

Response ID ANON-6FU9-K8AX-6

Submitted to Prevention of Homelessness Duties - A Joint Scottish Government and COSLA Consultation
Submitted on 2022-03-30 18:41:06

Section 2: Principles of the Prevention Review Group - wider public bodies and landlords

1 Do you agree that these are the right foundational principles?

Agree

Please say why:

1) Preventing homelessness should be the responsibility of everyone in society and should not be confined to one specific service. While homelessness services should have overarching responsibility for preventing instances of homelessness, the effectiveness of this depends upon other organisations working with them. Social work practice already involves working closely with homelessness services where necessary given that social workers often have cases where the risk of homelessness is inevitably heightened due to the type of challenges the individual or family faces.

2) We support the principle that early intervention needs to be used to prevent fewer individuals from becoming homeless. Nobody should have to reach the point of crisis before they receive support. Allowing situations to escalate is not only unfair for the person who requires help but also increases pressure and demand on already stretched social work services. Therefore, if opportunities exist for wider public bodies to intervene and support someone before a person reaches the point of urgently needing homelessness or housing support, then this should happen, and is more likely to result in positive outcomes.

3) We support the principle that people facing homelessness should have a choice in where they live and should have access to support that reduces the risk of them becoming homeless. However, the reality is that there is a lack of appropriate resources available to ensure this can happen. Social workers have told us that they are routinely faced with situations where, for example, young people have to be placed in B&Bs or hotels without any living support due to a lack of available appropriate and permanent accommodation. Whilst the intention behind this principle is correct, it has to be backed up with details about how greater suitable accommodation and tenancy support will be made available for those who need it. Otherwise, people facing homelessness will continue to not have a choice.

2 Are there any other principles that should be included? If so, why?

Please say what other principles should be included, and why:

3 Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?

Agree

Please say why:

As explained in response to question one, homelessness should be a shared responsibility and not be confined to one specific service or organisation.

However, clear definitions around levels of responsibility need to be set out so that public bodies know what their respective roles are in preventing homelessness. In many instances, the responsibility will be to refer the case onto housing services. However, in times where more in depth action might need to be taken, public bodies need to know what this might entail so that they are well prepared and have adequate access to resources to allow them to take action. If public bodies are not well supported or informed about what their responsibilities could be, then they will be unable to prepare their employees to carry out their new duties.

4 Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?

Agree

Please say why:

We agree with the intention around public bodies having a duty to 'ask and act.' Preventing homelessness should be a collective responsibility and we therefore support proposals to encourage a more joined-up approach between services with the aim of intervening earlier in cases where the risk of someone becoming homeless has been identified.

However, as stated in response to question one, while the intention around this duty is correct, it cannot be realistically applied if the resources of time, well trained staff and housing stock are not available. If suitable housing options and tenancy support are not available, then it becomes more difficult to take appropriate action based on the risk that has been identified. Early intervention and prevention needs to be backed up with having the resources available to prevent housing problems worsening and reducing the risk of homelessness.

5 Which public bodies do you think a new duty to prevent homelessness should apply to and why?

Please say which public bodies you think and why:

6 Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?

Agree

Please say why:

It is vitally important that nobody becomes homeless due to entering an institution and we support the intention behind this proposal to ensure that people have a seamless transition into settled accommodation at the point of leaving an institution.

However, we believe that this process needs to start from the point of an individual entering an institution and not be left until the last six months before they leave. Steps need to be taken from the moment that a person enters an institution to establish their housing situation and should be monitored on an ongoing basis while they remain within the institution. If the person is considered to be at a high risk of homelessness at anytime during their time at the institution, this should be acted upon immediately and not left any longer than necessary. Nobody should ever be forced to stay longer than necessary in an institution solely due to a lack of appropriate housing. We know that there is a significant risk of homelessness for people released from prison. A more holistic planning approach when people arrive in prison could reduce homelessness for this group of people.

