



Department
for Work &
Pensions



Local Authority Insight Wave 35

Supported Accommodation: Qualitative Interviews
With Local Authorities

December 2018

Supported Accommodation: Qualitative Interviews With Local Authorities

Research Report 970

A report of research carried out by National Centre for Social Research on behalf of the Department for Work and Pensions.

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First published December 2018.

ISBN 978-1-78659-120-3

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Value of this research

- Findings from this report have informed the ongoing development of the oversight regime of SA service charges and rents.
- The research also provides a more comprehensive context for the policy decision to deliver SA through HB
- Additionally, this report contributes to the growing evidence base on how LAs administer, commission, and deliver SA in the long-term and for vulnerable claimants.

Trustworthiness

- This research was conducted, delivered, and analysed impartially by the National Centre for Social Research, working to the Government Social Research code of practices.
- Authors: National Centre for Social Research (NatCen) – Ceri Davies and Jonah Bury

Quality

- The interviews took place using established qualitative research methodology
- It has been quality assured using NatCen's internal processes which are subject to the requirements of the international quality standard for social research, ISO 20252
- Additionally this report has been checked thoroughly by DWP HB analysts and Housing Policy colleagues, to ensure it meets the highest standards of analysis and drafting

Executive summary

This report presents findings from the Local Authority Insight Survey (LAIS) Wave 35, focused on Long-Term Supported Accommodation (LTSA). Semi-structured interviews were conducted with Housing Benefit (HB) staff and/or housing commissioners in 22 local authorities (LAs) across England, Scotland and Wales to explore how LTSA is managed, particularly with respect to cost-control.

Long-Term Supported Accommodation

The landscape of LTSA is extremely diverse; providing a range of housing options predominantly for working age people and in different LA areas these options are managed and delivered by a range of different providers. In this research these categories of provider were:

- direct provision (where housing stock is owned by the LA);
- via a Housing Association (where the HA manages the accommodation but may or may not be the landlord) and;
- via a private/charity or other organisation (P/C/O) (where this organisation manages the accommodation but may or may not be the landlord).

The majority of LTSA residents claim Housing Benefit (HB). The majority of LTSA is non-LA owned, meaning providers (either HA or P/C/O) deliver these services and charge the tenant for it through rents and service charges, which is covered by HB.

Managing cost-control

LAs described a range of processes that facilitated cost-control of LTSA.

Three were particularly prominent; negotiation, scrutiny and challenge. Scrutiny of rents and service charges and challenging the provider to clarify and/or justify the proposed costs were key elements to managing cost control. Scrutiny and challenge framed the negotiating process: in order for the LA to enter into discussions about rents and service charges, it needs to have an understanding of the overall costs and that all relevant information is provided to ensure this.

Moreover, whilst it is not mandatory for LAs to monitor the quality of service charges provided to tenants that are funded through HB, where they did, it was identified as a factor which supported cost-control.

Internal collaboration between LA teams (i.e. HB and commissioners), and collaboration between different LAs to share information on schemes and charges was also identified as particularly useful to potentially enable an LA to lower rent and service charges. Conversely, where resources to carry out non-mandatory monitoring were limited and collaboration was uncommon, this impacted LAs' ability to conduct this monitoring.

Good and substandard providers

LA perceptions of how providers operate with respect to rents and service charges fell into two contrasting categories whose variations in approach were considered to help or hinder LA processes of cost-control. Key features that characterised good practice and substandard providers related to (a) the detail and clarity of evidence provided when submitting rent and service charges; (b) the service charges included as eligible for Housing Benefit (HB); and (c) their responsiveness when communicating with LAs. For example, good practice providers seek to be proactive and responsive when dealing with LAs. This entails regular communication as well as being responsive to LA needs, e.g. finding innovative ways of reducing service charges to ease the strain on LA budgets. In contrast, substandard providers tend to provide vague information on rents and service charges and claim ineligible and unreasonable service charges.

Sheltered Housing and Specialised Supported Accommodation

In most LAs, rent and service charges for LA-owned units tended to be lower. The reasons for this included LAs not charging for warden services or deciding against increases in service charges, as this would negatively impact on residents not in receipt of HB.

Across all LAs, rent and service charges were higher for Specialised Supported Accommodation (SSA) compared to other supported accommodation schemes. The key reasons for this were higher staffing costs; demand outstripping supply; as well as significant costs associated with replacement and maintenance of household items and client-specific adaptations.

Overarching themes

Resources – A lack of resources around money, time and capacity formed particular challenges for LAs with regards to monitoring the quality of service charges eligible for HB and scrutinising schemes for LTSA and SSA. However, whilst the absence of resources did not appear to pose a problem for commissioning teams, commissioning teams had no oversight over non-commissioned schemes.

Collaboration and information sharing – Collaboration and information sharing within and between LAs facilitated cost-control with respect to both negotiating and monitoring rents and service charges. In particular when HB teams did not systematically monitor service charges, regular communication with other teams ensured that HB teams were alert to any issues and could respond accordingly. LAs that had established channels of communication with neighbouring LAs also ensured consistency around rent and service charges. Challenges around cost-control arose when LAs worked in isolation of one another. A consequence of this could be that HB teams paid HB for services that were already funded elsewhere. Similarly, a lack of communication across LAs could lead to identical schemes costing more in one LA compared to a neighbouring LA.

Knowledge and guidance – Staff knowledge and understanding around service charge eligibility enabled cost-control. Experience in the role and adequate training

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facilitated an effective level of knowledge. However, a perceived lack of clarity and 'grey area' in the regulation and guidance over service charge eligibility complicated LA decision-making for some respondents. A lack of knowledge around what constituted 'reasonable' charges was another barrier for cost-control. Some respondents noted a perceived gap in financial understanding with respect to providers' rationale for high costs, which would enable them to more effectively make decisions about accepting or challenging that rationale.

Data and evidence – Having detailed information on comparable schemes provided LAs with leverage when negotiating with providers. This increased the likelihood of providers reducing rent and/or service charges. This was particularly the case if similar schemes were available for tenants to move into. However, a main barrier to benchmarking for LAs was the lack of a standardised template sent by providers with a breakdown rent and service charges.

Type of interaction – Face-to-face meetings with providers to discuss the proposed rent and service charges had the advantage of avoiding misunderstandings around reasonableness and eligibility of service charges later in the negotiation process. It is also meant that negotiations could advance more quickly rather than being drawn out and costing resources.

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Acknowledgements

We would like to thank the local authority staff who found time in their busy schedule to participate in the study.

We would also like to thank Alexandra Stroleny, formerly at Natcen, who assisted with the recruitment of participants and conducted some of the interviews herself.

This project was commissioned by the Department for Work and Pensions (DWP). We would also extend our thanks to Andrew Luty at DWP for managing the project as well as to his colleagues within and across departments for providing expertise and guidance throughout the duration of the project.

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List of abbreviations

DWP	Department for Work and Pensions
HB	Housing Benefit
IHM	Intensive Housing Management
LA	Local Authority
LAIS	Local Authority Insight Survey
LTSA	Long-Term Supported Accommodation
MHCLG	Ministry of Housing, Communities, and Local Government
P/C/O	Private/Charity/Other Provider
RSLs	Registered Social Landlords
SHBE	Single Housing Benefit Extract
SSA/H	Specialised Supported Accommodation/Housing
VOA	Valuation Office Agency

1 Introduction

This report presents findings from the Local Authority Insight Survey (LAIS) Wave 35, focused on Long-Term Supported Accommodation (LTSA). The qualitative research aimed to explore how LTSA is managed, particularly with respect to cost-control. The findings presented below are generated from semi-structured telephone interviews with Housing Benefit (HB) staff and/or housing commissioners in 22 local authorities (LAs) across England, Scotland and Wales. Whilst this research uses the term “Supported Accommodation”, the terms accommodation and housing are used interchangeably by the respondents, and there is no standard usage from the Ministry of Housing, Communities, & Local Government (MHCLG) or the Department for Work and Pensions (DWP). This report uses the term Specialised Supported Accommodation (SSA) to ensure consistent usage of accommodation, but refers to Specialised Supported Housing (SSH) in the specific regulations.

1.1 Background to the research

The LAIS is a series of research projects with Revenue and Benefits Managers (or those in a similar position) at LAs in England, Scotland and Wales. It is commissioned by DWP to gain regular insights in the ways LAs manage the administration of HB and their views of current and future policy changes.

This research was intended to provide perspectives on LTSA and the processes and roles of LA teams in managing cost-control specific to LTSA and SSA. It confirms and expands upon findings of previous government and third sector reviews into the provision of LTSA and SSA.¹²³

The Ministry of Housing, Communities & Local Government (MHCLG) have been conducting a consultation on short term SA and sheltered accommodation⁴, the results of which were published on 9 August 2018. This project therefore has only focused upon long-term supported accommodation categories; that is, housing stock where tenancy is expected to be permanent, i.e. generally more than two years and the tenant is not expected to move on. This provision is designed mostly for working-age tenants.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/572454/rr927-supported-accommodation-review.pdf (accessed on 25.07.18)

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/214489/rrep714.pdf (accessed on 25.07.18)

³https://www.mencap.org.uk/sites/default/files/201804/2018.052%20Housing%20report_FINAL_WEB.pdf (accessed on 25.07.18)

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696847/Supported_Housing_Consultation_Interim_Response.pdf (accessed on 01.10.18)

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It is extremely diverse, including for example housing for people with physical or learning disabilities.

