

Submission to the Royal Borough of Kensington and Chelsea's Consultation on its Draft Rehousing Policy: Barandon Walk, Hurstway Walk and Testerton Walk

Introduction

North Kensington Law Centre has provided legal advice to around 200 clients from Grenfell Tower, Grenfell Walk, and the area immediately surrounding it in the Lancaster West Estate ('LWE'). We have held numerous clinics with our clients to discuss their views of the draft Walkways policy. This submission attempts to aggregate our clients' views and concerns about the policy, and to formulate potential steps the Council ('RBKC') could take to address their concerns.

Having engaged with and listened to our clients, we believe this policy's most basic aim should be to give those residents who feel unable to continue residing in the LWE the best opportunity to leave the estate. Many families from this part of North Kensington, particularly those with young children, cannot begin to rebuild their lives while living in the shadow of Grenfell Tower, and while their housing situation in the LWE remains unresolved.

The Law Centre holds the view that families should not have to weaken their housing rights, suffer financial penalty, or run the risk of waiting for extended periods of time in order to leave the LWE.

Having had conversations with our clients about the draft Walkways policy, the following broad themes have emerged:

- Residents' mistrust of RBKC cannot be easily overstated. There is particular scepticism towards the Council's issuing of 'reasonable' housing offers, arising from residents' previous negative experiences;
- Residents understood the Walkways rehousing policy as a good opportunity for RBKC to start delivering on its promises to LWE residents, but were sceptical as to their desire or ability to do so;
- Residents believe they have been ignored and neglected for years. Some residents, not unreasonably, were interested in whether this policy could address the chronic housing issues they have experienced that pre-dated the fire;
- Residents wanted clarity on what the estate may look and feel like in the future; and
- For whatever reason, many residents told us they struggled to gain access to hard copies of the consultation documents. Many attributed this to their belief that RBKC does not genuinely wish to engage with residents on these matters.

With these broad themes in mind, we are concerned that, in its current form, the policy will be insufficient in the following regards:

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- Too many residents from outside of the Walkways, who can demonstrate a clear need for high priority for re-housing, will be excluded from the policy and therefore reliant on the discretion of RBKC;
- Even if they are able to exercise rights under the policy, residents will likely have to wait on the housing register for significant periods of time before being re-housed; and
- That, as a consequence of these factors, many residents will simply deem it not in their best interest to pursue any rights they may have had under the Walkways rehousing policy, as they will be insufficient to allow them to move to suitable alternative housing within a reasonable timeframe.

If that is the case, then the Law Centre is concerned the policy will fail to provide the housing solutions required for those LWE residents who are unable to continue living in the shadow of Grenfell Tower.

The substance of this response, therefore, takes each of the issues suggested by RBKC in turn and, where appropriate, suggests ways in which the Council's current offer could be improved.

1. The draft policy applies only to the Walkways and not to the wider Lancaster West Estate or surrounding area.

- The Law Centre understands that the drafting of this policy inevitably involves including some housing blocks within its scope, and excluding others. However, we are extremely concerned that the policy has been drafted too narrowly, and will exclude some specific housing blocks that can make a reasonable case for inclusion. 21% of clients with whom we have discussed the draft Walkways policy told us they were concerned about this.
- Many residents from the non-Walkways, Lancaster West Estate were evacuated after fire, principally from Bramley House and Treadgold House. As of 4 December, 14 households from the wider LWE remained in emergency accommodation.¹
- Treadgold House, for instance, which is excluded from the draft policy, is among the housing blocks geographically closest to Grenfell Tower. Further, its residents have suffered among the highest degrees of disturbance as a result of the events that have followed the fire. Treadgold residents live within yards of Grenfell Tower's entrance, and many have direct, unimpeded views of its remains.
- In recognition of the extent of disruption the fire caused to them, evacuated residents from Bramley and Treadgold Houses were also offered keyworkers. Further, presumably on similar grounds, residents from these blocks received a suspension of their rent and service charge until 28 January 2018, and their utilities until 10 September 2017. The disturbance caused to them and their proximity to the Tower has evidently led to a disproportionate mental health risk for residents in these blocks. Whilst housing solutions alone cannot solve their problems, re-housing these residents, whose symptoms of trauma are clearly liable to being exacerbated by their proximity to Grenfell Tower, should be a priority for RBKC.
- RBKC has said it will exercise discretion on a 'case-by-case basis' in exceptional circumstances to assist households from outside the Walkways in light of their particular housing needs situation. However, the Law Centre has concerns that such discretion has so far not been exercised in such a way as to give us assurances that it alone is satisfactory. Too many of our clients from outside of the Walkways, whose circumstances demand them being treated in accordance with the separate set of

¹ Alok Sharma, Written Parliamentary Question (12 December 2017, 116788).