Early intervention is essential for providing security and stability for the person concerned as opposed to waiting longer than necessary and increasing the risk to them of finding themselves homeless upon leaving the institution. It also prevents the situation from escalating towards a crisis point which is costly and places more demand on already stretched services. Earlier intervention also allows for better strategic planning and therefore increases the chances that a person identified as being at risk will be best supported and have access to suitable accommodation.

7 What would help public bodies to meet this requirement and how might it work in practice?

Please say what you think would help and how would it work in practice:

As explained in the previous answer, public bodies should work with homelessness and housing services to identify any risks to an individual from the point they enter an institution and this should be continually monitored throughout their time within the institution.

The supporting document makes reference to this being the case: "In practice, often the work to save accommodation may be best done at the beginning of entry into an institution."

However, it does not explicitly say that public bodies will be recommended to start this process from the earliest point possible. Indeed, we would go further than the reference in the supporting document and say that in all cases this should be done at the beginning of entry into an institution. By doing so, it will help public bodies to meet this requirement since they are not waiting longer than necessary to step in to provide support in cases where someone leaving an institution is likely to be made homeless.

Section 2: Prevention Review Group proposed recommendations for Health and Social Care

8 Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?

Agree

Please say why:

Without accommodation that is suitable for the individual and their household, health and social care services cannot deliver the outcomes the person and the public expect. Fragile housing situations and homelessness cause stress, mean that adults face financial instability and that children may not be able to get the best from their school and social support systems. Housing is a fundamental building block for health and wellbeing.

9 Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?

Disagree

Please say why:

A legislative duty in itself cannot resolve homelessness caused by poverty, under-resourcing of public services and lack of housing stock. If a legal duty is imposed this may have unintended impact such as funding being diverted from other vital services.

10 Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?

Not Answered

Please say why:

We recognise that the intention of this proposal is to prevent people with complex needs who cannot be supported in mainstream housing from inadvertently falling through gaps in mainstream service provision by legislating for it to become a health and social care led response. We understand concerns that housing assistance services might not have the capacity to provide support for those with complex needs by themselves.

Our concern with this proposal is that there needs to be clarity around where duties sit so that complex cases are not missed. There could also be

instances where too much time is spent determining who should have responsibility for a case. A clear legal process would therefore need to be in place and we cannot see any information in the proposals around how this is being set out.

If there was an option to better support housing assistance services so they have the necessary skills and resources to ensure that individuals get appropriate housing with the right level of support and aren't at any risk of falling through gaps in provision, then this should be explored.

11 How would the Integration Authority having primary legal responsibility where cases are so complex work in practice?

Please say how this would work in practice:

12 Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?

No Impact

Please say why:

13 Do you agree with the proposal for a social worker or social care worker to have a duty to 'ask and act' about housing issues or the risk of homelessness?

Agree

Please say why:

As mentioned in response to question 4, we agree with the intention of placing a duty on public bodies to 'ask and act.' In the context of social work, it makes sense for a social worker who identifies a risk of homelessness through an assessment or from other information gathered through their casework to appropriately act upon that information and prevent the risk from escalating further. In many cases, this might be referring the issue to housing services.

However, as previously stated, while the intention around this duty is correct, it cannot be realistically applied if the resources are not available to support it. If suitable housing options and tenancy support are not available, then it becomes more difficult to take appropriate action based on the risk that has been identified. Early intervention and prevention needs to be backed up with having the resources available to prevent housing problems worsening and reducing the risk of homelessness.

14 Do you agree that a duty to co-operate on the Integration Authority is the best way to ensure that people who are homeless or at risk of homelessness, as a result of unmet health or social care needs, get the support they need from health and social care services?

Agree

Please say why, and if you disagree please explain how this might be addressed:

As highlighted in previous responses, we believe that all public bodies should be expected to cooperate in order to ensure people get support. The intention behind this proposal to ensure effective strategic planning across health and social care and housing services to support individuals where unmet health and social care needs have been identified during a homelessness assessment process is correct.