The landscape of SA includes a range of housing options as outlined in Fig 1.1 below.⁵

Figure 1.1 Definitions of Supported Accommodation



SA can be further designated by how funding can be used in relation to its provision. This includes:

- *Supported Exempt*: enables HB to meet the additional costs of providing supported accommodation. In relation to rent and service charge levels, 'exempt' means that such accommodation is exempt from the rules that require the local authority to restrict the maximum rent to a Rent Officer determination level.⁶
- *Specified Exempt*: clarifies which categories of supported accommodation (referred to as specified accommodation) should be exempt from certain

⁵ The policy definitions were developed by MHCLG and DWP for the purposes of policy and delivery development, and are not set out in legislation, hence there is a degree of subjectivity in these definitions.

⁶ Supported 'exempt' accommodation is defined in legislation (para 4 of Sch 3 to the Consequential Provisions Regulations 2006) as: either a resettlement place; or accommodation provided by a county council, unregistered and registered housing association/ not for profit private registered provider of social housing/ registered social landlord, registered charity or voluntary organisation where that body or person acting on their behalf provides the claimant with care, support or supervision.

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welfare changes, such as the Benefit Cap, HB no longer being paid direct to the landlord, and in some circumstances the Removal of the Spare Room Subsidy (RSRS). This ensures that individuals living in such supported accommodation continue to have their housing costs covered by HB rather than through Universal Credit (UC).⁷

- *Specialised Supported Accommodation:* To meet the definition of SSA, special accommodation has to have been built without a grant from government (or with a negligible contribution). Also, the people who live there would otherwise usually be in a care setting due to the complexity of their needs. As such, the provision can be quite specialised.⁸

LTSA is available in LAs through different delivery arrangements outlined in the list below. In our research, most LA respondents considered these delivery organisations to be ‘providers’ and used this language in interview. We therefore adopt this language in the report and distinguish provider as the organisation with responsibility

⁷ ‘Specified’ accommodation is defined in regulation (para 3A of the Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (SI 2014 No. 771)) and includes all ‘exempt’ accommodation and additionally:

- Housing provided by a “housing association”, registered charity, county council or “voluntary organisation” where a person has been placed to meet their need for care, support or supervision.
- A refuge, for those who have left their normal home because of domestic violence, provided by a “housing association”, registered charity, county council, “voluntary organisation” or local authority.
- A local authority “hostel” where the person receives care, support or supervision”.

⁸ Specialised Supported Housing is defined in Regulation 2 of the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016:

- a) which is designed, structurally altered, refurbished or designated for occupation by, and made available to, residents who require specialised services or support in order to enable them to live, or to adjust to living, independently within the community,
- b) which offers a high level of support, which approximates to the services or support which would be provided in a care home, for residents for whom the only acceptable alternative would be a care home,
- c) which is provided by a private registered provider under an agreement or arrangement with:
 - i. a local authority, or
 - ii. the health service within the meaning of the National Health Service Act 2006(11),
- d) in respect of which the rent charged or to be charged complies with the agreement or arrangement mentioned in paragraph (c), and
- e) in respect of which either—
 - i. there was no public assistance, or
 - ii. if there was public assistance, it was by means of a loan secured by means of a charge or a mortgage against a property;

for delivery and management of a supported accommodation service, and landlord as the person or organisation that owns the housing stock used for this purpose. The three main categories are:

- direct provision (where housing stock is owned by the LA);
- via a Housing Association (where the HA manages the accommodation but may or may not be the landlord) and;
- via a private/charity or other organisation (P/C/O) (where this organisation manages the accommodation but may or may not be the landlord).⁹

The diversity of providers also contributes to variation processes of spending, management and claimant support. The majority of LTSA residents claim housing benefit. The majority of LTSA is non-LA owned, meaning providers (either HA or P/C/O) deliver these services and charge the tenant for it through rents and service charges, which is covered by HB.

1.2 Research Aims

This research aimed to gather detailed qualitative evidence to explore the management and cost-control of LTSA. It sought to understand the range of information LAs collect and the processes used to manage cost-control as well as the factors that influence these activities. In addition, the research was designed to also understand the different roles LA staff play in these processes.

A number of research questions were identified that subsequently informed the semi-structured interviews:

1. What range of information do local authorities collect and manage on Long-Term and Specialised Supported Accommodation as well as Sheltered Accommodation?
2. What factors influence the setting of rents and service charges for Long-Term and Specialised Supported Accommodation? What roles do different local authority staff play in these processes?

⁹ In this report the following naming conventions have been used to prevent confusion and provide greater consistency:

- “Provision” is the general availability of SA in a LA area
- “Provider” is the category of organisation who manages the SA (and associated funding considerations)
- “Landlord” is who owns the housing stock (i.e. there are cases where, e.g. a HA contracts to provide SA but they are not the landlord of the accommodation)

3. What are the range of ways Housing Benefit claims are made? What types of support do claimants make use of before and after the claim is made?
4. What is the range of ways Specialised Supported Accommodation stock in local authority areas is organised and managed?

1.3 Methodology

The research was carried out using semi-structured telephone interviews with 31 key personnel from the Housing Benefit and/or commissioning teams in participating LAs. The interviews were carried out between May and June, 2018.

The research aimed for a diverse sample to generate a range of perspectives, and key sampling criteria included:

- The majority type of provider in a LA area
- Geography

The research used the sample frame from the LAIS of Revenue and Benefits Managers at 383 LAs. Screening emails were sent to benefit managers from the NatCen research team designed to find out a) whether the LA had sheltered housing stock, b) identify how delivery of SA was provided, c) identify additional individuals who could take part in an interview. The original intention was to where possible speak to two respondents per LA; one from the Revenue and Benefits team and one from the housing commissioning team. Therefore benefits managers receiving the email were also asked to identify possible respondents from commissioning and pass on their email address to the NatCen research team, who then contacted these individuals separately. This was not possible in all cases.

A total of 50 LAs responded to the screening email with responses to the above and indicating whether they were willing to take part in an interview. For all LAs that opted in, a mutually convenient time and date were arranged to conduct the interview and 31 individual staff members took part. The final sample interviewed for this research was made up of 31 respondents from 22 separate LAs in England, Scotland and Wales:

20 of these were with Housing Benefit managers. 9 were housing commissioners and 2 were housing managers responsible for sheltered stock. We have combined the responses of housing managers and commissioners for the purposes of analysis (see Appendix 1 for the LA responses to the recruitment process and final sample of respondents).

Each interview was conducted with a topic guide designed in collaboration with DWP. Interviews lasted around 30 minutes, although there was some variation, e.g. one interview lasted 20 minutes and another 45 minutes. 30 interviews were digitally recorded with participants' consent with one respondent preferring to provide a written response.

In interview and analysis there are two points of note that relate to the findings presented here:

- Some questions were not answerable by all individuals, as in some cases, the individuals we spoke to did not have direct experience of the issue in question. For instance, some commissioners/housing managers were only responsible for one type of SA (e.g. sheltered accommodation, short term) so were limited in their discussion of LTSA specifically.
- Some respondents were not entirely certain about the differences between types of SA, e.g. the difference between sheltered and short-term accommodation. This made the discussion slightly complicated when trying to ask for information on specific types of LTSA. It also meant that it was not always clear what type of SA respondents were discussing. In these cases we have not speculated. Part of the research design was to uncover LA knowledge of the differences, and therefore specific definitions were not provided unless prompted.

1.4 Interpreting qualitative findings

The reporting of qualitative findings deliberately avoids giving numerical values, since qualitative research cannot support numerical analysis. This is because purposive sampling seeks to achieve range and diversity among sample members rather than to build a statistically representative sample, and because the questioning methods used are designed to explore issues in depth within individual contexts rather than to generate data analysed numerically.

Verbatim quotes are used to illuminate findings. They are labelled to indicate the type of respondent and details of housing provider and geography in that case. Further information is not given in order to protect the anonymity of research participants. Quotes are drawn from across the sample.

2 Managing cost-control in Long-Term Supported Accommodation (including Specialised Supported Accommodation)

This chapter gives an overview of the providers and client group of Long-Term Supported Accommodation (LTSA) and Specialised Supported Accommodation (SSA) in participating local authorities (LAs). It adds to and confirms findings of previous government and third sector reviews into the provision of LTSA and SSA. The chapter then goes on to explore the three processes respondents use to facilitate cost-control of this accommodation; negotiation, scrutiny and challenge. It also looks at the outcomes of these processes and the factors considered by LAs when deciding how to proceed with funding decisions.

2.1 Overview of Supported Accommodation delivery and service users

2.1.1 Types of provider and accommodation¹⁰

The wide majority of LAs contained a mixture of supported accommodation that included short-term supported, long-term supported and sheltered accommodation (either LA-owned or not). Two LAs in the sample appeared to provide only one type of Supported Accommodation (sheltered accommodation), although the respondents (both housing managers) were not certain this was the case, as they were not knowledgeable about the provision across the LA. The provision of SSA was universal across LAs – only one housing manager was unsure their LA provided SSA.

Among the three main types of provider of LTSA - LA direct; LA via Housing Association (HA); Private/Charity/Other providers (P/C/O) - nearly all LAs had a mixture, with one LA in the sample limited to one type only. Across the sample, HAs (sometimes referred to as Registered Social Landlords (RSLs)) were by far the most common in delivering and managing supported accommodation.

Respondents noted that the types of accommodation available in LTSA and SSA depended on (a) the needs of the client group, with SSA tending to be more bespoke

¹⁰ In this context, accommodation type refers to flats, bungalows etc.

due to clients' complex needs; and (b) the types of properties available in the area. Small units in houses of multiple occupation (with and without shared facilities) were common for LTSA and SSA, although a few respondents noted a trend in self-contained flats. These could be in a variety of building types, such as detached, semi-detached or converted historical buildings.

