



Ministry of Housing,
Communities &
Local Government

The Rt Hon Robert Jenrick MP
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Dear Clive,

LOCAL AUTHORITY RESPONSIBILITIES AND CHALLENGES ON COVID-19

Thank you for your letters of 9 and 20 March setting out the areas of concern on which the Select Committee wishes to focus in relation to COVID-19, and following up on the recommendations of the predecessor Committee. I am grateful to both you and the Committee for your best wishes at this challenging time.

Tackling this pandemic is the top priority for me, my Ministerial team and my officials, and continues to have a considerable impact on the work of my Department. MHCLG is at the forefront of supporting the national and local response to COVID-19, working with local government, Local Resilience Forums (LRFs), business leaders and the housing sector. Our response – both immediate and on the future recovery – must remain our top priority.

I have attached answers to your questions, which I hope you and wider Committee Members will find useful. Further detail and a summary of the various pieces of guidance and key announcements we have issued can be found at <https://www.gov.uk/guidance/coronavirus-covid-19-guidance-for-local-government>.

FOLLOW UP TO PREDECESSOR COMMITTEE'S WORK

In your earlier letter, you asked for an update on the recommendations of your predecessor committee which I am providing below. As above, the unprecedented challenge presented by the global COVID-19 pandemic must remain the Department's top priority at this time.

Reform of Social Care

Putting social care on a sustainable footing, where everyone is treated with dignity and respect, is one of the biggest challenges that we face as a society. There are complex questions to address, which is why we have invited cross-party talks. These will take place at the earliest opportunity in light of the current circumstances. The Government will then bring forward a plan for social care for the longer term.

Fracking

My officials continue to work closely with colleagues from the Department for Business, Energy and Industrial Strategy to develop the response to the Select Committee's report on Planning Guidance on Fracking. I would like to reassure the Committee that a response will be provided shortly.

Leasehold Reform

I was pleased to see the CMA update into its investigation into mis-selling in the leasehold market and look forward to discussing next steps with them shortly. In addition, the Law Commission will bring forward its final reports on Enfranchisement, Commonhold and Right to Manage in the spring for Government to consider. We remain committed to taking forward legislation on leasehold reform as soon as possible.

Implications of the Waste Strategy for Local Authorities

Following close collaboration between MHCLG and the Department for Environment and Rural Affairs, the Government response to the previous Committee's report on the implications of the Waste Strategy for local authorities has now been sent to the Committee.

Consultations

With regard to MHCLG's consultations, as well as five open consultations, my Department currently has 28 consultations awaiting a full formal response, and one to which we have provided a partial response. Of these, 27 were closed more than two months ago. Given the current challenging circumstances, my officials are working to publish Government responses to these consultations as soon as practicable.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style and is underlined with a single horizontal stroke.

RT HON ROBERT JENRICK MP

ANNEX – COMMITTEE QUESTIONS ON COVID-19

Coronavirus Act

Q: Given that local authorities will retain the duty to meet a need for care or support if “necessary” to avoid a breach of adult or carer’s right under the ECHR (paras 4 and 6), how will these potential breaches be picked up if authorities are under no duty to assess needs?

Local authorities are still expected to undertake assessments in line with the Care Act as far as they are able throughout this period. I understand that there will be cases where local authorities will need to prioritise their resources and suspend Care Act assessments due to COVID-19. In this scenario, they are expected to use their professional judgement and knowledge of the local situation to identify suitable alternative processes to make sure urgent needs are identified and met.

We have worked with the sector to develop guidance covering the way these provisions may be operated by commissioners and providers. In addition, together with the Chief Social Worker, DHSC has developed an Ethical Framework to make sure consideration is given to a core set of ethical principles when organising and delivering social care.

In addition to this, the Care Quality Commission will continue to provide oversight of providers under existing legislation. Throughout this period the CQC will take a pragmatic approach to inspection and proportionate action as necessary, while maintaining its overriding purpose of keeping people safe. The changes introduced by the Coronavirus Act 2020 do not affect the safeguarding protections in the Care Act.

Q: The new emergency volunteers policy, while welcomed, will require local authorities to identify volunteer social care opportunities and then match these volunteer opportunities to appropriate volunteers coming forward. This will add additional burdens to local authorities in the midst of their response to the pandemic. We suggest it is imperative that additional funding to support this new burden is provided. Can you inform us of the process to allow this to happen?

Right across the country positive voluntary and community efforts are underway to respond to COVID-19, with people coming together to care for the most vulnerable in their communities. We saw 750,000 people sign up to the NHS Volunteer Responder scheme in just a few days.

Volunteers can be matched to placements through a number of routes (directly, or through local or national systems). My Department, along with DHSC, is in the process of assessing the extent to which this might place additional burdens on local authorities.

Under the Coronavirus Act, local authorities and health authorities have a responsibility for authorising placements for those volunteers who want to take Emergency Volunteering Leave and/or access the Emergency Volunteering Compensation Scheme. The system has been specifically designed, in consultation with the Local Government Association (LGA) and Association of Directors of Adult Social Services (ADASS), to minimise the resources required from local authorities. Social care providers should continue to recruit formal volunteers via their usual routes

Social Care

Q: Will the Government provide the same guarantee to the social care sector that is provided to the NHS, promising it will get whatever extra resources it needs to cope with coronavirus, and that no care provider will be allowed to go insolvent?

Our top priority is to ensure that local authorities are well placed to respond to coronavirus and protect vital services, including social care.

The Government published a Covid-19 social care action plan on Wednesday, 15 April. Testing will now be provided to all potential care home residents before they are discharged from hospital. This will provide reassurance and peace of mind to residents and family members, and will help care providers to take appropriate action to ensure that social care workers and other residents are safe.

The Chancellor has been clear that public services will get the support they require in this challenging time and the Government will keep future funding needs under review as the situation develops.

We have already provided £4.5 billion of additional funding with £3.2 billion going to local authorities to address the pressures they are facing across their services, and £1.3 billion being used to enhance the NHS discharge process. We expect the majority of this resilience funding will go to adult social care to meet increased demand and support providers and the workforce.

Q: The allocation of the additional £5 billion in the budget between adult and children's social care?

On Saturday 18 April I announced a further £1.6 billion funding for local authorities to help in their fight against the coronavirus pandemic. This is in addition to the £1.6 billion announced last month, paid on 27 March, taking the total to £3.2 billion. This funding is un-ringfenced and is intended to help local authorities address the pressures they are facing, across their service areas. As well as providing the adult social care services required, it is also intended to address children's social care pressures and other council costs.

Q: What consideration has been given to providing Personal Protective Equipment (PPE) to frontline care workers?

I am working closely with the Secretary of State for Health and Social Care to make PPE available to frontline care workers. In recent weeks we have working to deliver over 45 million items of PPE to Local Resilience Forums (LRFs). We expect this to be distributed for use in health and care settings not serviced by NHS supply chains, but where LRFs identify need in line with the criteria set out in the [clinical guidance](#) published by DHSC and Public Health England (PHE) it can also be used for wider public services.

Social care providers are also eligible to request emergency supplies through the National Supply Disruption Response (NSDR) hotline in instances when their business as usual supplies have been disrupted.

In order to ease the process, Clipper, a digital ordering platform, is in development by DHSC and will be accessible to social care providers for ordering PPE. Adult social care providers can also escalate issues with PPE to their LRF which can facilitate local mutual aid and, if necessary, escalate issues to central government for resolution.

Q: What consideration has been given to the impact of 15,000 individuals transferring to care in the community on the demand for social care?

A package of £4.5 billion of funding has been made available to boost the resilience of the NHS, local government and social care providers during the COVID-19 outbreak to protect the most vulnerable in society.

The funding package supports hospitals in discharging patients more quickly and local authorities in addressing pressures in critical services, such as adult and children's social care, and providing additional support for rough sleepers and vulnerable people.

Q: What consideration has been given to the way social care providers are paid by local authorities, and whether this may need to change in the pandemic?

Commissioning social care is a matter for local authorities, which are best placed to understand the needs of local people and communities and how best to meet them. Now more than ever, commissioners and providers of adult social care will need to work closely together to deliver the most joined up and effective response.