However, as mentioned in other parts of this consultation, this provision must be backed up by adequate levels of resources. While the intention is correct, it is more challenging to be fulfilled without proper resources in place. Lack of resources is a barrier to allowing this co-operation to take place and therefore attention should also be given to ensuring that the necessary resources are allocated to support this proposal.

15 What changes to existing practice do you think local authorities and relevant health and social care services would have to make, to ensure they meet the needs of those leaving hospital and those with mental illness and impairment?

Please say what changes you think need to be made to existing practice:

There needs to be a focus on ensuring that there are enough homes and support available to allow people leaving hospital and those with mental illness and impairment to live safely in their own homes.

16 Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?

Not Answered

Please say why:

What is the main difference this statutory change would make to those in hospital and at risk of homelessness:

17 What would be the main challenges of introducing a statutory duty on local authorities to house those due to be discharged from hospital within the next six months?

Please say what you think the main challenges would be:

18 Do you agree with the the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?

Not Answered

Please say why:

19 Are there any additional approaches that could be adopted by GP practices to better identify and respond to housing need?

Please say any additional approaches:

Section 2: Prevention Review Group proposed recommendations for case co-ordination for people with multiple or complex needs

20 Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach?

Not Answered

Please say why:

If you disagree, please say how public services can best work together to prevent homelessness for people with more complex needs:

21 If this statutory duty is established, how would it work in practice? What challenges would it present and how could these be best addressed?

If this statutory duty is established, please say how it would work in practice:

If this statutory duty is established, please say what challenges it would present and how could these be best addressed:

22 What difference would a case co-ordination approach make to people experiencing homelessness or a risk of homelessness who have more complex needs?

Please say what difference you think a legislative duty would make to people experiencing homelessness or a risk of homelessness who have more complex needs:

Section 2: Prevention Review Group proposed recommendations for Children's Services, young people and 16 and 17 year-olds

23 Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?

Agree

Please say why:

Education and health are universal services which are in key positions to be able to identify risk and need for children and their families. They often have knowledge about family circumstances which, if acted on timeously, could prevent situations escalating to the point of homelessness.

24 How would a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority work in practice? At what stage should a referral be made to the local authority?

How would a duty on health visitors and head teachers work in practice:

If such a duty were to be imposed, training would need to be available for education and health staff to help them recognise and understand factors which can lead to homelessness.

At what stage should a referral be made to the local authority:

Referral should be made at the earliest possible stage where risk is identified, and ideally has been discussed with and agreed by the family.

25 How can we ensure a homelessness prevention service is designed so that it can meet the needs of young people at risk, in partnership with other relevant services?

Please say how we can ensure this:

A homelessness prevention service must have an understanding of the needs of young people, particularly those in groups where there is an increased risk of homelessness, for example care experienced young people. Scoping the service must involve listening to the experiences of young people who have experienced care and/or homelessness. Staff working in the service must have skills in engaging with young people and working in partnership with other services involved in that young person's life, including family members.

26 Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?

Agree

Please say why:

Family mediation will not be appropriate in every situation, but where it is identified that it could help prevent a young person becoming homeless, then it should be available.

27 Do you think the proposal for 16 and 17 year olds would positively impact on the prevention of homelessness for young people?

Negatively Impact

Please say why:

We have concerns that this provision would remove a young person's right to choose which services they access, particularly if they don't require an intervention from children's services.

There is a risk that if a 16 or 17 year old person, or their family, does not have a good relationship with social work services then they are less likely to approach them for support in this situation. This would mean they would remain homeless and their situation is likely to worsen over time. This is not only an undesirable outcome for the young person but subsequently places more pressure on social work services over the longer term.

Instead of placing primary responsibility for 16 and 17 year olds with children's social work services and making it a requirement, it would be better if children's social work had a duty to be involved but circumstances determine their level of involvement. We therefore would like to see primary responsibility remain with local authorities and children's social work being brought in as and when it is deemed appropriate. Indeed, we would like to see consideration being given to how services could be better joined up under the current system, rather than re-arranging it.