'Self-contained flats ... that's what the council's looking to build at the moment, and ... providers, they're all looking for the actual accommodation not to be shared.'
(20, HB, LA direct; LA via HA, England)

'We're ... moving towards ... self-contained with packages of 24-hour support going in ... previously we would have had a lot of shared housing but ... as the needs of the client group change and the aspirations ... we're moving away.'
(07, Comm, 07, P/C/O, England)

We also asked respondents about the data they collect on LTSA, which related to: 1) the individual claimant, i.e. client; 2) the provider and particular scheme; and 3) the provision of supported accommodation in the area. Key differences existed with regard to (a) the amount of information collected between LAs, with some respondents claiming they collected 'everything' and others citing they only collected minimal information; and (b) the type of information collected by Housing Benefit (HB) managers and commissioners. HB managers tended to discuss the process of recording data on short term and long-term accommodation for the Single Housing Benefit Extract (SHBE), as directed by DWP from April 2018 for new HB claims and changes of circumstances.¹¹ Before April 2018, LAs had no formal requirement to specifically identify and record supported accommodation claims any differently from other HB claims. In contrast, commissioners primarily mentioned contract monitoring of commissioned schemes, including the number of units, occupancy levels, planned and unplanned moves and hours of support provided.

2.1.2 Client group for LTSA and SSA

The main client group for LTSA and SSA included individuals with complex needs, specifically those with mental and/or physical disabilities (including autism). Other client groups in LT and SSA included the homeless; elderly individuals with disabilities; as well as individuals with addiction problems. It is noteworthy that Scottish LAs were more likely to discuss the provision of SA for homeless individuals – this was most likely due to statutory differences between Scotland, England and Wales.

As shown in Figure 2.1, HB claimants received support from a support worker (employed either by the LA or the charity/housing association) familiar with the

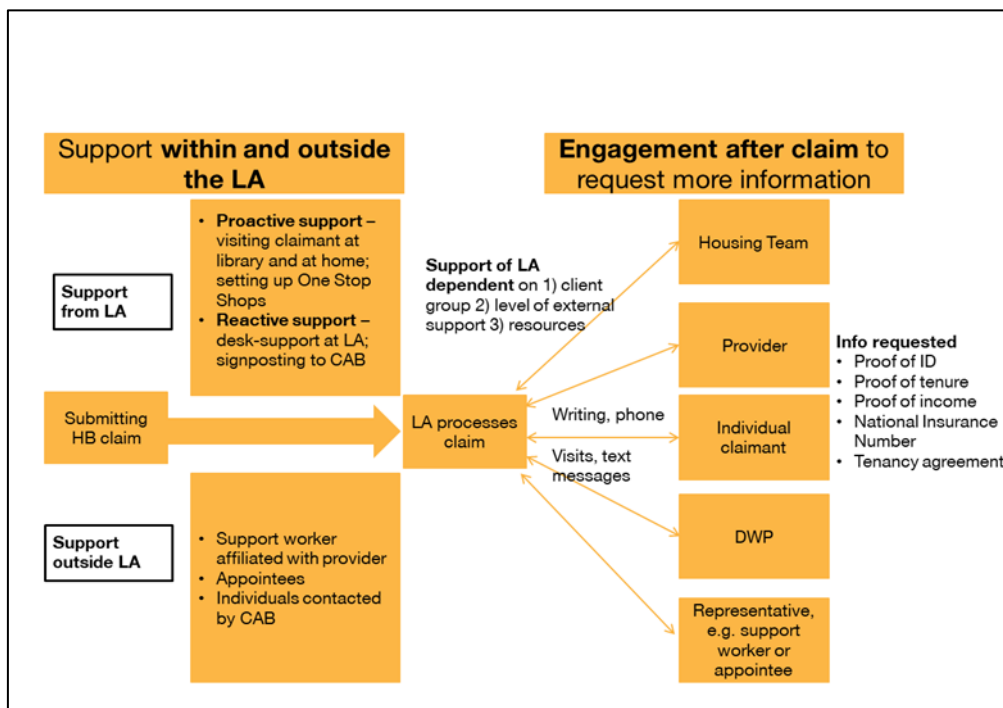
¹¹ The Single Housing Benefit Extract refers to a monthly electronic scan of claimant level data, submitted to the DWP from LA computer systems. It contains financial, geographic and individual level data. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695012/a4-2018.pdf (accessed on 01.10.18)

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process when making a claim. However, LAs also had support mechanisms in place to help claimants. There were two contrasting approaches to this: 1) a proactive approach, in which support was given outside of the LA (e.g. visiting the claimant at home); and 2) a reactive approach, where support was given at the LA (e.g. desk-support). The type of support LAs provided was dependent on (a) the clients’ needs; (b) the level of external help given, i.e. help from the support worker; (c) resources around time and staff numbers, e.g. some LAs did not have the staff to visit claimants at home to provide support; and (d) the number of tenants per scheme needing advice, e.g. if several claimants needed support at once the LA might offer a surgery on site.

After the claim, LAs only engaged with the claimant (a) to notify them of their decision; (b) to ask them for additional information required to complete the claim, e.g. proof of income; and (c) as part of a review. Overall, it was rare for LAs to engage with the claimant in LTSA and SSA directly; usually the communication occurred via a representative, e.g. a support worker or someone with power of attorney. However, a few commissioners mentioned direct interactions with clients in LTSA and SSA as part of a regular review; such reviews also covered any issues clients might experience with their benefit claims.

Figure 1 Making and Supporting HB claims



2.2 Elements to managing cost-control

Scrutiny of rents and service charges and challenging the provider to clarify and/or justify the proposed costs are key elements to managing cost control. The data suggests that all LAs in the sample scrutinise schemes (new and existing), with the majority challenging rent and service charges before agreeing on them. Scrutiny and challenge frame the negotiating process: in order for the LA to enter into discussions about rents and service charges, it needs to have an understanding of the overall costs and that all relevant information is provided to ensure this.

2.2.1 Scrutiny

Scrutiny involves the process of carefully going through the providers' proposed rents and service charges before deciding whether to accept or query the charges. Although respondents discussed this primarily in relation to new schemes, they would also scrutinise changes in rents and service charges made to existing schemes. This process sat within the HB team and was widespread across the sample. In HB teams tasked with scrutinising schemes for LTSA and SSA, there was a strong awareness that rigorous scrutiny minimises the potential for subsidy loss.

'... we're acutely aware of the subsidy impact on ... these types of cases, so we don't wanna be paying out more ... more housing benefit than we can legitimately claim, claim back in subsidy.'
(09, HB, LA via HA, England)

As part of the scrutiny process, respondents noted that LA staff in HB teams examine the evidence submitted by the provider to determine (a) the reasonableness of rent and service charges; (b) the eligibility of service charges under HB regulations; and (c) whether the care, support and supervision provided by or on behalf of the landlord¹² is 'more than minimal', i.e. qualifies as specified accommodation.¹³

The following four features guided the scrutiny process:

- **Benchmarking.** Comparing the schemes (rent and service charges) with similar schemes in the area, or in the case of existing schemes, with costs from previous years.
- **Using 'common sense' and experience.** Drawing on common sense understanding of what is reasonable, often developed by HB team leaders through years of experience in the role.
- **Communicating across teams and LAs.** Communicating internally, for instance between HB teams and commissioning services, to gain a comprehensive understanding of the scheme and client needs (see 3.2).

¹² In this research, the landlord was not always the provider of LTSA, but the owner of the accommodation through which it was made available, with a separate organisation (predominantly Housing Associations), responsible for management and delivery.

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/572454/rr927-supported-accommodation-review.pdf (accessed on 25.07.18)

- **Regulations and guidance.** Using the regulation and available guidance material to establish eligibility of service charges.¹⁴

2.2.2 Negotiation

LAs made use of one of two approaches to negotiating rents and service charges: (1) 'back and forth'; or (2) 'non-negotiating'.

The 'back and forth' approach was characterised by the HB team negotiating rent and service charges with the provider in an iterative process – the negotiation could range from one in depth meeting to several conversations over a longer time period to reach an agreement. Underpinning this approach was a belief that the first step lay with the provider to propose the rent and service charges and then for the LA to respond.

'... if there is a brand-new scheme, we always get around the table prior to that becoming live and also, look at what the charges are gonna be.'
(23, HB, LA via HA, England)

'The majority of new schemes are ... not agreed straightaway. I usually negotiate that with the landlord.'
(01, LA via HA, England)

An alternative, albeit less common approach, was that of HB teams not entering into negotiations. Here, the onus was on the provider to propose reasonable rents and service charges rather than this being a two-way process.

'We don't negotiate rents ... we very carefully understand that we are really wishing to establish an enticement to housing benefit ... And should we decide to invoke the regulation, we will take the powers that allow us ... So, that could be that we decide that a charge is ineligible for housing benefit.'
(06, LA direct; LA via HA; P/C/O, England)

In these cases, the proposed charges would either be accepted or limited.

2.2.3 Challenge

Challenging the provider meant not initially agreeing to the proposed rent and service charges and requesting further clarification/information. This formed part of the negotiating process, since requesting more information enables the LA to better assess and decide what level of rent and service charges they consider reasonable. A common message across the sample was that rents and service charges for LTSA and SSA were usually not agreed straight away. Instead, the LA 'challenged' proposed charges and requested further evidence and information. Examples of these challenges can be found in table 2.1.

¹⁴ HB Guidance Manual 4.720

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Respondents in HB teams emphasised the need to challenge for three reasons: (a) to justify payments made for internal auditing purposes. For example, internal auditors would expect to see evidence of conversations between the HB team and provider around increase in costs (e.g. rent) paid out by HB; (b) to limit the subsidy impact of accepting claims. For instance, because the Department for Work and Pensions (DWP) meet 60 percent of the costs above the level set by the Valuation Office Agency (VOA) for supported accommodation run by third sector organisations (e.g. charities), HB teams were minded to limit having to pay significantly above the level set by the VOA; and (c) a recognition that some providers of LTSA and SSA in the words of one respondent ‘exploited’ the legislation.

