the contract with Turpin Miller to begin after the 31st March 2008, for a period of up to three months, while a new contract for independent housing advice is put in place.

Appendix one: Extract from Housing Scrutiny Minutes dated 14 February 2008

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Background papers:

Evaluating Homeless Prevention – Dept for Communities and Local Govt – Dec 07 (chapter 3 Improving Housing Advice)
Consultation Paper & Responses to Housing Advice Proposal OCC – Nov 07