Ultimately, we must do what's in the best interests of the young person and removing their right to choose the services they access is an infringement on their rights, risks eroding their trust and could inadvertently push them into homelessness. There is no one-size-fits-all approach to supporting children at risk of homelessness and we are concerned that the proposal in its current form is not considering different circumstances or challenges faced by 16 and 17 year olds who are at risk of or who are experiencing homelessness.

28 Could there be any 'unintended consequences' for 16 and 17 year olds in taking this approach to legislation? If so, how can this best be addressed so that any new legislation improves outcomes for 16 and 17 year olds at risk of homelessness?

Yes, there could be 'unintended consequences'

Please say what the 'unintended consequences' could be, and how can this be addressed so that any new legislation improves outcomes for 16 and 17 year olds at risk of homelessness:

We have concerns that the proposed change could restrict the housing rights, housing options and emergency accommodation options of 16 and 17 year olds who are experiencing or are at risk of homelessness.

As mentioned in response to question 27, there is a risk that if a 16 or 17 year old person, or their family, does not have a good relationship with social work services then they are less likely to approach them for support in this situation. This would mean they would remain homeless and their situation is likely to worsen over time. This is not only an undesirable outcome for the young person but subsequently places more pressure on social work services over the longer term.

Ultimately, we must do what's in the best interests of the young person and removing their right to choose the services they access is an infringement on their rights, risks eroding their trust and could inadvertently push them into homelessness.

Section 2: Prevention Review Group proposed recommendations for Criminal Justice - Prisons, Court Services and Police Scotland

29 Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?

Strongly Agree

Please say why:

A large proportion of people released from prison present to homelessness services.

The risk of some sort of crisis and return to the justice system is high where people are released without access to suitable accommodation, financial support and having key health and social needs met.

The Social Work Scotland report

<https://socialworkscotland.org/reports/integrated-health-and-social-care-in-prisons-tests-of-change-workstream-findings-and-recommendations/> looks at some issues of release planning and the role of the services in the prisons.

30 How would a statutory duty on prisons to identify and work with partners on housing issues change existing practice already in place to prevent homelessness amongst those leaving prison?

Please say how you think existing practice would change:

There would be greater depth of questioning about the accommodation people intend to go to. Often there is no checking and the plan to sofa surf falls through quickly or relationships fail unexpectedly at the point of release.

A release plan should be developed on admission. For people on remand, it should be and reviewed regularly as often their release comes unexpectedly from the point of assessment and the provision of support. Where release dates are known well in advance, this can be planned in the 6 months leading up to release.

31 What are the main challenges of introducing any new statutory duty on prisons to identify and work with partners on housing issues?

Please say what the main challenges are:

Firstly resource - both within and outwith the prison. The early release programme during the pandemic showed that our systems could work more efficiently and in a way that joins up housing, finance, health and social support.

32 What changes to existing practice would local authorities have to make to ensure they meet the needs of those leaving prison?

Please say what changes to existing practice you think would need to be made:

Clear routes of engagement within the prison for housing, adult social work as well as justice social work and social care. This would include community substance use services, community health and mental health also.

33 Do you agree with the proposal that housing options advice should be available in court settings?

Strongly Agree

Please say why:

Many people who come into the justice system have experienced marginalisation and deprivation. They may also have health and social care needs. It is not uncommon for them also to be in precarious housing situations which further exacerbate the risk of homelessness and further offending. Having a housing service positioned in Court would be a significant enabler to people having the secure accommodation they need to be able to address other issues they may be facing.

34 Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?

Agree

Please say why:

All public bodies should be homelessness aware and have robust pathways to ensure people who need housing can get access to it.

35 How would a statutory duty on police to ask about somebody's housing circumstances if there is a 'reasonable belief' they may be homeless or at risk of homelessness work in practice?