*‘... providers do try and exploit the legislation ... we make sure that if there's a figure being quoted that we're not sure of that the provider can justify it.’
(05, HB, P/C/O, England)*

Table 2.1 Area of Challenges and Examples

Area of Challenge	Example of Challenge
Unreasonable rent	<p>Core rent - A housing association leased a property from a private landlord, covering their mortgage payment on that basis. This payment was reflected in high core rents payable by the LA through HB, as the housing association sought to repay the mortgage over a certain timeframe through charging high base rates.</p> <p><i>‘... when you're talking about sort of six-, seven-bedroom properties then you're talking about a large mortgage, so the base rate itself ... can be quite high.’ (19, HB, LA direct; LA via HA, England)</i></p>
Unreasonable service charges	<p>Staff costs - Following a restructuring, the provider charged what the LA believed to be excessive amounts for the security of the building. The LA challenged the provider on their claim that the job description was a split role (50 % for support and 50 % for security), as they expected the job to entail more support. The provider was therefore asked to proportion out what time they spent on the security of the building which would be eligible for HB.</p>
Ineligible service charges	<p>Void - A provider had two flats side by side, one which was empty. To recover the costs of having an empty flat, they classified voids as eligible HB costs, which was challenged by the HB team.</p> <p><i>‘... voids on rent, £20 a week, we will not pay. We wouldn't pay Housing Benefit on a property that there was no one in if there's no tenant, so we're now not paying that.’ (29, HB, LA via HA; P/C/O, England)</i></p>

Outcomes

When challenging providers on rents and service charges, respondents discussed three possible outcomes: (a) rent and service charges are lowered through mutual agreement with the provider; (b) rent and service charges stay the same; and (c) the

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LA restricts rent and service charges, with the option given to providers of appealing the decision.

LAs reported that challenges, i.e. requesting more evidence from the provider, generally led to an agreement with the provider who would subsequently lower rent and/or service charges.

'... they change the amount and ... in most cases you come up to an agreement that's yes, okay, we think this is reasonable.'
(18, HB, P/C/O, England)

'Usually the result is that the figures the provider comes to us for at the beginning ... goes down a bit before we do pay them out.'
(16, HB, LA via HA, Wales)

However, in some instances, LAs were unable to get the provider to lower their proposed rent and service charges. This was either due to (a) a lack of alternative provision for the client group (see below); (b) providers being able to fully justify the costs; or (c) the LA not entering into negotiations with the provider despite considering the charges unreasonable. For instance, one LA did not always negotiate and – in such cases - ended up paying the full amount; however, the reason why they occasionally did not negotiate was not clear.

'If we don't negotiate and get the figures down, then we end up paying.'
(17, HB, LA via HA; P/C/O, England)

Although less common, some respondents reported that LAs occasionally restricted rent or service charges if no agreement could be reached. In some cases, providers accepted such decisions without appeal. This perception was that this was more likely to be the case when providers were aware that they had limited leverage, for instance due to lacking the necessary evidence to justify the costs.

'We've given the reason why ... they didn't come back, because actually they didn't have a leg, they couldn't prove, or provide any further information on the extra stuff that they need.'
(29, HB, LA via HA; P/C/O, England)

In two cases, respondents had examples of providers appealing LAs' decisions to restrict rent and taking the process as far as tribunal. In both examples mentioned providers had successfully appealed against the respective LA's decision to either restrict rent or refuse an increase. While there were only two clear mentions of this from those we spoke to, in both cases, respondents felt like tribunals tended to side with the provider, largely due to the perceived ambiguity of HB legislation around eligible service charges:

'... where we try to refuse an increase in rent, the provider will go to the tribunal service, and it's usually the case that they will win at the first-tier tribunal service and the local authority then has to make the payment.'
(08, HB, P/C/O, England)

Factors influencing outcomes

The factors LAs took in to consideration beyond regulation when coming to an outcome on a challenge were:

- **Availability of other accommodation.** Respondents mentioned that providers will lower rents as long as the LA can prove that there is similar accommodation for less money in the same area (see Table 2.2).
- **Levels of evidence provider offers.** Depending on whether the evidence is fully justified, the LA will either restrict or accept the charges (see Table 2.3).
- **Decision by the rent officer.** Some LAs reported that they refer rents to the rent officer for charities and voluntary organisations as required by law. For housing associations/RSLs, involving the rent officer was rare and only happened when the rent was considered excessive:
'We have ... the district valuer involved in this because there's a dispute between the local authority and the registered social landlord. They are trying to charge rents ... £150 above what we would pay our highest end and, and therefore we've got a third party involved.'
(10, Comm, LA via HA, England)
- **Decision by tribunal.** Decisions by tribunals can, when successful, overturn a LA's decision to restrict rent.

Some specific examples of these factors are illustrated in Tables 2.2 and 2.3 below.

Table 2.2 Availability of Other Accommodation

Available	Not Available
<p>Local Authority X occasionally deals with providers of SSA whose charges they consider excessive. If there is similar accommodation in the same area that residents can move into, the providers have little choice but to reduce the charges.</p> <p><i>'We usually have that conversation with the landlord to say, 'Look, you are coming out significantly higher than ... schemes. We've got vacancies available there, so actually, we can prove there's suitable cheaper alternative accommodation.'</i> (02, HB, LA via HA, England)</p>	<p>Local Authority X has its hands tied with certain providers offering schemes for SSA. Although the providers are charging high service charges, the LA finds it difficult to restrict these, given that there is no other accommodation available for the client group.</p> <p><i>'... because of the vulnerability of the clients, we're quite limited to be able to restrict it or not to pay it ... there has to be other accommodation available for them, which we're finding in this area, there isn't other accommodation available for them.'</i> (17, HB, LA via HA; P/C/O, England)</p>

Table 2.3 Level of Evidence

Sufficient evidence	Insufficient Evidence
<p>Local Authority X always ensures they can fully understand how the provider arrives at their decision before making HB payments. A provider might charge £500 a year for fire tests, but this needs to be plausible, i.e. backed up and explained in full.</p>	<p>Local Authority X has repeated problems with a particular landlord for LTSA. The landlord is almost challenged on a yearly basis about the costs and the services provided to the residents. The outcome tends to be the same – the landlord cannot justify the costs, so the LA restricts the rent.</p>

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<p><i>'... if they ... say, 'Well, yeah, we've got X number of extinguishers and fire exits across the property and each year we have two audits of £250,' then we think that's good enough evidence.'</i> (08, HB, P/C/O, England)</p>	<p><i>'And because the answers are sometimes very weak and can't be proved ... then the rents have been restricted by us.'</i> (03, HB, LA via HA, England)</p>
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3 Factors influencing cost-control of rents and service charges

This chapter looks in more detail at the factors that influence the cost-control of rents and service charges. The chapter begins by examining how local authorities (LAs) make use of monitoring the quality of service charges eligible for Housing Benefit (HB) and looks at the factors that help and hinder this process. The chapter then examines collaboration within and between LAs as well as LA knowledge and experience as further factors that influence cost-control.

3.1 Monitoring the quality of services charged by providers

In addition to the mandatory requirement to monitor eligibility of service charges, some LAs have a process in place to monitor the quality of service charges claimed by providers that are funded through HB. Unlike monitoring eligibility, LAs are not required to monitor the quality of the services charged for by providers. Therefore, not every LA interviewed had processes in place to do this. Variations included some HB teams reporting they have no remit to monitor quality; lacking the capacity to do so; or only monitoring sporadically and reactively. Overall, three interrelated factors influenced whether monitoring the quality of service charges occurred. These included (a) level of resources; (b) whether supported accommodation was commissioned; and (c) the level of collaboration within LAs.

3.1.1 Resources

A lack of resources relating to time and capacity limited the systematic monitoring of the quality of service charges within a range of HB teams.

'... if the DWP paid us to but they don't ... we haven't got the resource to be able to do that.'

(02, HB, LA via HA, England)

'... it's difficult ... to assess the quality ... of the service provided. That ... would entail us having to go out and, and visit the properties... that is something that we don't do.'

(16, HB, LA via HA, Wales)

However, some HB teams managed to address this lack of resource or designated monitoring responsibility by monitoring the quality of service charges reactively. There were two dimensions underpinning this: (a) communication with other departments (see 3.1.3); and (b) communication with tenants and/or their families. In this latter instance, there were examples in the data of parents of tenants and former

tenants alerting the LA about a lack of service or poor quality of service. The LA could then explore this claim and remove the charges or reduce these to a nominal amount. In one example, a LA occasionally stopped HB payments of claims after parents of previous tenants contacted the LA.

'... sometimes parents will contact us to say, 'You know that charge that the landlord's charging for? Well, we've never had that, my son's, my son or daughter's never had that service.'

(06, HB, LA via HA; P/C/O, England)

3.1.2 Internal relationships

Internal collaboration and discussions between departments were a key factor in managing cost-control and were mentioned frequently in unitary LAs. Our sample contained only a small number of respondents from Tier 2 authorities and so we are less able to draw conclusions on how collaborations worked in these contexts.

Internal collaboration and discussions around monitoring of service charges occurred in some unitary LAs with HB teams that either (a) had responsibility but lacked the capacity to monitor service charges; or (b) had no direct remit to carry out monitoring duties, as this was carried out by other departments.

In some LAs where the HB team lacked the capacity to monitor, other departments supported the HB team in monitoring when concerns arose. For instance, one HB manager instructed the Housing team to visit the property if they had doubts about services not being delivered. Another LA had ongoing discussions with the housing team and adult services which ensured that monitoring took place (see Table 3.1).