The LGA and ADASS have published [guidance for commissioners](#), stating that in order to reduce issues related to cash flow, providers should be paid "on plan".

Much of the additional funding will make its way to front line social care providers. This is a constantly evolving situation and we continue to assess the need for resources in the care sector to assist the response to COVID-19.

Q: Which Local Authority workers are considered 'keyworkers'?

The Department for Education has published [guidance](#) setting out the Government's advice to schools on the continued provision of education to the children of critical workers, following school closures to help tackle COVID-19. The guidance makes clear there are a range of sectors which are considered critical, including some local authority workers, although many parents working in such sectors will still be able to look after their children at home. In the first instance, employees should confirm with their employer if their role is critical and if they are able to work from home, to establish whether they meet the criteria for their children to attend school. We have asked individuals, employers and schools to make sensible judgements about the policy.

Renters

Q: How does the Government intend to help those struggling to pay their rent due to coronavirus?

In order to prevent people getting into financial hardship or rent arrears, the Government has put in place an unprecedented support package, including support for business to pay staff salaries, as well as a strengthening of the welfare safety-net with a £7 billion boost to Universal Credit, income tax and VAT deferrals. We've also increased Local Housing Allowance (LHA) rates so that they are set at the 30th percentile of market rents in each area. These significant financial measures will help to support tenants to continue to pay their living costs, including rental payments.

Tenants who are unable to pay their rent should speak to their landlord at the earliest opportunity to allow both parties to agree a workable way forward. However, as part of our support package for tenants, the Coronavirus Act included provisions to suspend new evictions from social or private rented accommodation while this national emergency is taking place. As a result, no renter in either social or private accommodation will be forced out of their home during this difficult time. Mortgage lenders have also agreed to offer payment holidays of up to three months where this is needed due to coronavirus-related hardship, including for buy-to-let mortgages.

Q: How will renters be protected from retaliatory rent increases during this period?

We are encouraging landlords to be sympathetic to tenants who may be struggling during this time. We have issued guidance to support landlords and tenants at this time which asks landlords to be flexible and have a frank and open conversation with their tenants at the earliest opportunity, to allow both parties to agree a sensible way forward. Landlords cannot increase rent in general without their tenant's agreement and there are no plans to change the rules regarding rent rises at this time. Likewise, there are no plans to introduce rent controls and prohibit rent increases.

Q: The Government has said that, at the end of the period, “landlords and tenants will be expected to work together to establish an affordable repayment plan, taking into account tenants’ individual circumstances”. How will the Government protect tenants from retaliatory eviction at the end of this period?

Landlords must follow strict procedures if they want a tenant to leave a property, depending on the [type of tenancy agreement](#) in place and the terms of it. If they do not follow these procedures, they may be guilty of illegally evicting or harassing a tenant.

My Department is working with the Master of Rolls to strengthen the pre-action protocol requirement and also extend this to the private rented sector. This will help landlords and tenants to agree reasonable repayment plans where rent arrears may have arisen.

Q: What safeguards will remain for those landlords with a legitimate reason for seeking the repossession of their property (e.g. anti-social behaviour)?

The Coronavirus Act requires landlords to give three months’ notice of their intention to evict, before they can apply to the court for possession – for any grounds.

This is to reflect the unique circumstances of the COVID-19 crisis. Local authorities, social landlords and the police have other powers to tackle anti-social behaviour and we expect them to continue to use them.

Q: Does the Government intend to reimburse local authorities and Housing Associations where rent arrears become uncollectable as a result of government policy changes?

We are committed to working with the social housing sector to ensure housing associations and local authorities can continue to provide vital services and support for their residents. Housing Benefit or Universal Credit is available to provide support to tenants with housing costs.

We have put in place an unprecedented support package to help prevent people getting into financial hardship or rent arrears, including support for business to pay staff salaries, as well as important changes to statutory sick pay and the benefits system.

The action we have taken to protect renters from eviction has been widely welcomed, including by the LGA and the National Housing Federation.

Q: What is the legislative vehicle for achieving further protections for renters?

We recognise that this situation will continue to develop and that is why the Government has taken the power to extend the protections recently introduced in the Coronavirus Act in two ways, via secondary legislation. The Coronavirus Act enables the Government to extend the notice period landlords are required to provide tenants by up to six months – and to shorten it as well. It also provides for Government to extend the period to which these measures apply.

Q: When will the Government introduce legislation to repeal Section 21, to give tenants a permanent right to open-ended tenancies?

In the Queen's Speech, the Government committed to introduce a package of reforms to deliver a better deal for renters and a fairer and more effective rental market. This included proposals to repeal Section 21 of the Housing Act 1988. Most recently our collective efforts have been focussed on protecting people during the COVID-19 pandemic, and this includes wider measures to help keep tenants in their home through the emergency legislation set out above.

Rough Sleeping

Q: What consideration has been given to providing funding to allow councils to block-book hotel rooms to provide accommodation for rough sleepers who need to self-isolate?

My officials are working intensively with councils and the sector to get people sleeping rough off the streets and into appropriate accommodation. The work led by Dame Louise Casey includes supporting areas to block book hotels where this is the most appropriate solution.

The additional funding we are providing for local authorities – £3.2 billion in total – is unringfenced and enables them to respond to COVID-19 pressures across all the services they deliver, including services helping the most vulnerable such as homeless people. This is in addition to £3.2 million in targeted funding to ensure that we minimise the risk to those currently unable to self-isolate. We have advised local authorities to use this funding flexibly to ensure that those being offered accommodation to self-isolate are given the support they require to sustain that self-isolation.

Q: How does the Government anticipate the £3.2 million will be allocated between local authorities and how will it be spent?

This fund can be used to accommodate any rough sleeper or person at imminent risk of sleeping rough who is unable to self-isolate. The funding can be used to reimburse costs that have been incurred in accommodating rough sleepers. It can be spent on the net cost of accommodation or any other services required to allow a rough sleeper to self-isolate for the required period. The fund is allocated based on rough sleeping snapshot figures local authorities declared in November 2019.

Refuse Collection

Q: What is the Government advice to local authorities on minimum service levels for waste collection during this period?

The Government is working with councils and the waste industry to ensure that collections are prioritised to protect local convenience and public health. On 7 April, DEFRA issued specific guidance for local authorities and other waste collectors on prioritising their waste collection services during the pandemic. Local authorities are encouraged to maintain waste collection services as much as possible.

Q: What financial support will the Government provide to local authorities to ensure waste collection services are maintained?

In total we have now announced £3.2 billion worth of additional funding to support local authorities. This is un-ringfenced and is intended to help local authorities address the pressures they are facing in response to the COVID-19 pandemic, across their service areas including waste collection. To support our understanding of what additional funding is likely to be required we are working with local authorities to develop an ongoing assessment of costs, through a monthly monitoring form.

Q: Those working in the waste disposal sector are included in the list of key workers but it is not clear whether those working in waste collection are also included?

The Government recognises the essential role recycling and waste operatives play and have granted 'key worker' status to the waste disposal industry. It is for employers to determine whether, based on their business continuity arrangements, a worker's specific role is necessary for the continuation of essential public services.

Departmental Priorities

Q: What plans does the Ministry have to reallocate staff to directly focus on specific issues arising from the coronavirus pandemic?

Like any Department, it is important we have the right people, in the right roles, at the right time. Our Chief Financial Officer has led work to manage the resourcing pressures created by COVID-19, to ensure we are best able to support the national and local response. This has been achieved by working across the Department to redeploy people into critical roles, as required. This is being kept under constant review. We have directly pivoted around a quarter of staff across the department from their business as usual roles to priority COVID-19 programmes of work, such as Shielding. In addition to this other teams such as Homelessness will have changed the focus of their work towards the response to COVID-19.

Q: How will the Ministry ensure other urgent work continues to receive the resources and focus they require?

Supporting the Government's response to COVID-19 is the Department's top priority. This includes overseeing the delivery of a number of programmes critical to the wider COVID-19 effort not least the shielding programme and providing support to LRFs.

Alongside these activities, my department also continues to have responsibility for government's housing, communities and local government agenda, albeit these are now increasingly focused on COVID-19 response and recovery. Importantly, we continue to ensure that stewardship for critical priorities such as the building safety and local government system are effectively discharged.