Please say how a statutory duty on police would work in practice:

Again this will need training for the police, resource from housing departments and housing stock to be effective. There is a risk that if someone comes before the Court is thought to be homeless, they are more likely to be remanded. Any duty on police must not result in deprivations of liberty on the grounds of homelessness.

Section 2: Prevention Review Group proposed recommendations for domestic abuse

36 Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?

Agree

Please say why:

We know that the majority of victim-survivors of domestic abuse are women. There is a high instance of homelessness amongst women and children due to domestic abuse, far more so than for men. Any measures designed to prevent homelessness must involve housing services working in partnership with agencies who are in contact with women experiencing domestic abuse. Women should be supported to make informed choices about their housing. Women have the right to live free from abuse, and to have access to support to escape and recover from it. For services to meet those human rights, they must work together with each other and in partnership with women in terms of identifying, assessing, managing and reducing risk.

37 Do you have any comments about the implementation of any specific proposal made in relation to preventing homelessness as a result of domestic abuse, and is there anything missing from these proposals?

Please say your comments, and if you think there is anything missing from these proposals:

Adequate training on domestic abuse is necessary for housing and other services to support women. This must go further than an understanding of legal mechanisms and should include an understanding of the dynamics of coercive control and how it impacts every area of a women and children's lives, and how to partner with victim-survivors to empower them to achieve safety. A knowledge of the particular barriers to safety faced by women from minoritised backgrounds, especially when immigration status is insecure, is essential to ensure an intersectional lens is applied.

Section 2: Prevention Review Group proposed recommendations for social landlords

44 Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?

Strongly Agree

Please say why:

Tenants should be supported to remain in their homes and, if needed, consideration given to other solutions if it is deemed that they cannot remain in their current accommodation.

In many instances, landlords will be in a position whereby they will have identified risks of homelessness and so it makes sense for them to have a duty to take reasonable steps at the earliest point to mitigate that risk.

All options must be explored to avoid instances of homelessness, families being potentially separated and associated risks which all place significant pressure on social work services.

45 Are there any other reasonable steps apart from those listed that a social landlord should be legally obliged to take to prevent homelessness?

Please say any other reasonable steps:

46 Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?

Not Answered

Please say why:

47 Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to where tenants face court proceedings?

Not Answered

Please say why:

48 Given that landlords are already expected to notify local authorities of raising proceedings for possession, do you agree with a new legislative provision to ensure it happens earlier than under current arrangements?

Not Answered

Please say why:

49 What further statutory measures beyond the existing Section 11 provision are needed so landlords notify and work with local authorities as soon as possible to prevent homelessness?

Please say what other statutory measures are needed:

50 At how early a stage should a landlord be expected to notify a local authority about the risk of homelessness?

Please say how early a stage:

Section 2: Prevention Review Group proposed recommendations for private landlords

51 Do you agree with the proposal to make pre-action requirements on private landlords in cases of rent arrears permanent in legislation?

Strongly Agree

Please say why:

Tenants should be supported to remain in their homes and, if needed, consideration given to other solutions if it is deemed that they cannot remain in their current accommodation.

Pre-action requirements for rent arrears offers more protection for tenants against the likelihood of eviction and, again, significantly reduces the risk of homelessness. In the event that a tenant is struggling to keep up with rent payments, all options should be explored to find a solution that allows the tenant to continue living in their home and for the landlord to receive payment owed to them.

Taking reasonable steps to agreeing a payment plan that works for both parties and considering what external support is available is a fair and sensible approach. All options must be explored to avoid instances of homelessness which places significant pressure on social work services.

52 How might a new legislative duty on local authorities to respond to referrals to prevent homelessness from private landlords work in practice?

Please say how this might work in practice:

53 What sort of support do you think private landlords may need to ensure they meet this requirement?

Please say what sort of support would be needed:

54 Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?

Not Answered

Please say why:

55 The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?

Not Answered

Please say why:

56 How would a specific legislative duty on local authorities to provide homelessness advice and assistance relating to living in and/or accessing the private rented sector work in practice?