Table 3.1 Good Practice: Internal Relationships

Local Authority Y does not have any capacity to monitor non-commissioned supported accommodation, as they lack the resources to do so. One available option for them is to visit the property and inspect the quality of service charges when receiving a complaint from a tenant. The Local Authority also takes a holistic approach to monitoring the quality of services: different teams responsible for funding and managing different areas of supported accommodation (HB, Housing Options, Adult Services) work closely together, even though there is no one team that monitors systematically. For instance, should an individual have any difficulties with the landlord, Housing Options will engage with the HB team to understand what charges HB are covering. If the services aren't delivered, Housing Options and the HB team will convene a meeting with the landlord to make sure that (a) the quality of services is adequate; and (b) the services charged for actually exist.

In some LAs where monitoring was explicitly carried out by other departments, e.g. Housing, there were established channels of communication between the Housing and the HB team. This was to ensure that service charges delivered value for money. One HB manager explained how their team removed charges as a result of being contacted by the Housing team.

'Colleagues of housing have been out to a couple of the particular properties to see whether or not the gardening's being done, the windows are being cleaned ... and said

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there was no evidence of that so that's why those charges were ... removed.' (03, HB, LA via HA, England)

Although less common, some HB managers were not aware of any team or department monitoring the quality of service charges and in these cases implied that conversations across departments around the quality of service charges did not occur. Similarly, several HB managers in Tier 2 authorities assumed monitoring duties were carried out within the county councils (i.e. Tier 1 authorities), as Tier 1 authorities had responsibility for commissioning schemes.

3.1.3 Commissioned versus non-commissioned supported accommodation

Across the sample, several HB Managers and commissioners reported that the quality of service charges was monitored for commissioned services only; that is services such as care or support that are specifically contracted and paid for on a client's behalf by the LA that would come with specified monitoring indicators. In contrast, HB teams were not always responsible and/or had the resources to monitor non-commissioned SA (see 3.1.1 and 3.1.2). One exception was a Scottish LA, where the HB team was responsible for monitoring the quality of all service charges for commissioned and non-commissioned supported accommodation alike.

Although service charges eligible for HB in commissioned SA were more frequently monitored, the monitoring approach within commissioning teams differed. There were two monitoring approaches for commissioning teams:

- **Comprehensive monitoring.** Commissioners that systematically monitored the quality of service charges for commissioned SA. Monitoring service charges would be part of the overall annual monitoring and reviewing of the overall scheme. One LA in Wales even had a designated service charge officer in place to monitor all services – including service charges – against a set of performance criteria. Other LAs had an equally comprehensive approach (see Table 3.2).
- **Passive monitoring.** Commissioners that did not explicitly monitor the quality of service charges for commissioned SA but did so 'passively'. For example, in one LA, no designated team or person was responsible for monitoring service charges; however, the commissioner would get a sense of the quality of service delivered.

Table 3.2 Monitoring Approaches in Commissioning

Comprehensive Monitoring	Passive Monitoring
<p>The commissioning team within Local Authority X has responsibility for monitoring different elements of the services they commission, which includes the quality of services logged as Intensive Housing Management (IHM). Having a relationship with the provider as a result of commissioning the service allows the commissioning team to monitor the supported accommodation schemes comprehensively.</p> <p><i>'Where we might commission support to go into a service, of which there is also an Intensive Housing Management payment element, we contact, monitor and check the quality of properties that are in those contracts. But we, we can't do it if we don't have a relationship.'</i> (24, Comm, LA direct; LA via HA, England).</p>	<p>Local Authority X does not have any department or individual explicitly in charge of monitoring service charges. The commissioning team only has oversight and monitoring responsibility for support and care, as these are the services they commission. However, they invariably have an overview of the whole service, which includes IHM.</p> <p><i>'If it was delivered into a service where I'd got a support contract in there (...) you'd have an overview of the whole service but I wouldn't be looking in detail at that housing management service that's being delivered.'</i> (10, Comm, LA via HA, England)</p>

3.2 Collaboration

How closely departments worked together had an impact on LAs' ability to manage costs. This was relevant for monitoring the quality of service charges (see above) and during the process of negotiating rents and service charges. Two types of collaborative relationships existed for the process of negotiating rents and service charges: (a) collaboration between the HB and commissioning team; and (b) collaboration between LAs.

3.2.1 Within LAs

There were three key reasons the HB team worked closely with the commissioning team when negotiating rents and service charges. These were (a) to have a better understanding of the scheme and related costs; (b) to ensure provision is appropriate for client needs; and (c) to avoid double funding.

- To increase understanding of scheme and costs.** Across the sample, HB managers emphasised the importance of liaising with the commissioning team when negotiating rents and service charges for Long-Term Supported Accommodation (LTSA) and Specialised Supported Accommodation (SSA). This helped better understand the scheme and related costs and ensure that HB departments could understand the nature of the specialised scheme and client needs.

'We do tend to contact the county council who deal with adult care (...) to check how specialised it is.'
(17, HB, LA via HA; P/C/O, England)

'... you don't ... always know what's being provided ... and social services information can be ... really useful there ... we don't always appreciate that these people might need 24-hour care, we don't always know the background or the history, and it's always useful in making our decisions about rent levels as well in knowing about the background.'

(01, HB, LA via HA, England).

- **To ensure there is no overload.** Another key reason HB teams liaised with the commissioning team around LTSA and SSA before entering into negotiations with providers was to ensure that the schemes were commissioned and needed within the LA.

'... we also work with our commissioning partners ... to make sure that they know that the accommodation is ... up and coming ... because ... we've got to be very ... careful what is provided by who and where, so that we haven't got an overload and ... that things are controlled across the city.'

(23, HB, LA via HA, England)

- **To avoid double funding.** Being in dialogue with the commissioning team ensured that different departments were not charged for the same services, e.g. identical services logged under IHM and housing-related support.

'... our Housing Benefit department will liaise with us to make sure that ... they're clear on what has been funded from the support side to ensure that there's ... no double funding of services going on.'

(07, Comm, P/C/O, England)

3.2.2 Between LAs

Collaborative practices between LAs existed between the same (i.e. HB) and different departments (i.e. HB and commissioning). Particularly in smaller and more rural LAs, HB managers cited examples of working together with HB teams from other LAs when (a) negotiating new schemes; and (b) renegotiating existing schemes. In one district council, a HB team liaised with neighbouring LAs to ensure charges for new schemes were reasonable.

'... throughout ... we work together. So if there is a provider's opened a scheme say in ... and they're claiming this cost for this which they think is excessive they'll check with us and we'll say well, we've got a similar scheme and they're claiming this.'

(05, HB, P/C/O, England)

Some HB teams also worked or liaised with commissioners from neighbouring LAs. One example included a HB manager, who had been approached by a commissioner from the adult social care team in the neighbouring authority about providers of supported accommodation and related schemes. The requested information was vital in potentially enabling the neighbouring LA to lower rent and service charges.

'I did have a conversation with ... the lady from the adult social care team ... she just wanted some information on, on the companies that were coming through charging a

higher rent ... they don't normally have discussions about the charges of the rent, and the eligible Housing Benefit charges ... they're trying to get a ... bit more info.'
(29, HB, LA via HA; P/C/O, England)

3.3 Knowledge and experience

A range of factors relating to knowledge and experience impacted cost-control. Significant in the data were how staff were able to interpret and apply legislation and previous experiences as well as the levels of evidence offered by providers. A further factor was whether and what information was available from other schemes (in different LAs) in order to support comparison on costs.

3.3.1 Using guidance and legislation

Considerations relating to (a) eligibility of service charges; (b) reasonableness of rent; and (c) the provision of 'more than minimal' care, support and supervision guided the setting of rent and service charges. Several respondents in HB teams commented on a perceived 'grey' area that existed in determining these tests, particularly with service charges subsumed under Intensive Housing Management (IHM). We take these issues in turn.

Eligibility. HB managers across all geographical areas pointed to a perceived 'grey area' around eligibility of service charges. In practical terms, this perceived ambiguity meant that ineligible service charges were covered by HB. This 'grey area' applied particularly to the definition of communal charges covered by HB. One HB manager explained that it was difficult to ascertain whether a charge was communal, as providers subsumed a lot of services under 'communal charges' that were not covered in guidance and regulation. These discussions were frequently accompanied by suggestions that enhanced guidance as well as case studies would help address the 'grey area'.

'From an HB perspective ... it's not always clear whether a charge is eligible ... Grey areas make decision making inconsistent.'
(30, HB, LA via HA; P/C/O, Scotland)

'It would be useful if they [DWP] could come out ... with an example ... I don't know, a sheltered scheme for the elderly vulnerable people, we would expect to see this, this, this, this, this as service charges and ...we wouldn't expect the landlord to be claiming for anything else. And almost like an example set for each client group.'
(02, HB, LA via HA, England)

'... straightforward clarification on them would be good, so at least ... the service provider would be able to then look at, at those, 'Right, that service cannot be included. We, we won't be paid for that.'
(22, HB, LA via HA, Scotland)

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A contrasting view was that the definition around eligibility was straightforward, which meant that it was up to individuals within the HB team to ensure that no ineligible charges would be covered by HB.

'You can just stick to the regulations and anything that has to be covered outside ... the regulations ... we would turn that element down.'
(20, HB, LA direct; LA via HA, England)

'The legislation is very specific. Housing Benefit legislation is specific about that and they're not bending any rules on that! We don't get paid for it, you know.'
(23, HB, LA via HA, England)

Respondents that felt more knowledgeable and confident about the eligibility of service charges did so for two reasons: (a) they reported having had the opportunity to access relevant training. For instance, one HB team had received training from a number of sources, including the Institute of Revenues Rating & Valuation (IRRV), the Chartered Institute of Public Finance and Accountancy (CIPFA) and HBInfo; and (b) several years of experience in the role meant that individuals had a better overview of key changes around the funding of supported accommodation. For instance, one experienced HB manager explained that their knowledge around eligibility stemmed from already being in their current role in 2003 – the time when Supporting People led to changes in funding for supported accommodation.