Grenfell-specific housing rules, have been handled by RBKC through its ordinary housing channels. This has often resulted in their case suffering from unnecessary problems and delays.

- **That is why we believe that Treadgold and Bramley Houses should be given access to the rehousing policy as a matter of right and should not have to rely on RBKC's discretion. Only then can the policy achieve its aim of providing suitable housing solutions to those most affected by the fire.**

2. The draft policy applies only to Council tenants and statutorily homeless households placed in temporary accommodation on the Walkways.

- This draft of the policy therefore does not include household members, lodgers or tenants from the private rented sector.
- Some of our clients who resided in the Walkways prior to the fire, were evacuated immediately after it, but are not recorded on the tenancy of the address. Consequently, whilst they have been as affected by the fire as many other residents of the Walkways, they will be far less likely to be able to leave the Walkways, as they will not be able to exercise any rights under this policy. 16% of clients with whom we have discussed the draft Walkways policy told us they were concerned about this.
- The draft policy suggests that the Council will 'help private tenants and lodgers to find an alternative affordable private rented tenancy. Where possible, the Council will negotiate a long tenancy term'. However, in the previous draft of the policy submitted to the Grenfell Recovery Scrutiny Committee on 30 October, private rented sector tenants, lodgers, and household members of Council tenants were to be offered a full financial resettlement package.² Reference to this full financial package has been omitted from the latest draft put out to consultation, without apparent explanation or justification. Given the extremely high cost of private rented accommodation in Kensington & Chelsea and its surrounding boroughs, such a package will be necessary to ensure such residents are not financially penalised for seeking to be rehoused because of the fire and its consequences.
- **At the very least, therefore, the Law Centre holds the view that RBKC should reinstate its commitment to providing its full financial resettlement package to improve the opportunities for these individuals to move into the private rented sector.**

3. The draft policy awards 900 Housing Register points to Walkways households eligible under the policy who wish to be rehoused elsewhere.

- We are concerned that 900 points will be insufficient to provide timely and reasonable rehousing solutions for those residents unable to continue residing in the shadow of Grenfell Tower. 42% of clients with whom we have discussed the draft Walkways policy told us they were concerned about this.
- The Council has acknowledged the likelihood that the policy in its current form will not provide a speedy resolution to these issues. In its submission to the Grenfell Recovery Scrutiny Committee, RBKC acknowledged that residents exercising their rights under the policy 'are unlikely to be rehoused quickly, even with a high priority for rehousing'.³ Walkways residents will, therefore, likely

² Royal Borough of Kensington and Chelsea, Rehousing Policy: Barandon Walk, Hurstway Walk, Testerton Walk (October 2017), p 8.

³ Joint Report of the Director of Housing Needs and Supply and the Director of Housing Management submitted to the Grenfell Recovery Scrutiny Committee, 20 November 2017, p 13.

be forced to wait on the housing register for a long period of time, even having accrued 900 points under the Walkways rehousing policy. That they may have to wait for this period while residing in the shadow of the Grenfell Tower, only increases the risk of any symptoms of trauma being exacerbated.⁴

- Further, the draft policy makes clear that applicants will not be able to ‘top up’ their points total through the Council’s existing housing allocation scheme. As the allocation scheme states, normally ‘applicants who qualify for multiple priority categories will have all their points assessed and can be awarded points under several different categories, for example, overcrowding, health and independence, and Armed Forces’.⁵ Whilst there are some exceptions to this principle, we believe it inappropriate for the Walkways policy to be subject to a cap.
- As a result of this cap, for example, applicants whose current housing situation is overcrowded will therefore not be entitled to an additional 200 points, nor would former members of the armed forces be entitled to the 50 points they would usually benefit from. We see no reason why these residents should not accrue the additional housing points they would under normal circumstances, particularly when the characteristic that would usually entitle that household to additional housing priority is so pertinent to their need to leave the LWE.
- **Therefore, the Law Centre holds the view that the number of points awarded by the Walkways rehousing policy is too few to give confidence to those seeking to be rehoused that it can be done without languishing for years on the housing register. Further, we believe that preventing residents from being able to ‘top up’ their points total denies those LWE households with particular needs from having a points total that better reflects their housing needs.**

4. Walkways households eligible under the draft policy will not be able to apply for the additional points until they move out of hotels into self-contained accommodation.