Please say how this would work in practice:

Section 3: Principles of the Prevention Review Group - reforming homelessness legislation to prevent homelessness

57 Do you agree with these principles?

Not Answered

Please say why:

58 Are there any other principles that should be included, if so, why?

Please say what other principles should be included, and why:

59 What outcomes do you foresee if the above principles were to be adopted to amend the statutory homelessness framework?

Please say what outcomes you foresee:

Section 3: Changing the current homelessness legislation - An extended prevention duty and duty to take reasonable steps to prevent homelessness

60 Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?

Agree

Please say why:

We support extending the current timeframe from two months to six months. Any move that seeks to intervene earlier is very welcome since it reduces the risk of a situation escalating further. Ultimately, if we want to prevent homelessness, we need to identify the risk earlier and find a solution before it reaches the point where it is too late.

61 How do you think a duty to prevent homelessness within six months would work in practice?

Please say how you think this duty would work in practice:

62 How would an assessment be made to identify whether someone was at risk of homelessness within six months?

Please say how an assessment would be made:

63 Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?

Not Answered

Please say why:

64 Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?

Not Answered

Please say why, and what are these other specific measures:

65 Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?

Not Answered

Please say why, and how they could be more specific:

66 If you agree with these new duties, what processes or procedures do you think should be put in place to encourage local authority compliance?

Please say what processes or procedures you think should be put in place:

Section 3: Changing the current homelessness legislation - meeting the needs of specific groups

73 Do you agree with the proposal for meeting the needs of specific groups?

Strongly Agree

Please say why:

As mentioned in response to question six, it is important that nobody becomes homeless due to entering an institution and we support the intention behind this proposal to have a joined-up approach between services to ensure that specific groups are not at increased risk of becoming homeless.

In all cases, the process of identifying any risks and taking reasonable steps to prevent homelessness for these groups must happen as early as possible. Early intervention prevents the situation from escalating towards a crisis point which is costly and places more demand on services. It also allows for better strategic planning and therefore increases the chances that a person identified as being at risk will be best supported and have access to suitable accommodation.

74 Is there anything you would add to these proposals that may strengthen legislative changes to prevent homelessness amongst specific groups?

Please say what you would add to these proposals to strengthen:

75 Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?

Agree

Please say why:

As mentioned in the answers to questions 36, we know that most incidences of domestic abuse involve a male perpetrator and a female victim-survivor. This is due to gender inequality. Domestic abuse is a major cause of homelessness amongst women and children. The same is not true for men. There has often been an expectation that women and children should leave the family home in order to achieve safety from a male abuser. This reinforces a gender bias and does not place responsibility for the abuse firmly with the male perpetrator. Support to victim-survivors must be centred around human rights and choice, and if the choice is to stay in the family home, support should be provided to allow that to happen.

76 Is there anything else that should be included in considering new legislative proposals on the prevention of homelessness resulting from domestic abuse?

Please say what else should be included:

As discussed in the answer to question 37, an understanding of the dynamics and impact of coercive control is essential if services are to partner with women in a rights-based way and support them to achieve safety.

Section 3: Changing current homelessness legislation - stability and suitability of accommodation

77 Do you agree with the criteria proposed for the stability of housing outcomes?

Strongly Disagree

Please say why:

The current law requiring local authorities to secure permanent accommodation is a fundamental strength of Scotland's housing rights framework. It provides an important safeguard for anyone who becomes unintentionally homeless by ensuring they are entitled to permanent accommodation in the form of Private Residential Tenancy or Scottish Secure Tenancy, thus providing them with choice and control.

The proposal seeks to shift that framework to 'stable' accommodation, which would only be available for a minimum of 12 months. This would be an unnecessary dilution of Scotland statutory rights since it would reduce the existing statutory rights of people experiencing homelessness in Scotland.

We believe that the right to permanent accommodation should be protected and therefore cannot support any proposal that would downgrade this right in any form.