Reasonableness. Respondents across the sample discussed the challenge of determining the reasonableness of service charges. There were two reasons for this: (a) a lack of in depth knowledge of the financial context of the provider (see below) within the HB team; and (b) the absence of a threshold that would facilitate cost-control.

One HB manager explained how their LA had consulted outside professional advice when examining the reasonableness of service charges. Their main difficulty in determining reasonableness was a lack of understanding of external costs to the provider being used to legitimise their charges to the LA. This meant that it was at times difficult to challenge providers on their rationale for higher charges:

'... when we come to challenge the costs that are being quoted to us as reasonable for these schemes ... we really can't argue with a lot of the things that are said to us. If someone turns round and says ... they've invested X million pounds into this scheme which is repayable after 15, back over 15 years and that is why the core rent is so high, we can't challenge that.'
(05, HB, P/C/O, England)

Some LAs addressed the challenge of determining reasonableness by working between LAs. This had the benefit of ensuring a level of consistency in setting rents and service charges (see 3.2). However, respondents noted that the absence of an upper threshold for rent and service charges for SA complicated the process of determining reasonableness. A threshold was seen as a potentially vital and time-saving tool, especially when comparing service charges across schemes (see 3.3.2).

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'We spend a lot of time negotiating saying, you know, 'We know it can be done for X by another provider', so to have the consistency, to have a ceiling or an upper ceiling.'
(22, HB, LA via HA, Scotland)

'...they're really difficult to, to administer, because you've got to look at ... a whole host of things before we can make a decision ... if there were a threshold on ... what we can pay ... it would be a lot easier.'
(04, HB, LA via HA, England)

'More than minimal'. Some HB managers highlighted the difficulty of determining what constituted 'more than minimal' care, support or supervision. This perceived lack of clarity was a concern, given that the provision of support, care or supervision that is 'more than minimal', performed either by or on behalf of the landlord, allows HB claims to be exempt from any restrictions on rent and service charges. A perceived ambiguity around this term meant that claims could fall into the exempt category despite not fulfilling the stipulated criteria. Several respondents in HB teams expressed a wish to have more stringent definitions in place, which would facilitate the process of determining the reasonableness of rent and service charges.

'... the regulations that we've got in place for defining specified and supported accommodation in relation to what level of support has to be provided by the registered charity can often make it a minefield for local authority decision-makers, and we, we work very hard to make sure that our accommodation ... satisfies the regulations before awards are made, and ... not paying ... if it doesn't.'
(21, HB, LA via HA, Scotland)

3.3.2 Levels of evidence

Where the provider (a) could not provide the required evidence to justify costs; and (b) the LA had information on rents and service charges of comparable schemes, providers usually ended up either accepting lower payments on rent or service charges or having these restricted by the LA (see 2.2.3).

'I've asked the questions ... the answers are either very dodgy or they just can't answer so that landlord then tends to back off ... and accept the lower rent that we're prepared to pay Housing Benefit on.'
(03, HB, LA direct, England)

'... we ... compare them to other supported schemes in the borough. And we would generally come back to the RSL quite quickly and say, 'Yes, we're fine. or, 'No, it's too high ... you need to look at your costs.'
(01, HB, LA via HA, England).

However, a lack of standardisation in what information providers gave to breakdown their service charges impacted the LA's ability to manage cost-control. A lack of standardised template meant that LAs potentially ended up paying for service charges that were ineligible or excessive. The absence of a standardised template

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complicated comparisons with other schemes – a key tool to limit and/or restrict rents and service charges.

'Different rent submissions from each provider make this even more complex – a standard template would be useful.'
(31, HB, LA direct; P/C/O, Scotland)

4 Providers

The chapter looks in brief at how local authority (LA) respondents perceived providers – those organisations managing and delivering Long-term Supported Accommodation (LTSA) and Specialised Supported Accommodation (SSA) in their areas. It gives an overview of their perceptions of how providers operate with respect to rents and service charges, which in turn can influence processes of cost-control.

4.1 Good practice and substandard providers

With respect to cost-control, there were two contrasting categories of provider in the examples discussed – good practice and substandard providers – whose variations in approach were considered to help or hinder LA processes of cost-control. Key features that characterised good practice and substandard providers related to (a) the detail and clarity of evidence provided when submitting rent and service charges; (b) the service charges included as eligible for Housing Benefit (HB); and (c) their responsiveness when communicating with LAs.

4.1.1 Good practice providers

Providing detailed and precise information. The advantage of providers submitting detailed and precise information as part of the negotiation process lies in speeding up the negotiation and saving resources for the LA. Good practice examples of providers are those that include detailed information on (a) the funding of the scheme; (b) rents and service charges; (c) the type of care and support given; and (d) the number of units within the scheme, therefore enabling the LA to easily determine the type of accommodation (e.g. specified accommodation) and quickly agreeing the level of rent and service charges.

Justifying costs and claiming eligible service charges. Charges claimed are eligible and reasonable, with adequate justification given when requested by the LA. Providers including eligible and reasonable charges can be facilitated by providers and HB teams having early face-to-face discussions, often before schemes go live (see Table 4.1). Misunderstandings around reasonableness and eligibility of service charges can be avoided when providers interact with HB teams either face-to-face or on the phone, given that this lends itself better to discussing complex calculations.

Proactive and responsive. Good practice providers seek to be proactive and responsive when dealing with LAs. Being responsive entails regular communication as well as being responsive to LA needs, e.g. finding innovative ways of reducing service charges to ease the strain on LA budgets (see Table 4.2). Proactive providers are interested in creating and maintaining relationships with LAs and

welcome LA oversight. This includes non-commissioned providers of supported accommodation engaging with commissioners.

Table 4.1 Good Practice – Proactive Provider 1

Provider X earmarks a property before identifying clients for the property and – in tandem with HB team – will establish ballpark figures for rent. Once the LA has secured the property and identified and assessed the clients moving in, they have specific conversations with the provider around any required adaptations to the client group and the needs of those individuals. This might mean that the initial ballpark figures for rent will be increased, e.g. if large adaptations cannot be funded through adult social care the rents and charges will increase for the HB team, since the providers are picking up the capital cost. However, the iterative process of the negotiation and ongoing conversations mean that the HB team has a comprehensive understanding of the scheme and costs and is less likely to encounter any hidden costs.

Table 4.2 Good Practice – Proactive Provider 2

Provider X applies for an increase in their communal water charges. The water bill for the particular block in question approaches £30,000 a year, which the HB team deems unreasonable and excessive. After discussions with the provider, the provider goes to the utility company in question to see if the water rates bill can be reduced. It turns out that the provider is entitled to a rebate, which means that a) they can lower the charges for the water bill; and b) the HB team can lower HB payments.

4.1.2 Substandard providers

Providing vague and partial information. Substandard providers offer vague or partial information on rents and service charges. Cases include providers only identifying service charges upon request or giving partial breakdowns of rent and service charges. This therefore makes it more difficult for the LA to scrutinise the scheme and slows down the overall negotiation process. For LAs with limited capacity, this is a particular challenge.

Claiming ineligible and unreasonable charges. Claiming ineligible and inaccurate service charges and unreasonable rent and service charges illustrate substandard practice. Examples include providers shunting costs, i.e. claiming HB for services previously paid and covered by Supporting People fund or using Intensive Housing Management (IHM) as an umbrella cost. Other examples include providers charging staff costs based on an average rather than based on the tenants' needs. Such practices have resource implications for LAs around time and money: LAs either (a) cover unreasonable or ineligible charges; or (b) spend a significant amount of time scrutinising charges and negotiating with providers around eligibility and reasonableness.

Passive and not interested in forging relationships. Substandard providers are passive in interacting with LAs and not eager to proactively work with LAs. If providing non-commissioned supported accommodation, they do not welcome

oversight by commissioners when approached. Passive providers take time responding to LA request, which can be reinforced by a lack of information sharing between providers and landlords. For instance, respondents highlighted that providers are at times unaware of how charges are calculated and so unwilling or unable to send information, especially if needing to go back to the landlord.

There was also some evidence to suggest that the type of scheme (i.e. whether new or existing); and the size of the provider (i.e. whether small or large) impact cost-control. This is summarised in Table 4.3 below.

Table 4.2	Size and type of scheme
<p>New versus existing scheme - A respondent explicitly distinguished between new and existing schemes, and noted that it was easier to challenge new schemes over existing schemes. When challenging an increase in rent within existing schemes, their perception was that the tribunal service tended to side with existing providers.</p>	
<p><i>'... it's usually the case that they will win at the first-tier tribunal service and the local authority then has to make the payment. So it's easy for us to challenge new schemes. It's, it's less easy to challenge existing schemes.'</i> (08, HB, P/C/O, England)</p>	
<p>Size of provider – A respondent found it more difficult to challenge large-scale providers with schemes across the country. This was because larger providers had (a) the legal infrastructure in place to successfully appeal any possible restriction in rent; and (b) tended to provide the adequate level of evidence requested by the LA, even if considered excessive.</p>	
<p><i>'They have their agreements and their costs all set by boards of trustees and managers, and they have legal advice to, to, to give us all the information as to why that's reasonable, that unless we've got back-up of legal advice, then what would be benefiting us, challenging it?'</i> (21, HB, LA via HA, Scotland)</p>	

5 Sheltered Housing and Specialised Supported Accommodation

This section will examine the extent of, and reasons why, rents and service charges for local authority (LA)-owned sheltered and extra care housing are different to those homes owned by registered providers/others. The section also indicates emerging trends in relation to the provision of sheltered accommodation present in the data. The second part of the chapter identifies some key reasons why rents and service charges are more expensive for Specialised Supported Accommodation (SSA) than for other types of supported accommodation.

