

Appendix 2

Appeals Task & Finish Group

(reporting to the Social Overview & Scrutiny Committee)

Wednesday 6th December 1.00pm Committee Room 1

T&F Membership : Councillor Juliet Brunner (JB)
Councillor David Cartwright (absent)
Councillor Jack Field (JF)
Councillor Pattie Hill (apologies)

Expert Witnesses : Liz Tompkin (LT), Head of Housing Services
Matthew Bough (MB), Housing Policy & Performance Manager

Interview Notes

1. Please can you explain about the County Court Appeals process? How many appellants have tried it and have they been successful?

MB On the homelessness side, no one has appealed to the County Court. To access this stage the appellant must have asked for a review with the authority and then if they are still dissatisfied they can appeal to the County Court on a point of law.

JF I am interested to hear that there have been no County Court appeals. In your experience then, do you feel that the people going through the Council's Homelessness Appeals process are satisfied with the procedures?

MB In my opinion, I think we can assume that they are happy.

LT As far as I am aware, no one has ever appealed to the County Court on a housing matter.

2. What is your opinion of Medical points? Are they accurate and do they make the difference people think they are going to make?

LT No, I don't think they do and that is a big problem, Medical Points do not help the housing situation as much as they should do. There is a maximum of 40 points available for medical need, if a person had a very high medical need the medical points may not be enough to move the person up the waiting list as much as may be necessary.

JF Are you therefore suggesting that there should be a different method for applying medical points?

LT We have known for a while that the medical points were not really working as we intended; when there is a perceived medical need Officers will go on a discretionary visit, the Officer would then do a report and then either the Director of Housing and Asset Management or I would be able to award discretionary points so that the person can move up the waiting list. The procedure for applying medical points will

be changed in the new Choice Based Letting programme, instead people will have an assessment and then if deemed appropriate they would be moved up to the Gold band. Assessments will be undertaken by the Special Needs Tenancy Officer and an Occupational Therapist.

JF Where in all this does the Doctor come in?

LT In the existing medical points system, the Doctor rarely says anything medical, they just say that the person needs to move. The problem is that the Doctor does not know what they are like in their home; whereas our Special Needs Tenancy Officer and an OT can make an actual assessment of the person in their home. The joint working between our Special Needs Officer and the OT has made significant savings, we are able to put this money back in to pay for more adaptations.

JB If there is to be a change to medical points, members will need to be updated so that they have the necessary information when advising people.

MB On the Homeless side we do not use medical points, instead we have to assess whether there is a medical need that makes them more vulnerable under the Pereira Test. We use "NOW Medical" to assist in our assessments under vulnerability.

JF How often do you use that service?

MB We use them a lot; I should say at least 5 times a week.

JF How much does that cost?

MB It is £30 an assessment but we apply this information to similar decisions.

3. How much time do you spend on a first stage appeal?

LT In Housing cases, the first stage is normally when we get an Officer to do home visit and look at the housing need in the home. Depending on what report says, that is what we will base the decision on. The time spent on this stage would vary, in some cases Officers may have already done a home visit; generally the first stage is not that time consuming. With the allocations review, Officers have been able to be more proactive and are meeting the tenant before they initiate an appeal. Now because we are more aware of the families that are out there, Officers are picking it up themselves and identifying potential problems. In some cases I cannot easily classify a first stage appeal as it has not come directly from the tenant.

MB I would estimate that a first stage appeal would take on average half a day to a day for homelessness cases.

4. How much time do you spend preparing for a second stage appeal?

MB I would probably spend half a day's work writing the report and preparing the file for a second stage appeal.

LT It would be a similar amount of time for Housing cases; half a day as we may need to gather further evidence or do another site visit, this may be more time consuming for the Tenancy officers rather than myself.

5. Theoretically, would the amount of time spent on appeals be reduced if a single stage appeal process was adopted?

- JB We envision that the single stage appeal would consist of a panel of three or five members and a single officer. Do you feel time spent would be reduced or would it be more labour intensive?
- MB This approach could mean more work or could be the same, it would depend on the process, whether it was an informal meeting looking at the file or a formal quasi-judicial hearing. With a single stage this may mean that members would have to convene every week.
- JF We have not yet explored how this would be managed from a members point of view.
- LT Members would have to be really up to date with the current process and evolving case law.
- JF In your own opinion, would the time saved be insignificant in terms of the work that would need to be done?
- MB It could go either way; it would depend on the requirements of the panel (the amount of paperwork etc.). If the single stage was similar to the existing second stage quasi-judicial hearing then it would take more time; if it was a group of members sat round a table with officers then it would be quicker.
- JF How many first stage appeals with do you deal with?
- MB In the last year or so there have been 53 first stage appeals resulting in 3 second stage appeals.
- JF That would mean that a single stage panel would have to look at 53 separate cases, one a week.

6. We feel that the most appropriate method for conducting appeals might be a single stage consisting of a panel of one or two Members and a Senior Officer. What are your thoughts on this suggestion?

- MB It is certainly an option but would again depend on how it was done; the main problems would be with Members' availability due to the frequency of meetings; and the degree of knowledge that would need to be maintained by a large pool of members to take into account ward member interest.
- LT I can foresee that if everything went to the one stage, it would really increase the work load for everybody, for example: Office Services, Committee Services and Housing Services.
- MB If the single stage was quasi-judicial, there would be a huge increase; some authorities employ a review officer.

7. Could our suggestions have an adverse effect; if so, what on and how could this be minimised?

MB From a customers' point of view, they would lose the ability to appeal again; from an Officer's point of view it would be an increase in resources.

JB Do you think that Complaints would increase as a result?

MB I would be surprised if it altered the number of complaints received.

LT Once Choice Based Lettings are introduced, the process will be far more open and transparent, people can make bids for the properties they want, this will hopefully reduce the amount of appeals we receive for unsuitable accommodation.

8. Is there an argument for two separate methods to deal with Housing and Homelessness Appeals, for example a single review panel as mentioned earlier for Housing Appeals, and a single review stage conducted by the Senior Officer for Homelessness cases?

MB I think that the important thing to ask is how involved do members need or want to be in process. From my point of view, a single Officer stage would be better.

LR Would there be a case for retaining the existing process for housing cases but for homelessness cases stopping at the first stage Officer appeal, as the Council has an obligation to find temporary accommodation for appellants whilst waiting for their appeal?

MB & LT Yes. That could work very well.

MB If people then wanted a second stage, they could appeal to the County Court on a point of law.

9. How do you think our suggestions could be practically implemented?

It was felt that Officer's previous responses covered this matter.

10. Do you have any other suggestions for improvement?

LT Something may come out of the new allocations policy; this will be reviewed as a whole after 12 months as part of the recommendations from the Social O&S Committee's Preventing Homelessness report.