

Report to: East Sussex Health and Wellbeing Board

Date of meeting: 30 September 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 update the Health and Wellbeing Board on the ongoing welfare concerns for unsupported homeless people placed in Kendal Court and other temporary accommodation in the Lewes and Eastbourne areas by Brighton and Hove City Council

RECOMMENDATIONS:

The Health and Wellbeing Board is recommended to:

- 1) Note the additional information and ongoing concerns set out in this report and the actions taken to try and address them.
 - 2) To agree that the Chair of the Health and Wellbeing Board writes again to the Chair of the Brighton and Hove Health and Wellbeing Board (BHHWB) 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 14th December 2021, to include further options for escalation if the current issues have not been satisfactorily addressed.
-

1. Background

1.1 A report concerning homeless people accommodated by Brighton and Hove City Council (BHCC) in temporary and emergency accommodation at Kendal Court in Newhaven was presented to the East Sussex Health and Wellbeing Board (ESHWB) on 13 July 2021. The report highlighted that individuals with multiple and complex health and social care needs who are accommodated at Kendal Court without adequate support arrangements are likely to suffer a deterioration in their health and wellbeing and, in some cases, death.

1.2 A total of nine people living at Kendal Court have died since February 2016 with the most recent death occurring on 23 July 2021, followed two days later by a resident attempting to take their own life. Both of these tragic incidents continue to emphasise the urgent and ongoing nature of the concerns, and the continued failure of BHCC's assessment process.

1.3 As agreed at the previous meeting, on 4 August 2021, the Chair of the ESHWB wrote to the Chair of the BHHWB to request that BHCC urgently resolve the apparent 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. To date, no response has been received, although it should be noted that the BHHWB met on the 27 July 2021, with the next ordinary meeting scheduled for 2 November, 2021.

2. Supporting information

Action by East Sussex County Council (ESCC)

2.1 The Executive Director of Adult Social Care and Health for ESCC received a letter from BHCC on 2 August 2021, in response to its letter of 8 April 2021, that set out the full range of concerns. The response from BHCC did not adequately 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. A response was sent to BHCC on 16 August 2021 restating the key issues and repeating concerns that BHCC's arrangements for assessing and supporting the needs of individuals are inadequate. To date, no response has been received to this further letter.

2.2 ESCC met, at officer level with BHCC in July and August 2021 as part of a series of regular meetings chaired by BHCC and attended by partners to discuss Kendal Court. ESCC emphasised the importance of discussing the concerns at the meeting given the impact on all partner agencies of BHCC's current arrangements for assessing need prior to accommodating homeless people, but this was not felt to be appropriate by BHCC.

2.3 ESCC has reviewed its legal position in respect of BHCC's duty to assess individuals under Section 9 of the Care Act 2014 prior to providing temporary accommodation. The review has confirmed the current position but also that the legal duty on BHCC to assess needs continues once individuals have moved into Kendal Court. Attempts have been made to arrange a meeting with BHCC officers but, at the time of writing, this has not yet been possible. This purpose of this meeting is to restate the ESCC legal position and request that BHCC undertake Care Act assessments on all individuals prior to providing accommodation at Kendal Court, develops comprehensive support plans and puts in place services to meet eligible needs.

2.4 In their previous letters, BHCC has requested an anonymised list of referrals to ESCC for needs assessments in respect of Kendal Court residents. ESCC supplied the list to BHCC on 9 September 2021, despite reservations regarding why BHCC does not already have this information.

2.5 A meeting has been arranged on 27th September, 2021, between the Leader and Chief Executive of ESCC and their BHCC counterparts to discuss the ongoing issues associated with BHCC's practice of accommodating homeless people in East Sussex, and a verbal update will be provided to the ESHWB at its meeting on 30th September, 2021.

Review by Healthwatch East Sussex.

2.6 Following a review of the support needs of homeless people accommodated by BHCC in Kendal Court undertaken in 2018, Healthwatch East Sussex (HWES) has undertaken and published a second independent review in August 2021 (**Appendix 1**).

2.7 The focus of this second review was to capture the experiences of people living at Kendal Court and to look again at how residents access health, care, and wellbeing services in East Sussex and from their placing local authority, BHCC. The review looked at the extent to which living at Kendal Court has impacted on individuals' ability to access the services that they need.

2.8 A total of 28 residents took part in interviews out of a median occupancy of 42. According to information gathered from site staff, there were 12 – 13 flats vacant or not for use during the review period of 2 to 13 August 2021 inclusive, giving a response rate of 66%.

2.9 The review acknowledged that there had been some improvements in security, facilities, the cessation of the practice of placing women and children, the provision of some travel passes, a reduction in emergency service calls, the provision of a caretaker and weekly visits from a welfare

officer. However, the review also indicated that some issues identified in 2018 at Kendal Court remained:

- Background factors for people at Kendal Court included: being in public care, being in prison, having a history of substance misuse and dependency and mental health needs.
- People felt the distance from their support systems and networks, in Brighton and Hove, was a factor that impacted on their wellbeing. Many thought that mental health support should be provided locally and could even take place at Kendal Court.
- There was a lack of information provided prior to, and on arrival at, Kendal Court.
- Generally, there was a sense that the accommodation was calm, with little disturbance. Some described it as “quiet” and enjoyed the sense of being private. Others described it as “isolating” and a few “noisy”.
- Three incidents involving safeguarding concerns were highlighted during the review and referred to ESCC and BHCC.

2.10 The review made system level recommendations for statutory authorities and service providers which are summarised below:

- Individuals should have their health and care needs assessed by mental health and/or social care professionals at the time of their housing placement assessment. Where this is not possible an assessment should be completed within a few days of being placed. Placing authorities should consider attaching a member of their Adult Social Care team or a mental health professional to its Homelessness Services for this purpose.
- Individuals with multiple and complex needs should not be placed at Kendal Court even if the other recommendations noted in the Healthwatch report are implemented.
- BHCC and mental health providers should establish an effective system of support for people’s mental health needs based in Newhaven, ideally including on-site support at Kendal Court. This could be achieved through regular drop-in sessions from the Mental Health Team or commissioned from a local voluntary organisation.
- Access should be provided to a menu of related services available at or near all emergency and temporary accommodation sites, including social prescribing, Citizens Advice Bureau, financial literacy, substance misuse and visits by GP based paramedic practitioners.
- A clear, holistic needs assessment and referral pathway is needed for homeless people. This should detail who is responsible for what at each point in that pathway, involving the relevant disciplines (housing, physical and mental health, social care, safeguarding, criminal justice system, and emergency services) and across administrative borders. This would add clarity for all staff and interested parties and provide accountability at each stage in the process.
- ‘The Emergency Accommodation Charter’ drawn up by Eastbourne Citizens Advice, Fulfilling Lives and Justlife in collaboration with the Temporary Accommodation Groups (TAAG) in Brighton and East Sussex should be fully implemented.

Impact on the Ambulance Service

2.11 Information obtained from South East Coast Ambulance Service indicates that, whilst there has been a reduction in contacts since the Healthwatch review in 2018, there were nevertheless 29 emergency 999 calls and 10 NHS 111 calls from Kendal Court residents between January and August 2021. The outcome of these emergency calls resulted in nine ambulance attendances where the patient was treated or referred onwards at the scene, and five ambulance attendances where the patient was conveyed to hospital. The top three reasons for the calls were categorised as mental health, medical, and bleeding.

BHCC Housing Policy

2.12 A review of BHCC Housing Policy and related Committee papers published on the BHCC website indicates that Kendal Court was discussed by BHCC Councillors at the now decommissioned Housing and New Homes Committee (“the Committee”) on 14 November 2018. The reports and appendices recognise that Kendal Court is not supported accommodation and that some of the residents placed there by BHCC might not be receiving appropriate support pending assessment. The papers also recognise the number of individuals on BHCC’s waiting list for supported accommodation and the challenges around waiting times.

2.13 BHCC Housing Department states in its report to the Committee on 14 November 2018 states “*of those accommodated at Kendal Court, 13 have been assessed as requiring supported accommodation with a further 11 requiring further assessment by the supported accommodation panel. It is likely that a majority of those who are waiting for an assessment are also likely to require supported accommodation.*”

2.14 An extract from the BHCC ‘Allocation of Temporary Accommodation Policy’, appended to the report to the Committee, determines how households who have been placed out of BHCC’s area are prioritised for accommodation within the city when it becomes available. It expressly states that it separates households requiring temporary accommodation into three main groups, although it also states that there will be circumstances in which it will be appropriate to allocate outside of the categories.

- Group A will be accommodated within BHCC, where possible. The categories in Group A include children in public care and with Special Educational Needs, carers caring for adults with needs for care and support who live in the city and adults receiving frequent medical treatment at a specific facility within the city.
- Group B “*are prioritised for temporary accommodation in adjacent districts within the broad market rental area, or neighbouring districts in the Sussex sub-region which is approximately one hours travelling distance on public transport from the city.*” Group B includes someone who is receiving NHS treatment for mental health problems other than from their GP and/or is on the Care Programme Approach. This appears to make it much less likely that homeless people with mental health needs, who are arguably some of the most vulnerable within the homeless cohort, will be able to access accommodation in BHCC.
- Group C is all other homeless households

2.15 BHCC undertook an Equalities Impact Assessment (EIA) to examine whether the BHCC’s use of temporary accommodation located outside of the city impacts disproportionately on households who have any identified ‘protected characteristics’ as defined by the Equality Act 2010. The EIA highlights concerns expressed within BHCC and by its partners on the practice of placing homeless people with care and support needs outside of its area. The EIA states “*Concerns have been raised that being accommodated outside of the city adversely affects some households. A range of both internal and external departments and agencies, including Adult Social Care,*

Children’s services, Just Life, mental health team for homeless people, St. Mungo’s, the Temporary Accommodation Action Group and others who provide support for particular client groups have raised concerns about individuals and households being placed outside of the city due to the difficulties that may be experienced regarding such matters as access to schools, medical services etc. Most of the support groups that provide help for those in emergency accommodation are not able to effectively offer help for those placed outside the city. This is because their services are restricted or commissioned to work with households only within the city limits.”

3. Conclusion and Reasons for Recommendations

3.1 In their letter of 2 August 2021 BHCC states that, as of 2 July 2021, there were a total of 229 households placed by BHCC in temporary accommodation in Eastbourne Borough Council and Lewes District Council areas. This compares to 235 households in April 2021 and 237 in June 2021 and indicates little or no progress in the reduction of homeless people accommodated in East Sussex, despite concerns being formally raised with BHCC since September 2020.

3.2 There remain 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 latest HWES report, the further recent death at Kendal Court, and the number of residents referred inappropriately 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 ongoing failure to respond to the concerns.

3.3 The previous report to the ESHWB 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 areas have remained very high and the situation is unsustainable for local services and unsafe for homeless people

3.4 BHCC’s decision to accommodate some of its most vulnerable residents outside of Brighton and Hove and the manner in which it implements its Allocation of Temporary Accommodation Policy appears to lead to poor health and wellbeing outcomes for individuals. Despite significant efforts by multi-agency partners, in respect of the individuals accommodated at Kendal Court and elsewhere in East Sussex, these have still not been addressed.

Mark Stainton
Director of Adult Social Care

Darrell Gale
Director of Public Health

Contact Officer: George Kouridis, Head of Adult Safeguarding
Tel. No. 07712 543907 Email: george.kouridis@eastsussex.gov.uk

BACKGROUND DOCUMENTS:

None

APPENDICES

Appendix 1

“Returning to Kendal Court” - An Independent review of the experiences of people living at Kendal Court, Newhaven - Healthwatch East Sussex