

Housing benefit changes in Hillingdon



A review by the Social Services, Housing and Public Health Policy Overview Committee

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Chairman's Foreword

'A review into the impact of housing benefits changes on residents and the Council'



On behalf of the Social Services, Housing and Public Health Policy Overview Committee, I am pleased to present this report detailing the benefit reforms implemented by London Borough of Hillingdon Council, and their impact on our residents and staff.

The changes to Housing Benefit have had a major impact on the lives of those living and working in Hillingdon, and ensuring that the Council continues to support our residents through these changes is critical. It is accepted that many of the changes required have been mandated by Government and are required nationally, and because of this, the scope to affect change at a local level is reduced.

The findings by the Committee show that the Council is continuing to ensure that residents are supported through these changes and that Hillingdon's current processes and systems are fit for purpose.

I would like to take this opportunity to thank those officers who have given up their time to help the Committee to consider this review, and commend them for their continued hard work in providing a high quality benefits service to residents of the Borough.

Councillor Wayne Bridges

Chairman of the Social Services, Housing and Public Health Policy Overview Committee

Summary of recommendations to Cabinet

Through the witnesses and evidence received during the detailed review by the Committee, Members have agreed the following recommendations to Cabinet:

<p>1</p>	<p>That Cabinet notes the findings of the Social Services, Housing and Public Health Policy Overview Committee that show:</p> <ol style="list-style-type: none"> 1. There is a wide-range of support available to those residents in receipt of benefits; 2. Council Officers are providing the services and support required to assist residents through fundamental changes in benefits legislation. 3. Efforts are also being made to transform services that assist residents on benefits to secure suitable accommodation.
<p>2</p>	<p>With Universal Credit and other changes continuing to be rolled-out in coming years, that Cabinet welcomes a further review by the relevant Policy Overview Committee, during 2019/2020, on the systems and support in place to assist residents, given the forecasted increase in enquiries and caseloads.</p>
<p>3</p>	<p>That officers review available communication channels with a view to ensuring that Hillingdon residents are kept informed of the current and impending changes to housing benefits and, if affected, are sufficiently signposted towards the appropriate contactable service areas for support.</p>

Background to the review

Context

Local Government is facing a challenging financial situation, with funding from Central Government having been cut significantly in recent years. The introduction of welfare reforms has had an impact on many thousands of residents across the Borough, and more are to be implemented. The Welfare Reform Act 2012 saw the start of significant reform to welfare provision in Britain, continued with the welfare announcements made in the summer budget of July 2015 and the Welfare Reform and Work Act 2016. From April 2016, further reforms have been implemented, with suggestions for additional changes set out in the Homelessness Reduction Bill 2016/17.

Housing benefit (HB) is a Department for Work and Pensions (DWP) benefit administered by the Local Authority. It is a means tested benefit to assist residents on a low income with their rent. The Council Tax Reduction Scheme is a local scheme which replaced Council Tax Benefits in April 2013. This scheme offers financial assistance to low income households to help pay council tax.

To help local authorities manage the impact of Housing Benefit reforms which were announced in the summer budget in 2015, the overall national Discretionary Housing Payments (DHP) funding is £150 million for 2016/17.

Hillingdon has 23,500 households currently claiming Housing Benefit (HB) and/or Council Tax Reduction (CTR). In 2015/16 Hillingdon paid £151 million in HB and £14.8 million in CTR. The Benefit service also operates two reception areas, which see an average of 5000 customers a month.

As part of the joint Fraud and Error Strategy, the Department for Work and Pensions and HMRC have launched a Real Time Information (RTI) bulk data matching project. This project looks at the data held on six social security benefits, which include Housing Benefit, and looks to identify cases where claimants have either failed to declare, or had under-declared earnings and non-state pensions. Overpayments generated as a result of RTI changes equated to £10m in 2015/2016.

As the policies that govern changes to Housing and other benefits are national in nature, it was recognised that the opportunity to influence what happens at a local level was small. With this in mind, the review aimed to look at what changes were required, understand how the Council was supporting residents through these changes, and what impact the required implementation of these changes was having on the working practices of the Council. In line with the review's terms of reference, the Committee sought to understand what changes have been made, and why, and endeavoured to examine the impact of these changes on Hillingdon residents and the work of the Council.

Evidence & Witness Testimony

Front line services

The Committee was first presented with evidence from a front line service perspective, which set out the benefit reforms, who they affected, what impact they had had on the Council, and what actions the Council had taken to manage the reform.

Universal Credit

Members were informed that Universal Credit (UC) is the new DWP benefit designed to provide support for people of working age on a low income, to prepare individuals for work, to move into work, or earn more. UC is a single monthly payment and will replace six existing benefits:

1. Income based Jobseeker's Allowance
2. Income based Employment and Support Allowance
3. Income Support
4. Working Tax Credit
5. Child Tax Credit
6. Housing Benefit

UC was implemented within Hillingdon in November 2015, for the most straightforward cases (e.g. single people claiming for the first time).

In May 2016 the full UC service, using a new digital system, began to be rolled out for all claimant types nationally (beyond London). In July 2016 it was announced that this rollout would be complete by September 2018. Rollout in Hillingdon is not due to start until July 2018.

After the rollout process is completed, DWP will begin moving all remaining existing benefits claimants to the full Universal Credit service. The managed migration of the existing benefits claims will not start until July 2019, and will not be completed until March 2022.

Who is potentially affected in Hillingdon?

- **All working aged residents**
- **Social Landlords**
- **Registered Social Landlords**
- **Private Landlords**

Hillingdon residents already claiming any of the benefits listed are not affected yet. They will be told when UC will affect them.

The impact on Hillingdon as at 31 August 2017:

- **A high percentage of the residents that are affected to date are single people claiming housing costs for the first time**
- **There was less than 1% reduction on Hillingdon Housing Benefit officer caseload**
- **25 applications have been made for 'Alternative Payment Arrangements' (APAs) as of the end of August 2017**
- **97 UC claimants claiming CTR**
- **99 HB claims cancelled as applicant now claiming housing cost as part of their UC**
- **50 Housing Revenue Account (HRA) tenants on UC as of August 2017, of which only 25 cases have alternate payment arrangements set up (direct payments to rent accounts)**

The most recent data shows:

- **LBH has 58 live UC claimants**
- **38 APAs have now been applied for, of which 19 are in payment to the Council**
- **For the live UC claims the average change in debt between the date of claim and the current position on the rent account is negative i.e. on average there has been a reduction in the average debt owed to the Council.**

It is important to note that the most recent figures are a 'snapshot' in time, and this position can change on a weekly basis. The DWP have confirmed that it will not begin the incorporation of HB for pensioners into Pension Credit until the completion of the UC timetable. Local Authorities will therefore be expected to be delivering HB for pensioners until the next Parliament, beyond 2020.

Measures taken by the Council:

- **Tenancy Services was restructured in 2015/16 to bring forward a number of specialist teams to manage the increasing risks of tenancy failure.**
- **A comprehensive welfare reform roll-out and mitigation plan is in place across Tenancy Services, based on information provided by the DWP, with updates reported to the Housing Board on a quarterly basis. The plan has three key workstreams; Support & Awareness, Communication and ICT & Processes.**

The Government recently published regulations to remove the automatic entitlement to housing costs in the Universal Credit Full Service for some 18-21 year olds. This is designed to encourage young people who could stay at home to do so, to avoid moving out and passing those costs onto the taxpayer. Exemptions to the policy include claimants who are orphans or whose parents live abroad, or where it would be inappropriate for the claimant to live in the parental home due to a serious risk to their physical or mental well-being. Exemptions also apply where claimants

are responsible for a child or qualifying young person, were care leavers before the age of 18, were subject to active multi-agency management, where the claimant was not expected to work full time, or where a claimant was earning a certain salary. These regulations will only apply in Universal Credit Full Service areas, which are gradually being rolled out across the country. As previously mentioned, the roll out in Hillingdon is scheduled to begin in July 2018.

