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Dear Ms Shawkat,

RBKC's Wider Grenfell Housing Policy and continuing problems experienced by displaced residents

We write to you regarding Royal Borough of Kensington and Chelsea's (the Council) policies on rehousing the survivors and former residents displaced by the Grenfell Tower fire that occurred on 14 June 2017.

As you know, the Commission's project, *Following Grenfell*, is exploring the equality and human rights dimensions of the fire. As part of our work, we have been told by survivors and the wider community that there remain serious problems rehousing displaced individuals and families, as evidenced by the fact that too many people are still living in unsuitable temporary or emergency accommodation eight months after the disaster. We have heard that the slow progress rehousing the survivors and displaced former residents is prolonging their ordeal and exacerbating the frustration that they feel about how public authorities have handled the aftermath of the tragedy.

The Commission is the statutory body responsible for protecting, promoting and enforcing equality and human rights in Great Britain, and in that role, it is concerned to ensure that the Council understands and fulfils its equality and human rights obligations. As the Grenfell Tower Public Inquiry does not have any oversight of the Council's current actions in relation to survivors, and in light

of our concerns about rehousing, we write to seek further information on the steps you are taking to provide housing to displaced residents.

Former residents of Grenfell Tower and Grenfell Walk

We note the efforts the Council has made to rehouse Grenfell Tower and Grenfell Walk residents, who have been given rehousing priority, and we understand that the Council is committed to finding suitable accommodation for everyone in this group within 12 months of the fire. While we appreciate that you have faced difficulties securing suitable housing for a large number of people, it is unlawful for a family to spend more than 6 weeks in bed and breakfast accommodation and the length of time that bereaved and traumatised people have had to spend in temporary accommodation is a cause for serious concern. Lengthy stays in hotel accommodation, particularly in circumstances of profound trauma and bereavement, may breach individuals' rights to private and family life under the European Convention on Human Rights.

We have heard that some former residents have been subject to delays caused by damp in their new accommodation and routine utilities checks. It is critical that all the organisations involved in rehousing the survivors prioritise their needs and act with speed. We urge the Council to do everything in its power to expedite rehousing.

Concerns about the Wider Grenfell Housing Policy

We have considered the Council's Wider Grenfell Housing Policy (WGHP), adopted in February 2018, to rehouse displaced victims of the tragedy previously living in Barandon, Hurstway and Testerton Walks, and Bramley House and Treadgold House. While we note Council tenants in this category are eligible for additional priority under the Council's housing allocation policy in comparison to others, there remain significant uncertainties for people covered by the policy.

Equality Impact Assessment

The WGHP states that an equality impact assessment will take place after 3 months, however it is not clear when it will be undertaken, nor what it will cover. In light of the sensitive nature of the subject of the WGHP and the continuing legal duty upon the Council contained in section 149 of the Equality Act 2010

(EA 2010), it is imperative that the equality impact of this policy is monitored regularly, meticulously, sensitively and with sufficient attention given to the different equality needs set out in section 149(3) EA 2010.

Moving from emergency accommodation

As it stands, the WGHP does not apply to the majority of displaced residents who are currently living in emergency accommodation, such as hotels or serviced apartments which we understand are being paid for by the Council. To benefit from the policy these residents must either move into temporary accommodation or move back to their old homes near Grenfell Tower. We have been told that for some families, moving to temporary accommodation has added to their problems because the temporary accommodation offered is in an area where drugs and prostitution are rife, creating greater risks to their health, safety and security. In other cases, we have been informed that returning to the Walkways contributed to residents experiencing serious health problems.

The equality and human rights implications of imposing a requirement to move from emergency to temporary accommodation or back to the accommodation near Grenfell Tower must be examined with care both generally and on a case-by-case basis. While the policy contains a discretion to consider exceptional cases, it does not provide any further information about the situations in which moving home, once again, may or may not be appropriate. The potential adverse impact of this aspect of the policy upon people with disabilities, especially upon those traumatised by the tragedy, is a matter of concern to the Commission and we intend to monitor how this aspect of the policy is applied. We expect the equality impact assessment will look into this with particular care.

Accessible information

We are also concerned about what information and assistance will be provided under the WGHP to meet the different needs of disabled people and people whose level of written or spoken English skills mean that they will find it difficult to understand standard methods of communication. While there is a general commitment by the Council in the report accompanying the policy to providing comprehensive information, further clarity is required on what that means in practice for people who have different needs and at what stage that assistance will be provided.

For instance, a housing needs assessment under this policy must be tailored to the language and communication needs of the people being assessed in order to capture all the required information, which will help to prevent problems occurring later in the rehousing process. Information about available properties provided to disabled people, particularly those who have sensory and/or mobility impairments, must be in a format that is suitable to their needs, containing sufficient information about the standard of disability access, how it meets the disabled person's additional needs and anything else required that enables them to make informed choices about bidding for a property or assess the suitability of accommodation offers from the Council. It is not clear what information will be available and provided under the policy.