5.1 LA-owned sheltered housing

5.1.1 Rents and service charges

The majority of respondents maintained that rent and service charges for LA-owned units were lower compared to other providers. The reasons given by Housing Benefit (HB) managers were:

Warden services. Respondents mentioned that LAs either did not charge for warden services or no longer provided resident warden services due to cutbacks. In some instances, warden services were replaced by telecare.

Lack of expertise. One HB manager cited a lack of expertise within the housing department compared to private providers as the main reason why service charges were cheaper for LA-owned sheltered accommodation.

'They've not got the expertise on what they can actually charge, you know, what they're allowed to charge for ... and the private providers will charge ... they will charge for every single cost they actually have.'

(20, HB, LA direct; LA via HA, England)

Equality considerations. Some LAs were concerned that an increase in service charges would negatively impact the significant proportion of residents in sheltered housing not in receipt of HB.

However, other LAs noted that their service charges were identical to those of Housing Associations (HAs/RSLs). Comparing service charges for LA-owned units with those of registered providers facilitated this process:

'... we do compare, you know ... there is a clear comparison in the level there, between what we have ourselves, and what the RSLs are operating. It's very, very similar.'

(25, HB, LA direct, Scotland)

Another example included a LA that increased their service charges after realising through comparing schemes that they had been undercharging. What facilitated the decision to increase service charges in this case was that clients in sheltered accommodation were all eligible for HB. This meant that the impact of increasing rent and service charges on residents did not constitute a barrier for the LA.

5.1.2 Trends

As discussed in the introduction, two thirds of LAs in our sample (17 out of 25) owned sheltered housing stock, and not every respondent was able to comment on questions relating to sheltered housing. Therefore, the following two overlapping 'trends' are best treated with caution – it is unclear how reflective they are of wider developments in the area.

Technology. Some respondents maintained that technological developments have resulted in a decrease in need for sheltered housing. An example given was a dispersed lifeline, which could be put into people's homes and reduced the need for sheltered housing.

Reduced provision. A few respondents noted a reduction in the provision of services for residents of LA-owned sheltered stock. One HB manager in a Scottish LA explained that cutbacks resulted in the scrapping of warden services. In a Welsh LA, warden services were replaced by needs-based support system.

'... what was previously our warden service ... is now a tenure neutral support service ... based on needs. So where somebody moving into sheltered accommodation doesn't have any support needs, they, they won't require any support visits and don't receive any.'

(14, Comm, LA direct, Wales)

5.2 Specialised Supported Accommodation (SSA)

5.2.1 Rents and service charges

There was wide-ranging consensus among respondents that rent and service charges were higher for SSA compared to other supported accommodation schemes. This supports findings from recent reviews, such as the UK Government's review into the SA sector (see 1.1. and 2.1). The reasons given included.

Demand versus limited supply. Limited availability of SSA schemes drives up rent and service charges. The absence of alternative accommodation and vulnerability of clients means that LAs accept higher payments in the absence of supply.

Staffing costs. The nature of SSA schemes can necessitate more staff numbers and constant physical presence (e.g. in 24/7 schemes), which feeds into higher service charges.

Lease charges. Providers paying high lease charges to the landlord can result in higher rents, the costs of which need to be covered by LAs (see 5.2.2).

Replacement, maintenance and adaptations. More frequent replacements of household items (e.g. carpets, white goods, and furniture), maintenance of items (e.g. walk-in showers, lifts) as well as adaptations required for the clientele (e.g. lifts, adaptation for hoists) incur higher costs for LAs.

Location. The location of the SA property can also be a contributing factor to higher costs. For instance, individuals might have specific requirements that mean they cannot live in a mainstream community. In one example, a LA had to purchase a property to accommodate the needs of an individual client.

'... there's all sorts of complex needs and it's got to be in an isolated position ... what's been told to us by the provider is the provision and support is more costly because ... the person's more remote.'
(22, HB, LA via HA, Scotland)

5.2.2 Trends

Not every respondent was familiar with the provision of SSA. However, based on respondents' comments, we can observe the following developments in relation to this sub-sector.

Developing market. It appears that there is a growing market for specialised schemes, driven in part, as some respondent felt, by the prospect of enhanced housing benefits for this sub-sector. Some respondents in HB teams and commissioning services, for instance, regularly received speculative enquiries about the need for specialist schemes. In one LA, there was a tendency for providers to change status from general-needs accommodation to providing more specialist support even though the services did not necessarily align with the level of needs of residents.

'... we've certainly seen the level of expenditure spiral out of control over the past ten years because we've seen providers change status. They may have been just in general-needs accommodation. They've changed their status and then they've started to bring people in with perceived needs and increase their rent significantly.' (08, HB, P/C/O, England)

High leases. Several respondents highlighted the tendency of providers to charge high core rents as a result of having to pay high leases on properties.

'... we are having ... horrendous problems because the core rents are so high. And we're finding it's because we have these companies that are buying portfolios of properties and then leasing them out to housing associations for extortionate figures.'
(17, HB, LA via HA; P/C/O, England)

6 Conclusion

The aim of this study was to gather detailed qualitative evidence to explore the management and cost-control of long-term supported accommodation (LTSA). It sought to understand the range of information local authorities (LAs) collect and the processes used to manage cost-control as well as the factors that influence these activities. In addition, the research was designed to also understand the roles different LA staff play in these processes. The first section of this concluding chapter draws out the main barriers and facilitators for cost-control. This is followed by bringing together some of the respondents' views on key factors that can better support cost-control in the future.

6.1 Barriers and facilitators for cost control

Resources

A lack of resources within the LA constituted particular challenges with regards to monitoring the quality of service charges eligible for Housing Benefit (HB) and scrutinising schemes for LTSA and Specialised Supported Accommodation (SSA). Several HB departments had the remit to monitor service charges, but did not have capacity to do so. The lack of resources did not appear to pose a problem for commissioning teams; however, commissioning teams had no oversight over non-commissioned schemes. Respondents in HB teams also highlighted the time-consuming nature of scrutinising schemes, which appeared to be particularly challenging for smaller LAs. A possible effect of the time required to scrutinise schemes is that LAs cannot be as thorough as they would be and thus ineligible service charges might be overlooked.

Collaboration and information sharing

Collaboration and information sharing within LAs and between LAs was a clear factor where present in enabling cost-control with respect to both negotiating and monitoring rents and service charges. In particular when HB teams did not systematically monitor service charges, regular communication with other teams (e.g. Adult Social Care) was a helpful way for the HB team to be alerted to any issues and respond accordingly. Similarly, input from commissioning teams about the type of scheme and clients facilitated and expedited the negotiation with the provider: it provided the HB team with a more comprehensive understanding of the costs involved and did not mean they had to go back to the provider for more clarification. Likewise, LAs that maintained channels of communication with neighbouring LAs ensured consistency around rent and service charges.

A key barrier to cost-control was teams within LAs working in isolation of one another. This could mean that HB teams paid HB for services that were not delivered, delivered inadequately or already funded elsewhere. Similarly, a lack of communication across LAs could lead to identical schemes costing more in one LA compared to a neighbouring LA.

Knowledge and guidance

Staff knowledge and understanding around service charge eligibility enabled cost-control. Respondents mentioned experience in the role and adequate training as key facilitators for achieving an effective level of knowledge. However, a perceived lack of clarity and 'grey area' in the regulation and guidance over service charge eligibility complicated LA decision-making. There was a lack of agreement from respondents on the clarity of guidance; in some cases, respondents were unsure if charges were eligible or not; however, other respondents considered the regulation and guidance to be clear.

A lack of knowledge around what constituted 'reasonable' charges was another barrier for cost-control. Although respondents alluded to a level of 'common sense' that enabled them to quickly decide what was and was not acceptable, some respondents noted a gap in financial understanding with respect to providers' rationale for high costs, which would enable them to more effectively make decisions about accepting or challenging that rationale.

Data and evidence

Having detailed information on comparable schemes provided LAs with leverage when negotiating with providers, increasing the likelihood of providers reducing rent and/or service charges. This was particularly the case if similar schemes were available for tenants to move into. However, one of the barriers to benchmarking for LAs was the lack of a standardised template sent by providers with a breakdown rent and service charges.

Type of interaction

Having face-to-face meetings with providers to discuss the proposed rent and service charges had the advantage of avoiding misunderstandings around reasonableness and eligibility of service charges later in the negotiation process. It is also meant that negotiations could advance more quickly rather than being drawn out and costing resources

6.2 What can facilitate cost-control in the future?

We asked respondents for their thoughts on what would further support them with the processes and factors of cost-control identified through interview. We have grouped

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their responses into four areas: (a) regulation; (b) guidance and guidelines (c) monitoring; and (d) internal and external working practices.

Regulation

- **Threshold for service charges.** To establish an upper threshold for individual service charges.
- **Regulatory body.** To increase the involvement of the regulatory body (for charities and housing associations) in the process of rent-setting, which would free up resources for HB teams.
- **Licensing.** To license providers of SSA in order to achieve better value for money in services.

Guidance and Guidelines

- **Standardised template.** To create a standardised template for rent and service charges that can facilitate comparison and make scrutiny less time consuming.
- **Guidance on reasonableness.** To offer guidance on an approximate amount of reasonable service charges for different client groups in supported accommodation.
- **Training manual for service charge eligibility.** To create a common training manual to ensure consistency across LAs when it comes to assessing eligible service charges and, in particular, to offer further clarity on what IHM charges should be paid.