Benefit Caps

The Benefit Cap was announced by the Government in the 2010 spending review as part of its strategy to reform welfare for people of working age; the rationale being that work is the best route out of poverty and, whilst income is important, poverty is about more than income in isolation, it is about lack of opportunity and being caught in a cycle of deprivation. The Government's aim was to strike the balance between increasing incentives to work, introducing greater fairness, and making financial savings, all whilst continuing to protect vulnerable claimants for whom work is not an option. The Benefit Cap sets a limit on the total amount of benefits that working age households can receive so that, generally, households on out of work benefits will not receive more in welfare payments than the average weekly wage.

The Benefit Cap is a limit on the total amount of income from certain benefits a working household aged 16 to 64 can receive. If the household received more than the benefit cap allows, then their HB or UC would be reduced to the cap.

Until 7 November 2016, the Benefit Caps for couples and families was £500 per week, and for single people with no children the cap was £350 per week. From 7 November 2016, the Benefit Cap was reduced and has been set at a different level depending on whether claimants lived inside or outside London:

- £442.31 a week for couples and families that live in London
- £384.64 a week for couples and families that live outside London
- £296.35 a week for a single person that lives in London
- £257.69 a week for a single person that lives outside London

Who is affected in Hillingdon?

- **Prior to 7 November 2016, there were 175 households affected**
- **Following the change to benefit cap levels after 7 November 2016, 401 households were affected as at January 2017, of whom:**

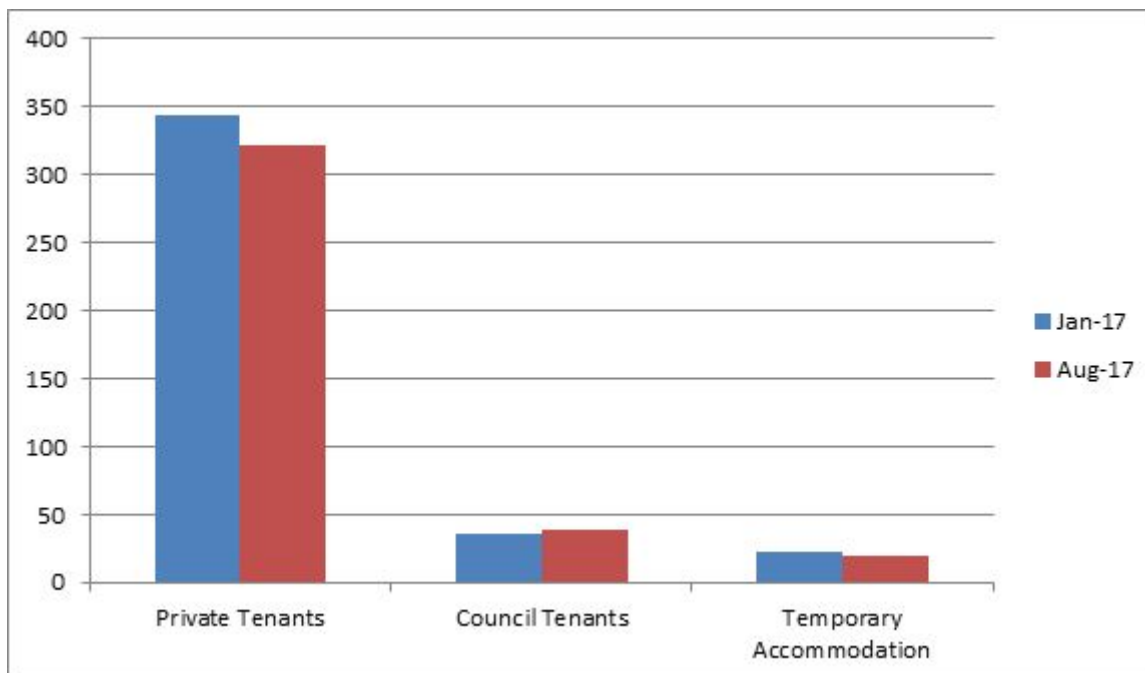
As at January 2017:

- **343 were Private tenants**
- **36 were Council tenants**
- **22 were in Temporary accommodation**

At August 2017, 380 households (an overall decrease of 5.5%) were affected, of whom:

- **322 were Private tenants (decrease of 6.5%)**

- 39 were Council tenants (increase of 8.33%)
- 19 were in Temporary accommodation (increase of 15.8%)



Impact on Hillingdon:

- Increased risk of homelessness
- Potential Rent Arrears
- The number of capped HRA tenants is small (39 as at August 2017) in proportion to tenants in the private rented sector. The clear differential here is linked low social housing rents
- Affordability in the Private Rented Sector
- Increased pressure on social care in particular children services
- Potentially increased evictions from private rented sector properties

Measures taken by the Council:

- Contact made by letter with all affected applicants
- Face to face surgeries held with multi-agency presence
- Follow up calls made to those who are or were not engaging
- Detailed housing advice provided to those that attended and personal housing plans prepared for each client advised.

Under-Occupation of Social Housing

The Committee was informed that the Under-Occupation change came into effect from April 2013, with the removal of the Spare Room Subsidy (RSRS) . This rule only affected people of working age (i.e. did not affect pensioners). The amount of rent that can be claimed for HB will be reduced by:

- 14% if they have one extra bedroom
- 25% if they have two or more extra bedrooms

Who is affected in Hillingdon?

This change affects social housing working aged tenants. In Hillingdon there are 864 households are affected, of whom:

- **472 are Council tenants**
- **392 are Housing Association tenants**

Impact on Hillingdon:

- **Potential rent arrears / risk of homelessness**

Measures taken by the Council:

- **Targeted work to support and encourage Council tenants to downsize into more affordable and manageable accommodation.**
- **Package of downsizing incentives available up to £4,500 based on the number of bedrooms released, plus practical help and support in moving.**

Discretionary Housing Payments (DHP)

Officers confirmed that DHP is a short term emergency payment to help with the paying of rent shortfalls (i.e. the difference between your rent and your HB payment). The aim of the payment is to give claimants time to move or reassess their finances. It is not awarded indefinitely.

DHP Payments can also be made in respect of rent deposits and rent in-advance to assist claimants to move to more affordable accommodation.

DHP cannot be paid:

- If the claimant is not entitled to HB/UC with housing costs
- For service charges that do not qualify for HB/UC e.g. heating charges and hot water charges
- Until a HB/UC claim has been fully assessed

Hillingdon Council is limited by Central Government in the total amount that it can pay in DHPs in any financial year. Therefore, unless a claimant can show an above average need for further financial help with their rent, they will not receive this extra payment. To help Local Authorities manage the impact of the HB reforms announced in the Summer Budget 2015, the overall DHP

funding nationally will be £150 million for 2016/17, an increase of £25 million (20%) compared to 2015/16 funding. London Borough of Hillingdon allocation was £831,393. This comprises funding for four separate areas of support: Core funding, Local Housing Allowance (LHA), Removal of the Spare Room Subsidy (RSRS) and Benefit Cap.

The Distribution of the DHP funding is based on the effect of each element on individual Local Authority.

Who is affected in Hillingdon?

DHP can only be paid to people who have a rental liability and are in receipt of HB or UC. DHPs are paid from a limited fund, usually awarded as a short term measure to help people while they make efforts to resolve their difficulties. The Council targets payments to those in the greatest need. DHPs are not classed as payments of HB or UC.

Impact on the Council:

As at 2nd February 2016, London Borough of Hillingdon received 1,379 DHP applications of which 65% were awarded a DHP payment. Total DHP expenditure spent in Hillingdon for 2016/17 totalled £830,923.00. The forecasted figure for 2017/18 is £962,882.00.

Measures taken by the Council:

Efforts have been made to encourage claimants to downsize and/or move to more affordable accommodation, or find employment.

Local Housing Allowance (LHA) Restrictions

The Committee was advised that LHA is not a benefit in its own right – it is the way in which the rent element of Housing Benefit (HB) is calculated for tenants living in the deregulated private rented sector. LHA rates were based on the 30th percentile of market rents in an area for dwellings with different numbers of bedrooms and subsequently were planned to increase in line with the Consumer Price Increase.

As of April 2016, the Government has frozen the LHA rates for 4 years. The rates for 2016/17 are the same as for 2015/16 and they will not change until at least April 2020.

Who is affected in Hillingdon?

Anyone who rents their home from a private landlord, who makes a new application and is entitled to Housing Benefit is paid under the LHA scheme rules.

Impact on the Council:

There is an increasing disparity between the LHA and the actual rents charged by landlords and this is a very significant issue in accessing the private rented sector.

While LHA has been frozen, rent levels have increased substantially and are expected to continue rising.

There has been a rise in middle income households receiving Housing Benefit and the proportion of LHA recipients in work has increased.

Where the Council has a statutory homelessness responsibility, private rented sector evictions are by far the most common reason for homelessness.

Measures taken by the Council:

- **Revised incentives to agree rent levels with landlords and secure properties**
- **Advice on housing options including rent and LHA levels in different areas**
- **Additional affordable housing supply, for rent and low cost home ownership, through new build, purchase (RTB buy backs) and releasing under occupied housing.**

Social Rent Restriction to LHA levels

As of April 2019, the amount of benefit will be restricted to the Local Housing Allowance (LHA) level for that size of household. If the tenant is single and under 35 years old the benefit eligible rent and service charge will be capped to a shared accommodation rate (SAR) unless an exemption applies.

Who is affected in Hillingdon?

Anyone with a social sector tenancy that receives housing benefit or the housing component of Universal Credit and has a rent payable above LHA level. This Includes those of pensionable age. Also extends to the supported housing sector where changes to funding arrangements that extend beyond welfare reform are also planned. Most likely affected are single people under 35 and under-occupying households.

Impact on Council:

Work remains to be undertaken to fully understand how the change affects the Council.

Policy Framework

The Committee was presented with evidence from a policy framework perspective:

Homelessness Reduction Act 2017

The Committee was updated on the Homelessness Reduction Act 2017, which was granted Royal Assent in April 2017, and had been designed to prioritise early intervention from councils to prevent people threatened with homelessness from actually becoming homeless.

The disparity between Local Housing Allowance (LHA) in the private rented sector and the actual rents charged by landlords means that there is an increased risk of homelessness due to evictions of households unable to meet rental costs, and the application of the lowered Household Benefit Cap poses a further risk. This has implications for the supply of housing and the steps that can be taken to assist potentially homeless households.

Under the Act, councils in England will be required to help all eligible people, whether they are single or a family, for 56 days before they are threatened with homelessness. Those who are already homeless will receive support for a further 56 days, to help them secure accommodation. This is approximately double the support time currently offered. Councils will be provided an additional £48 million to expand their provision for homeless households. Hillingdon will aim to advertise the additional support on the Council website, and via leaflets, partners, and other communication channels.

A working group set up by DCLG was constituted to draw on expertise within the sector while drafting a revised Homelessness Code of Guidance, required due to new legislation within the Act. This working group included representation from London boroughs and local authorities in other parts of the country. In addition, a shadow grouping was organised by London Councils to increase the number of London boroughs able to input their views on various aspects of the guidance. While the London Borough of Hillingdon was not a member of the DCLG working group, it did input feedback via the London Councils grouping. The working group has now disbanded, and guidance is expected during Autumn 2017, prior to implementation of the Act as of April 2018.

Changes to the funding of Supported Housing, including hostels and refuges, will reduce funding via the benefits system. From 2019/20 onwards, core rent and service charges will only be paid up to the LHA rate (through Housing Benefit or Universal Credit), with the difference to be made up by Local Authorities through a discretionary fund.

The Flexible Housing Support Fund

From April 2017, the Temporary Accommodation Management Fee paid by DWP to local authorities will be replaced by a new DCLG grant; the Flexible Housing Support Fund, which will give local authorities greater flexibility to manage homelessness. The housing cost element will continue to be paid by DWP, though this will move to standard LHA rates as Universal Credit is rolled out.

The new grant will be allocated according to a formula which reflects relative homeless pressures, while at the same time ensuring that high pressure local authorities are protected. Hillingdon has received notice of its allocation for the next 2 years, though there is no information beyond that time. The allocation will be granted each year, regardless of the actual numbers of households in temporary accommodation and how the fund has been used. The Council will be able to exercise discretion over how to use the fund.

Government White Paper 'Fixing Our Broken Housing Market'

The Government White Paper 'Fixing Our Broken Housing Market' focuses on increasing and speeding up the supply of housing over the long term, primarily through the planning system. Though these planning changes will take time to deliver, the paper also sets out how the Government will help people, including confirming support for the Homelessness Reduction Bill.

The Paper makes it clear that Starter Homes are just one form of affordable ownership, and will only be available to households with an annual income below £90k in London. Cash buyers will be excluded, and the proportion of Starter Homes on developments will be decided locally. The Paper proposes a multi tenure approach rather than home ownership at all costs, as this is thought to be able to deliver development faster.

On occasion, landlords approach the Council seeking further housing grants or discretionary payments. The White Paper seeks to increase the number of institutional landlords, to increase stability for tenants. It has been recognised that some households present to the Council very late in the eviction process, which gives the Council less time to negotiate with landlords. Often, this results in having to place the household into emergency housing, such as Bed and Breakfast accommodations. The new legislation sets out the structure to engage with households earlier in the process, through regular dialogue and proactive working.

Affordable Homes Programme 2016-21

Most London Affordable Rent homes are expected to be let at substantially below 80% of market value. In addition, London Living Rent (LLR) is a Rent to Buy product with sub-market rents on time-limited tenancies. LLR rents are based on one third of the local median income. Eligibility for

the product is limited to social or private tenants with a maximum income of £60k. It has been noted that the affordability of housing would interact with the changes to welfare benefits, particularly the freezing of LHA rates.

Measures Taken by the Council

The Committee was informed that most homelessness was due to private sector evictions. Whilst the Council appealed to landlords to not increase their rent charges, and emphasised the benefits of a stable tenancy to the landlords, in a buoyant housing market it was inevitable that some private landlords would seek to increase the rent they charged. Hillingdon works to encourage households to not ignore the risk of homelessness, but to face it and deal with it early. The Council also helps by assisting the household to find alternative tenancies, or help with deposits.

Officers provided an estimate that in the current year, approximately 1000 households presented as homeless, had a statutory priority need and were 'eligible' for support, with 50% of these progressing to a formal homelessness assessment. Of these, approximately 270 were formally accepted, at which point the Council had a statutory duty to re-house them. Advice was offered to circa 2,400 residents. It was expected that the changes to legislation could result in a significant increase in the workloads for housing prevention staff, given an increased focus for non priority homeless households and the reporting requirements as set out in the Bill. Officers may be required to record information on a case by case basis, in detail. Updates to systems will be required to record this data.

It was confirmed that a restructure within the Housing department has recently taken place, and that this had resulted in no reduction in staffing. The restructure has re-graded management roles in order to attract greater expertise and skills from the marketplace. A 'subject matter expert' will now be placed within each team, to support casework and ensure consistency in standards. The Cabinet has committed to continue to resource the area, and the department is actively recruiting for 4 senior roles.

Recruitment for management roles is currently underway, with 2 of 6 to be filled permanently. The remaining 4 roles will be filled on an interim basis, pending permanent recruitment. It has been recognised that filling roles with the requisite quality is difficult in such a competitive marketplace, a fact borne out by one of the candidates declining a role offered, due to their current employer offering a more competitive package.

Regarding how the Council encourages tenants to consider alternative accommodation, a number of tactics are employed, including financial incentives. Often, households will be offered incentives to look at downsizing to a smaller property, or to consider accommodation in new areas. Homeless households have a suitability assessment carried out, and if it is deemed appropriate, could even be placed outside of the Borough. In certain situations, and where

appropriate, the Council may take a harder stance towards those households who refuse to move or downsize without good reason, particularly those who have few ties to their current area such as family or schools.

Regarding whether discretionary housing payments were being returned to the Council at the end of a tenancy, officers confirmed that the payments were used as tenancy deposits, and were required to be returned to the tenant, (through the statutory Tenancy Deposit Scheme) often to aid them in securing a tenancy at another property. This was the case even if tenants had a change in financial circumstances and were no longer claiming benefits. In light of this, Members asked officers to clarify whether in such instances this money could be returned to the Council at the end of a tenancy.

Officers confirmed that the DWP guidance manual on Discretionary Housing Payments outlined good practice guidelines on administering DHP claims. These guidelines stated that a council can only recover a DHP if they decide that payment has been made as a result of:

- a misrepresentation or failure to disclose a material fact by the claimant (either fraudulently or otherwise), or
- an error made when the application was determined.

In these circumstances the DHP can be recovered because it is classed as being overpaid.

A DHP cannot be recovered from ongoing HB or UC payments, unlike HB overpayments where there is a regulatory provision to allow recovery from ongoing HB. There are also no provisions for the recovery of overpaid DHPs from other prescribed benefits.

Therefore, the only method of recovery, where a DHP is classed as overpaid, is to request repayment of the debt from the claimant or the landlord if the DHP is paid directly to them. This may be in the form of an invoice, for example using debt collection procedures.

Additionally, any unspent DHP funding, including any recovered DHP payments, have to be returned to the DWP at the end of each financial year. Therefore, officers confirmed there would be no financial gains for the Council to pursue the reclaiming of rent deposits.

Findings & Conclusions

Appreciating the significant work already undertaken, the Committee is satisfied that the changes mandated by national legislation are being implemented correctly, and that the Council is supporting residents through these changes.

Members welcome the transformation of the way such benefit and housing services are being delivered, including new recruitment of specialist staff, to ensure consistency and quality of service, and to enable the Council to deliver this important front line service.

However, the Committee recognises that many of the national reforms detailed are in the process of being rolled out and that this, together with the further reforms as set out within the Homelessness Reduction Act 2016/17, mean that the long-term impact on residents and the working practices of the Council are still to be determined.

It is therefore recommended that a further review of the effectiveness of the service, together with an assessment of the impact on resident enquiries and officer casework, be undertaken at the appropriate time in the future, ideally by the relevant Policy Overview Committee.

In addition, it is recommended that officers review available communication channels with a view to ensuring that Hillingdon residents are informed of the changes to housing benefits and, if affected, are aware of the appropriate service areas to contact for support.

Terms of Reference of the review

The following Terms of Reference were agreed by the Committee from the outset of the review:

1. To understand what changes have been made, and why;
2. To examine the impact of these changes on Hillingdon residents and the work of the Council;
3. To look at options available, and the development of a strategy for Cabinet review, if appropriate.

Witnesses and Committee activity

The Committee received evidence from the following sources and witnesses:

<p>Witness Session 1 - 18 January 2017</p>	<p>Sunita Ghudial - Benefits and Governance Manager, London Borough of Hillingdon</p>
<p>Witness Session 2 - 21 February 2017</p>	<p>Sunita Ghudial - Benefits and Governance Manager, London Borough of Hillingdon</p> <p>Zulfiqar Mulak - Interim Housing Specialist Manager, London Borough of Hillingdon</p> <p>Rod Smith - Service Manager, Tenancy Services, London Borough of Hillingdon</p>
<p>Witness Session 3 - 23 March 2017</p>	<p>Debby Weller - Policy and Strategy Manager (Housing), London Borough of Hillingdon</p> <p>Dan Kennedy - Head of Business Performance, Policy and Standards, London Borough of Hillingdon</p>

References

The following information is provided in order to signpost readers to useful contextual information to this review.

- [Homelessness Reduction Bill 2016/17](#)
- ['Fixing Our Broken Housing Market' white paper](#)
- [Housing Benefit information, guidance and good practice for local authority staff](#)