The Council has limited itself to making two suitable offers of accommodation to the people eligible for higher priority under the WGHP. If a person rejects these two offers it can result in the loss of such priority. The adverse consequences of not providing the information and assistance that people require before they make important decisions could have serious long-term consequences for those affected. This aspect of the policy requires careful monitoring and the Council should take steps to ensure that the rehousing policy and process provide a means to swiftly identify and rectify such problems.

Access to advice

Access to independent advice and assistance is vital throughout the whole rehousing process to support displaced residents and to assist them to make informed choices about available long-term accommodation. Advice at an early stage will help to prevent avoidable problems that can result in unnecessary reviews or use of independent adjudication under the terms of the policy.

As it stands, the policy is vague on these issues and requires clarification. The same is also true in respect of advice and assistance promised to private tenants, lodgers and families who lived in the area and were displaced after the tragedy. While they are generally excluded from the benefits of the WGHP, which prioritises assistance to Council tenants, they are offered undefined help to find alternative rented accommodation, but it is not clear what advice and assistance they can expect to receive.

We consider that the policy needs to clarify what assistance will be available to people and at what point in time.

Cut-off date for funding

Under the WGHP Council tenants living in temporary accommodation after 30 June 2018 may end up having to pay the full cost of living in such accommodation, which is likely to considerably more than the rent on their usual homes in the Wider Grenfell area. Given the constraints on the availability of social housing in London and the greater difficulties disabled people experience in finding accessible accommodation, it is likely that there will be many people living in temporary accommodation still waiting to be permanently rehoused at the end of June 2018.

The Council should address what happens to residents in this position now and not at the point at which funding is cut off. We expect the Council to consider and determine what further financial and other support it will make available (and details on how to access it) to assist people to whom the WGHP applies who are living in temporary accommodation but still waiting for appropriate permanent accommodation after 30 June 2018 through no fault on their part. The equality impact assessment should identify how many are likely to be in this group and consider mitigating the likely adverse impact upon disabled people and individuals from particular racial or ethnic groups.

Transparency

We have heard concerns from many quarters about lack of transparency from the Council, especially in terms of up to date and accurate information on rehousing displaced residents. It is not clear where this information can be found or whether it is being systematically collected by the Council. We suggest that the Council should consider publishing regular monthly updates on the progress it has made in rehousing displaced residents under each of the Grenfell Tower and Grenfell Walk and the Wider Grenfell housing policies.

Information and answers requested

1. Please provide full and precise details (including relevant records) of how the section 149 EA 2010 duty was considered by the Council prior to the approval of the WGHP.

2. The Commission expects that the matters raised in this letter require proactive monitoring and review resulting in the publication of a thorough equality impact assessment. Please indicate when the Council propose to carry out an equality impact assessment and what areas the equality impact assessment will focus on?
3. Please confirm that the equality impact assessment will consider the disability and race-related impact of the WGHP requirement for residents living in emergency accommodation to move to temporary accommodation or return to their previous homes in the Wider Grenfell area and the impact of the two suitable offers rule under the WGHP.
4. Please identify what steps the Council will take now to monitor and mitigate the potential adverse equality impact, especially in terms of disability and race, of ceasing to fund the cost of temporary accommodation under the WGHP after 30 June 2018?
5. Please clarify precisely what information and assistance will be available and when for people covered by the WGHP, especially disabled people and those lacking the ability to communicate in the English language, and for people not covered by the WGHP, such as private tenants living in the Wider Grenfell area who were also displaced from their homes by the fire. For example, what steps will the Council take to identify sources of independent housing advice and assistance? Will it provide funding, where required, to enable people to access such support? Please clarify if individuals can expect to receive such support throughout the rehousing process?
6. In terms of progress in rehousing displaced residents to date, please state from the date of this letter how many:
 - (a) people of each group (both in terms of households and total numbers of adults and children respectively) are living in emergency or temporary accommodation?
 - (b) have been identified as requiring specific disability-related housing needs or alternative language needs?
 - (c) have moved back to the Wider Grenfell area?

(d) have moved from emergency to temporary accommodation?

(e) of the displaced residents are private tenants, lodgers and their families?

(f) How many of those in e above have found alternative rented accommodation?

7. Will the Council commit to collecting and publishing monthly statistical updates of the information requested in 6 above?

Conclusion

The matters we have raised affect a group of people who have experienced considerable trauma and distress as a result of the fire and continue to face great uncertainty. We anticipate that you will wish to provide a comprehensive and prompt response to the issues we have highlighted, including our requests for further information. We would be grateful for your acknowledgement of this correspondence and your indication when you will be in a position to provide a substantive response.

Yours sincerely,



Elizabeth Prochaska

Legal Director

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