- To exercise any rights under this policy, residents must either return to their Walkways residence or move into temporary accommodation. Many residents have expressed a clear and understandable aversion to moving into temporary accommodation. Many of these families do not want to undergo the disruption of another move in such a short period of time, and, whether this is the case or not, many remain concerned about whether such a move will in any way prejudice their housing rights. This is evident in the fact that, as of 27 November 2017, 124 Walkways households were in emergency accommodation compared to just 6 Walkways households in temporary accommodation.⁶
- We are concerned, therefore, that by using this policy as a means of encouraging residents to leave their emergency accommodation, residents will be pressurised into returning to the LWE prematurely. The Law Centre understands the need for residents to move out of emergency accommodation where it is appropriate to do so. However, this aspect of the policy runs the serious risk of triggering or exacerbating traumatic symptoms that may have previously laid dormant. Residents, particularly children, should not have to return to the estate in order to leave it. 11% of clients with whom we have discussed the draft Walkways policy told us they were concerned about this.

⁴ See response to point 4.

⁵ The Royal Borough of Kensington and Chelsea, Housing Allocation Scheme (February 2017 revision), p 33.

⁶ Report by the Director of Housing Needs and Supply submitted to the Grenfell Recovery Scrutiny Committee, 5 December 2017, p 4.

- **Therefore, we do not believe the Walkways rehousing policy is the proper means to encourage residents to move out of emergency accommodation. Applying such conditionality – that residents can only leave the estate if they leave their emergency accommodation - only serves to reinforce residents’ scepticism regarding the Council’s claims to want to rehouse residents at their own pace. The Law Centre therefore believes this provision should be removed from the policy, not only to give residents greater confidence that the Council is delivering on its promise only to rehouse residents at their own speed, but also to prevent residents from being subject to undue pressure to return to the estate.**

5. Walkways households eligible under the draft policy who wish to be rehoused receive up to two offers of suitable accommodation through the Housing Register.

- This is the issue our clients are most concerned about. 53% of clients with whom we have discussed the draft Walkways policy told us they were concerned about this.
- Most clients who believed that having two offers was insufficient told us that they did not trust the Council to make offers that were suitable or reasonable. This likely arises either from their own personal experience in being rehoused by the Council or through the negative experiences of their family, friends or neighbours. What constitutes an ‘offer’ was an issue the Law Centre became very concerned about following the experiences of our clients who were offered temporary and permanent accommodation in first three weeks following the Grenfell Tower fire. Many of our clients were made offers that were clearly unsuitable to the needs of the household, were made offers only to have them withdrawn, and were made offers without being shown the property nor given any details of it.
- Such offers do not, in the view of the Law Centre nor the clients we spoke to, constitute reasonable offers. While the promise of independent adjudication over the process has gone a small way to improving some residents’ confidence in the process, genuine and understandable scepticism amongst many residents remains.
- **The Law Centre remains concerned that the number of offers available will be insufficient to overcome the profound mistrust residents have regarding this aspect of their rehousing. We are concerned, therefore, that unless further efforts are made to give residents greater confidence in this regard, many households will be deterred from exercising any rights they may have had under the Walkways rehousing policy.**

Conclusion

RBKC must show its willingness to listen to residents and community organisations, and address the issues raised through this consultation process. Doing so will be essential not only to improve the Walkways policy and ensure it provides proportionate and timely housing solutions to LWE residents who are understandably unable to return to the estate. But, moreover, RBKC should use this consultation as an opportunity to demonstrate that it has listened to residents’ concerns. Therefore, without multiple and substantive improvements to this policy, RBKC risks further eroding the trust that the community in North Kensington has in its local authority, which has already become so painfully and repeatedly exposed since the Grenfell Tower disaster just over six months ago.