78 Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?

Strongly Disagree

Please say why:

As stated in response to question 77, we cannot support this duty since it seeks to regress the existing rights in place. In particular, the provision that accommodation must be available for a minimum of 12 months offers very little security of tenure compared to having accommodation which is permanent.

We therefore want to see the right to permanent accommodation remain and do not agree that the focus should shift to stability of accommodation for a minimum of 12 months.

79 How do you see this working in a) a private tenancy; b) accommodation with an occupancy agreement; and c) those returning to the family home or to live with another relative?

Please say how you see these working in a private tenancy:

Please say how you see this working in accommodation with an occupancy agreement:

Please say how you see this working for people returning to the family home or to live with another relative:

80 Are these the right grounds to consider in deciding on the suitability of housing outcomes?

Not Answered

Please say why, and if you think any other grounds should be considered:

81 Do you think the criteria/grounds proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?

No

Please say why:

As mentioned in response to questions 77 and 78, we believe this is a downgrading of the existing homelessness rights and protections and therefore have concerns that it would reduce housing options.

The right to permanent accommodation is an important protection for people experiencing or at risk of homelessness in Scotland and we do not want to see this regressed. Doing so would be a contradiction to human rights obligations since it is weakening an individual's security of tenure.

We are aware that there is an issue around lack of secure housing in Scotland which results in individuals and families being stuck in unsuitable and insecure accommodation for long periods of time. However, we believe that the solution is to increase the supply of socially rented housing and not to dilute people's housing rights.

82 The Prevention Review Group suggested that accommodation not protected by other legal safeguards must have additional safeguards in place. When taken with the general criteria/grounds for stability and suitability, do the proposed additional safeguards provide the right

safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?

Not Answered

Please say why, and if there are additional safeguards that could be put in place:

Section 4: Questions on the package of Prevention Review Group proposals, resources and monitoring

88 Do you agree this is the right package of reforms to meet the policy principles of early intervention and preventing homelessness?

Not Answered

Please say why:

89 If you do not agree this is the right package of reforms to meet the policy principles of early intervention and preventing homelessness, what do you recommend in terms of other ways of reforming the system to meet these policy principles?

Please say what you recommend in terms of other ways of reforming the system to meet these policy principles?:

90 How do you feel about the overall package and the balance it strikes between the different objectives, interests and principles outlined?

Please say how you feel. Please think about whether the package works as a whole, and if it does not, how can the package be adjusted overall to better meet the principles of early intervention and prevention:

91 Please give us your views on the potential impact of the proposed new homelessness prevention duties on different groups of people.

Please say your views:

92 What do you think are the potential implications for your role or for your organisation's role of the implementation of new duties to prevent homelessness in terms of time and resource?

Please say what you think the implications are:

93 What do you think you or your organisation would be doing to meet new homelessness prevention duties as outlined in this consultation that you were not doing before?

Please say what you think:

94 Do you think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness?

Not Answered

Please say why:

95 What additional training needs do you think will be required for your role or your organisation's role in implementing any new prevention of homelessness duties, and what do you think the timescales for this would be?

Please say what additional training needs you think will be required, and timescales:

96 What monitoring information do you think should be collected in order to best assess the implementation, progress and outcomes of new legislative duties to prevent homelessness?

Please say what information you think should be collected:

About you

109 What is your name?

Name:

Jonny Adamson

110 What is your email address?

Email:

jonny.adamson@basw.co.uk

111 Are you responding as an individual or an organisation?

Organisation

112 If responding as an organisation, what is the name of your organisation?

Organisation:

Scottish Association of Social Work (SASW)

113 For individuals, which local authority do you live in? For organisations, which local authority are you based in?

Please say the name of your local authority:

N/A

114 I have lived experience of homelessness

No

115 If you are responding as an organisation, please indicate where your main responsibilities are:

Other organisation, please specify::

Social work covers children and families, adult services, mental health and justice.

116 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

117 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

118 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent