

**Report to:** East Sussex Health and Wellbeing Board

**Date of meeting:** 13<sup>th</sup> July 2021

**By:** Director of Adult Social Care and Director of Public Health

**Title:** Health and Wellbeing inequalities of residents at Kendal Court, Newhaven and homeless people accommodated by Brighton and Hove City Council in temporary accommodation in East Sussex

**Purpose:** To inform the Health and Wellbeing Board of significant welfare concerns about the placing of unsupported homeless people in Kendal Court and the wider Lewes and Eastbourne areas by Brighton and Hove City Council

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## **RECOMMENDATIONS**

**The Board is recommended to:**

- 1) To note the concerns highlighted in this report and the work undertaken to try and address them;**
  - 2) To agree that the Chair of the Health and Wellbeing Board write to the Chair of the Brighton and Hove Health and Wellbeing Board to request that Brighton and Hove City Council (BHCC) urgently resolve the inequalities experienced by the vulnerable adults that it has placed at Kendal Court and elsewhere in Lewes and Eastbourne by fulfilling its statutory health and welfare responsibilities;**
  - 3) To receive a further update report on the situation at its next meeting on 30<sup>th</sup> September 2021.**
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## **1 Background**

1.1 Kendal Court is leased by Brighton and Hove City Council (BHCC) for use as short term emergency accommodation for people who otherwise would be homeless. The building is in Newhaven. There are 54 bedsit flats in the building set out over three floors in five adjoining blocks; one block is women only. Up to 50 residents at any one time are placed by BHCC at Kendal Court where those residents have family or personal connections to the City of Brighton & Hove.

1.2 An independent report by East Sussex Community Voice (ESCV) was commissioned by BHCC in 2018 (**Appendix 1**), following the deaths of four residents between July and August 2018. The report found that many of the residents at Kendal Court had multiple and complex needs and were isolated from their support networks and any existing statutory services that were supporting them. Concerns were raised in the report for the health, wellbeing, and safety of these residents.

1.3 The East Sussex Coroner has recorded a total of eight deaths of individuals living at Kendal Court since 2016, with four occurring in July and August 2018. The findings of the Healthwatch study together with the findings of the Coroner indicate that individuals with multiple and complex needs that are accommodated at Kendal Court without adequate support arrangements are likely to suffer deteriorating health and wellbeing and, in some cases, death.

1.4 The supporting information below sets out East Sussex County Council's (ESCC) concerns and its unsuccessful attempts to resolve the health and wellbeing inequalities highlighted above, with BHCC.

## **2 Supporting information:**

### ***Background***

2.1 BHCC commissioned ESCV to undertake an independent review of the support needs of residents placed at Kendal Court in Newhaven during October and December 2018 following the deaths of four residents. ESCV is an independent community interest company specialising in community engagement and insight. It was created in 2013 to be the primary vehicle for delivering the Healthwatch contract in East Sussex and is a member of this Board.

2.2 The review looked at how residents access services both within and outside of their placing local authority (BHCC) and the extent to which living at Kendal Court had an impact on their access to services.

2.3 ESCV together with BHCC and in consultation with the landlord, developed a survey to interview residents. The interviews took place over two weeks in October 2018 and again over two weeks in December 2018. A programme of face to face and telephone appointments were offered to residents over 18 days.

2.4 The ESCV study found that most residents in Kendal Court were vulnerable and in need of support by virtue of their placement in emergency housing. Most of the residents interviewed presented as vulnerable due to their visible and sometimes complex health and social care needs, frailty and/or a chaotic lifestyle. These residents appeared to be long term users of health and social care services as well as in receipt of support from charity and community services. Many of the residents reported that their life was made worse and more difficult by being placed at Kendal Court. Many were isolated from friends, family, and support networks due to the distance of Kendal Court from Brighton and Hove. Access to existing support services within the City was difficult and expensive for residents involving long journeys back to Brighton.

2.5 Residents reported deteriorating mental health and isolation from their support networks and services by being placed in Newhaven. Safeguarding concerns were also highlighted in the report with residents reporting incidents of aggression, violence and financial abuse and concerns with the overall safety of living at Kendal Court.

2.6 The findings of the report show that people with multiple and complex needs were being accommodated in Kendal Court by BHCC without consideration of their health and care needs. This approach appears to have made it difficult for individuals to access support and disrupted any existing support they may have been receiving. The health and wellbeing of those individuals were negatively affected by being accommodated in Kendal Court, far from their support networks and without adequate support arrangements.

2.7 The Coroner's Office, East Sussex, recorded the deaths of eight residents at Kendal Court between 4th February 2016 and 31st August 2020, seven of those who died were men and one was a woman. Four of the deaths occurred between July and August 2018 and six of the deaths occurred within Kendal Court itself. The age range of those who died was between 31 and 70 years of age, with the majority, five, being below the of age fifty.

2.8 Four of the deaths resulted in a Coroner's Inquest, however, in three of these the medical cause of death was unascertainable. In two of the Inquests the circumstances of the deaths recorded long term substance misuse and possible drugs overdose. One Inquest recorded suicide and a long standing personality disorder with the individual trying to access inpatient mental health care in the months leading up to her death. The fourth Inquest could not find the cause of death, but circumstances of the death suggest natural causes. The cause of death for the four remaining individuals were due to health conditions, three of which were linked to alcohol use.

2.9 The Coroner's Office has concluded its investigations into the deaths. The findings of the Coroner indicate that the majority of those who died had multiple and complex needs, and in some cases were deceased for a long period of time within Kendal Court without anyone noticing.

2.10 The findings of the ESCV study together with the findings of the Coroner indicate that individuals with multiple and complex needs that are accommodated far from their support networks at Kendal Court, without adequate support being put in place, are likely to suffer

deteriorating health and wellbeing and, in some cases, death.

### ***Action by East Sussex partners***

2.11 In the months preceding the ESCV study, concerns about the health and wellbeing of residents at Kendal Court were brought to the attention of ESCC in September 2018, by Southdown Housing Association. The concerns related to a lack of support for residents by BHCC following the publication of an Argus newspaper article about the death of five residents at Kendal Court in a two month period in 2018. The County Council's Head of Adult Safeguarding consulted with BHCC and a series of meetings were arranged to address the concerns.

2.12 The meetings began in January 2019 with initial attendance from BHCC, ESCC, East Sussex Clinical Commissioning Group and latterly by Healthwatch East Sussex, ESCV, and the Sussex Community Development Association. These meetings have continued and take place every two to three months.

2.13 At these meetings ESCC has sought assurance from BHCC that it had adequate arrangements in place to assess and support the health and social care needs of the individuals it was accommodating at Kendal Court. Assurance was also sought that individuals with multiple and complex needs would not be placed at Kendal Court and instead accommodated near to their existing support networks and services.

2.14 BHCC stated in those meetings that it would take responsibility on a case by case basis for assessing the needs of residents at Kendal Court, in accordance with its understanding of its duties in relation to the Care Act and Ordinary Residence. Where BHCC has refused to accept individual case responsibility, ESCC has assessed and supported individuals, without prejudice, and has also responded to all safeguarding concerns in accordance with its statutory Care Act duty.

2.15 BHCC has asserted that it appropriately considers individuals' social care needs prior to accommodating them at Kendal Court. Case records held by ESCC indicate that individuals with pre-existing long term and often complex social care and health needs are being accommodated at Kendal Court.

2.16 Since September 2020, Eastbourne Borough Council has been in regular dialogue with BHCC to better understand the picture, share the concerns and encourage this practice to stop. Key partners including the Police, Probation, Rough Sleepers Initiative (RSI) and colleagues from Health, Housing and the private sector have expressed their concerns. Not just about the volume of placements and the impact of this on their services, but also the vulnerability of clients being placed, the lack of support or access to support provided by BHCC, and the risks faced to and from their clients.

2.17 Despite concerns raised since September 2020, placements in Eastbourne Borough Council and Lewes District Council have remained high and the situation is unsustainable for local services and unsafe for homeless people.

### ***Formal correspondence with BHCC***

2.18 In light of these ongoing issues, the ESCC Executive Director of Adult Social Care and Health wrote to his BHCC counterpart on 12th November 2020 highlighting key issues that needed addressing, as follows:

- The current arrangements for assessing and supporting people accommodated by BHCC's housing department in temporary accommodation are inadequate as shown by the number of deaths at Kendal Court
- BHCC is not meeting its statutory obligations given the number of referrals received by ESCC Adult Social Care for individuals who have been placed at Kendal Court by BHCC without an appropriate needs assessment having been undertaken, and without provision arranged to meet needs, or the suitability of the accommodation having been considered

2.19 The letter requested answers to the following matters and questions:

- Confirmation from BHCC that it will properly consider the particular needs of individuals (including undertaking a section 9 Care Act needs assessment) and the suitability of Kendal Court for each individual prior to accommodating individuals there in accordance with its statutory obligations
- That BHCC accepts that individuals placed out of area in Kendal Court will continue to be ordinarily resident in Brighton and Hove and that BHCC will meet their health and social care needs throughout their placements
- How will BHCC assess and address the multiple and complex needs of people placed in accommodation outside of the City boundaries in a safe manner ensuring the Council's legal duties are discharged
- How will BHCC propose to address the needs of those vulnerable residents already placed at Kendal Court

2.20 A response was received three months later from BHCC on the 5<sup>th</sup> February 2021 but it did not address the substantive points nor reflect the reality of the current situation with regard to Kendal Court and those placed by BHCC in the Eastbourne and Lewes areas.

2.21 Given the BHCC initial response and the 'Next Steps - Rough Sleeping and Accommodation During Covid 19 Pandemic and Recovery' report, the ESCC Executive Director of Adult Social Care included requests for responses to the following additional points, in his letter to BHCC of 8<sup>th</sup> April 2021:

- That BHCC shares with ESCC its strategic plan on how it will reduce the number of households it places in East Sussex, thereby ensuring local provision for its residents
- That BHCC shares with ESCC its strategic plan on how it will support its residents to return to their home environment
- How BHCC proposes to prioritise the reduction in the number of households already placed in East Sussex in the context of other homeless households within Brighton and Hove needing accommodation
- That BHCC confirms it will retain a duty to accommodate households already placed in East Sussex, and what it will do with those not verified as homeless
- How BHCC proposes to oversee the health and social care needs of those it has placed in the Eastbourne and Lewes areas

2.22 To date there has been no response to the letter and the matter remains unresolved for numbers of homeless people placed in East Sussex. Whilst it is understood that there are housing pressures within Brighton and Hove this does not negate statutory responsibilities to the residents to whom BHCC has a duty.

### ***Ongoing Issues***

2.23 As stated, a significant number of people placed by BHCC in Kendal Court have complex and wide ranging individual needs. As a consequence, ESCC has received fifty social care referrals for residents between December 2017 and June 2021, with many of those requiring significant responses and liaison with other agencies to manage risks. In addition there have been six safeguarding adult enquiries. Support has also been provided by the East Sussex Multi Agency Risk Assessment Conference (MARAC) which addresses concerns about domestic abuse or violence. More broadly an ongoing challenge in providing a safe and supportive environment in Kendal Court is the wide range of needs of the people being placed by BHCC. This ranges from those with complex mental health needs, to those that have experienced domestic abuse and individuals that are being released from prison, two of which are registered sex offenders.

2.24 BHCC has been clear about the significant difficulties in finding accommodation within its area and their intention to continue to place people out of area who would otherwise be homeless. In the context of these deaths and multiple complex referrals, ESCC does not share the BHCC view that current arrangements for assessing and supporting people prior to placing them in temporary accommodation are adequate. The individuals placed at Kendal Court have not moved by choice or for settled purposes. In these circumstances if an individual may have needs for care and support, BHCC is under an obligation to undertake an assessment of need pursuant to Section 9 of the Care Act. The threshold for a Section 9 assessment is intentionally low, when compared to that for Care Act eligibility for the receipt of services.

2.25 Since the 'Everyone In' initiative in March 2020, BHCC placed 320 homeless households into central Eastbourne or areas of the Lewes District without adequate support, this includes those placed at Kendal Court. These placements have taken place during the Covid-19 pandemic where the impact of outbreak management measures, including lockdown, has also impacted on the mental health and wellbeing of those placed by BHCC outside of their home area. This had a negative impact on households placed out of area, away from established support networks and places an unsustainable, unplanned demand on already stretched local services, including specific measures required as a result of the Covid-19 pandemic.

2.26 The current number of placements by BHCC across Eastbourne Borough Council and Lewes District Council now stands at 237 households, as of 14<sup>th</sup> June 2021, and to date, there has been no strategic plan shared with ESCC to demonstrate how this number will be reduced. No other authority is placing in the Eastbourne and Lewes areas at such a rate as BHCC.

2.27 The 'Next Steps - Rough Sleeping and Accommodation During Covid 19 Pandemic and Recovery' report discussed at the BHCC Housing Committee on 17 March 2021 does not specify what BHCC will do to reduce the number of existing and new households placed in East Sussex. Further to this, it appears the housing duty may shortly end for some if they are not verified as homeless. Should this occur, it is not clear what impact this would have on households already placed in East Sussex.

2.28 When placements from BHCC end, the individual is under no obligation to return to Brighton and Hove, and many will simply remain in Lewes district or Eastbourne rough sleeping or in other unstable arrangements. This places added burdens on local services who then assume responsibility for the individuals, often with little background information. Some can be reconnected with support from local teams, others will continue to receive support from local services including foodbanks, community support, health and social care services and enforcement from Police and Probation.

2.29 A breakdown of former Brighton and Hove rough sleepers has been collated by the East Sussex RSI and shared with the Ministry of Housing, Communities, and Local Government. The individuals placed require support to help them stabilise their lives and access suitable accommodation. All had significant multiple and complex needs, been open to Brighton and Hove services, and most were ended placements rather than evictions.

### **3. Conclusion and reasons for recommendations**

3.1 ESCC and local partners have significant and ongoing concerns that, despite being aware that Kendal Court is not commissioned to provide care and support for individuals with social care and health needs, BHCC continues to place individuals there with pre-existing long term complex needs without any care provision arranged. This view is reinforced by the ESCV report (2018), the number of deaths at Kendal Court, and the number of residents referred to East Sussex services for assessment, care, and support. This issue has created significant health and wellbeing inequalities for homeless people placed in East Sussex and continues to do so as the situation remains unchanged with BHCC's failure to respond to the concerns.

3.2 ESCC has also highlighted public health concerns about the concentration of vulnerable people in Kendal Court and the multiple unexpected deaths in such a short space of time. More broadly placements in Eastbourne Borough Council and Lewes District Council have remained very high and the situation is unsustainable for local services and unsafe for homeless people

3.3 The BHCC approach of accommodating some of its most vulnerable residents at Kendal Court and in other parts of East Sussex leads to poor health and wellbeing outcomes for individuals. Despite significant effort by East Sussex partners these have still not been addressed, so it is appropriate that the Health and Wellbeing Board involves the Brighton and Hove Health and Wellbeing Board to try and instigate action.

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#### **BACKGROUND DOCUMENTS**

None

#### **APPENDICES**

Appendix 1 Independent review of the support needs of residents living at Kendal Court, Newhaven by Healthwatch East Sussex