Working practices

- **Holistic approach in LAs.** To establish a more integrated approach to managing, funding and monitoring supported accommodation in LAs. This could include giving the commissioning team more responsibility for oversight on how HB money gets spent rather than separating out person-centred services into different teams.
- **Information sharing between LAs.** To improve ongoing information-sharing between neighbouring LAs on how teams assess rent and service charges. This is to ensure greater consistency between LAs and to avoid providers playing LAs off each other, e.g. providers questioning one LA's decision around eligible service charges by stating that a neighbouring LA treated service charge X as eligible.

Monitoring

- **Area-wide monitoring.** To create an area-wide monitoring system/body to have oversight of providers moving to neighbouring authorities when failing to set up a scheme due to charging high rents and service charges.

Appendix A. Technical Summary

This summary gives further detail of the recruitment and sampling process as well as data analysis approach for this research. It also includes the topic guide used in interviews.

A.1 Recruitment & Sampling

Following a screening email to 380 revenue and benefits managers, we received 62 responses (see table A.1). These respondents were then contacted by the research team to take part in an interview and provide more information on the research. Respondents were contacted a total of 3 times to generate participation. The final sample of respondents can be seen in table A.2

Number of LAs contacted	383
Received response	62
Non responses (Inc. out of office)	321
Provider Type	
LA Direct	5
Via HA	20
P/C/O	6
Mixed	31
Country	
England	56
Scotland	3
Wales	3

Geographic area	England	Scotland	Wales	Total number
Provider Type				
LA direct	4 (5)	1 (2)	1 (2)	6 (9)
LA via Housing Association	8 (12)	3 (4)	1 (1)	11 (15)
Private/charity/other	3 (4)	1 (1)		4 (5)
<i>Total number</i>	15 (21)	5 (7)	2 (3)	

A.2 Data Analysis

All interviews were audio-recorded with participants' permission (with one exception where the respondent replied in writing). Interview recordings were transcribed verbatim and analysed using a thematic approach. Transcripts were coded in Nvivo according to an analytical framework developed from the topic guide used in interview (see A.3 below).

Thematic analysis enables a thorough summary of the data to be produced according to cases and patterns in the data as it is coded. These codes are summarised into themes which are reviewed, defined and named for use in final reporting. Once completed, sub-sample analysis (on respondent and type of housing provision) was added to the analysis. This allowed researchers to compare across cases and identify insightful themes relevant to the research questions.

A.3 Topic Guide

Research aims:

The research aims to explore the current approaches taken by Local Authorities (LAs) regarding supported accommodation, particularly long-term supported accommodation. This aims to gather information on prevalent practices in housing stock management, funding and the perspectives of LA staff on opportunities for improvement to inform policy options.

There are four broad objectives put forward by DWP:

1. To gather LAs' perspectives on supported accommodation in their areas, particularly long-term supported housing (including specialised supporting housing);
2. To build DWP's understanding of specialised supported housing;
3. To understand LA processes and roles of their teams in assessing; and monitoring rents and service charges, in order to better manage cost-control;
4. To understand how LA staff interact with supported housing claims and claimants

Overview of topics to be covered in semi-structured interviews:

- **How LAs collect and manage data on long-term supported/specialised/sheltered housing in their area**
- **Housing Benefit claims and the types of support available to claimants**
- **Rents and service charges**
- **Roles of different LA staff in these processes**

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How to use this topic guide:

- This document is a guide to the principal themes and issues to be covered in the interview
- Given the technical nature of the subject, the opening questions for the different areas are pre-written. This ensures a level of direction and purpose. However, researchers will still need to be responsive and flexible in their questioning throughout the interview
- Probes such as 'why', 'how' etc. are not included in the guide. These are asked by researchers as and when appropriate

- Introduction - Thank participant for agreeing to take part
- Introduction to NatCen – independent research organisation
- Brief explanation of the nature and purpose of the study – we have been commissioned by DWP to explore how LAs manage, monitor and fund supported accommodation (SA) to inform policy. Interview will be focusing mainly on long-term supported accommodation (including specialised supported accommodation) but some questions will cover all types of supported accommodation (including short-term and sheltered accommodation). We have used accommodation and housing interchangeably in this topic guide.

Reassurances

- Participation is voluntary – you can choose not to discuss any issue. Interview length is 30 min
- Neutrality of the researcher – simply to ask questions and get a better picture to inform policy
- Confidentiality: we will treat what you say in accordance with the Data Protection Act (GDPR from 26 May onwards). Individuals will not be named in the published report
- Permission to record (verbal): Reasons for this is to have an accurate record of what is said. Data is stored securely on encrypted digital recorder and secure folders on NatCen's computer system. Data will be deleted at the end of the project. (Ask to repeat permission for benefit of recording, when interview commences)
- Any questions

1. Introduction and context setting [3 min]

Section aim: to 'warm up' participant and gather contextual information about their current role and responsibilities

- **Participant background**
 - Job title and responsibilities
 - Length of time in role

2. Information mapping – Managing and collecting data

Section aim: To explore the range of information local authorities collect and manage on long-term and specialised supported accommodation (including sheltered accommodation)

- **What is the supported accommodation provision in LA area?** [Note - Potential differences between stock-owning and non-stock-owning LAs, and between England/Scotland/Wales]
 - Provider = LA/Housing Association/Registered Charity/Other
 - Short term/sheltered/long-term
- **Is Specialised Supported Housing provided in your LA?** [Note – if the answer is no, proceed to next section. Questions about funding of specialised SA if relevant come in section 4)
 - Distinction made by LA between specialised and long-term supported housing
 - Different housing types for SSH? (Flats? What else?)

- **What are the types of accommodation included under supported accommodation?**
 - Flats, bungalows, purpose-built etc.
- **What are the types of support services provided?** [Note – this does not refer to Personal Care but is about support for everyday tasks, e.g. advice, help with shopping etc. Support will vary depending on provision, e.g. general needs versus intensive housing management functions. Generic support is not funded by HB, but “intensive housing management” is, at the discretion of the LAs]
- **Describe the make-up / profile of long-term supported housing residents** [Note – if LA owns sheltered accommodation stock, ask question for sheltered accommodation also)
 - Client groups (e.g. mental health problems, learning disabilities, other disabilities etc.)
 - Benefit type etc.
- **Has there been a change in profile of clients in long-term supported housing in last 3 years?** [Note – not urgent if pressed for time]
 - If so, how make-up has changed (e.g. more disabled people)
- **Has the demand for long-term and specialised accommodation increased/decreased or stayed the same in the last 3 years** [Note – not urgent if pressed for time]
 - Has the supply changed accordingly?
- **How does your LA update and manage their information on SA?**
 - What information is recorded and how is it used
 - Whether provider-information is collected/analysed
 - Whether there are specialist teams for SA
 - What is the process involved; gathering, storing, reviewing, etc.

3. Information mapping 2 - Housing Benefit claims

Section aim: To explore the range of ways housing benefit claims are made as well as types of support claimants make use of

- **How do residents in supported accommodation typically claim HB?**
 - Whether they claim themselves, or with the support of a friend/relative/support worker/housing manager etc.
 - Whether LAs provide support to claimants independently of providers
- **How LA engages with HB claimants in supported accommodation after the claim is made?**

4. Funding

Section aim: To examine the different factors influencing the setting of rents and service charges for LT and SSH, funded by Housing Benefit, as well as exploring the roles played by different local authority staff hereby

Additionally, important to remember that ‘intensive housing management’ costs are legitimate to be funded by HB and often HB officials based on the facts and circumstances on the ground will be using their judgement that an activity is indeed legitimately included here by a provider.

- **How are supported housing rents (eligible for HB) negotiated between LAs and providers/landlords? (Note – some claimants/service users will receive their HB direct rather than it going to the landlord. Less likely with this client group, but worth being aware of this.)**
 - whether LA challenges providers on HB claims for supported housing (including service charges)
 - proportion of claims challenged
 - what challenges relate to
 - the impact of the challenges
 - how LA interacts with providers/tenants
- **Thinking about service charges funded by/through HB, how do you assess these service charges?** [Note: aim here is to gauge the LA’s understanding of what is funded via HB and therefore what is eligible, without leading them]
 - Types of services provided and covered by (eligible) service charges (**Note** - social care and general support services are not covered by Housing Benefit, but property-related service charges are. Keep this open, don’t lead.)
 - How LA monitor the quality of services covered by service charges
 - Value for money
- **What are the roles of different LA teams/staff in the process of setting rents, and service charges?**
 - Involvement of commissioners in setting rent/service charges at the outset of the scheme?

THEN:

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- **IF Specialised Supported Housing provided in your LA:** [**Note** – answer given in section 1]
 - Whether rents and service charges are typically higher for this sub-sector. If so, reasons for higher rents
 - Types of providers of the specialised supported housing in LA area
- **IF your Local Authority own Sheltered Housing:** [**Note** – answer give in section 1]
 - From your rents and service charges for sheltered and extra care housing owned by local authorities different to those homes owned by registered providers/others?
 - When reviewing HB payments for Local Authority owned units, do you consider any different factors or do anything differently (as compared to other landlords)? [**Note** - phrased as questions, as client has a very specific question in mind]

5. Feedback and close

Are there any improvements which could be made to value for money (cost-control and oversight) in respect of HB-funded rents and service charge payments?

Are there any changes/ suggestions for improvement which would enable the LA team to work more efficiently?

Check if anything else to add, thank and close

- Any questions
- Reinforce that everything discussed will be reported on anonymously. We will not include any information in outputs produced that will personally identify any participants in the group.
- Reassure participants that they are able to contact you after the interview if there is anything reflect on and do not want mentioned in the final outputs.